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PUBLIC LAWS AND RESOLUTIONS

OF THE

# STATE OF NORTH CAROLINA

PASSED BY THE

## GENERAL ASSEMBLY

AT ITS

SESSION OF 1901,

BEGUN AND HELD IN THE CITY OF RALEIGH

ON

WEDNESDAY, THE NINTH DAY OF JANUARY, A.D. 1901.

PUBLISHED BY AUTHORITY.


RALEIGH, N. C. :

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1901.





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# OFFICIAL REGISTER.

FOR THE YEAR 1901.

## STATE GOVERNMENT.

CHARLES B. AYCOCK	Wayne County	Governor.
WILFRED D. TURNER	Tredell County	Lieutenant-Governor.
J. BRYAN GRIMES	Pitt County	Secretary of State.
B. F. DIXON	Cleveland County	Auditor.
B. R. LACY	Wake County	Treasurer.
THOMAS F. TOON	Robeson County	Supt. of Public Instruction.
ROBERT D. GILMER	Haywood County	Attorney-General.
B. S. ROYSTER	Granville County	Adjutant-General.
EDWARDS & BROUGHTON, and E. M. UZZELLI	Wake County	Public Printers.
C. C. CHERRY	Edgecombe County	Keeper of Capitol.
M. O. SHERRILL	Catawba County	Librarian.
P. M. PEARSALL	Craven County	Private Secretary to Governor.
MISS JULIA HOWELL	Wayne County	Executive Clerk.
		Clerk to Secretary of State.
W. S. WILSON	Caswell County	Corporation Clerk.
H. T. HUDSON	Cleveland County	Clerk to Auditor.
W. F. MOODY	Mecklenburg County	Clerk to Treasurer.
CHALMERS GLENS	Forsyth County	Teller.
J. P. ARRINGTON	Nash County	Clerk for Institutions.
JOHN DUCKETT	Robeson County	Clerk to Supt. Pub. Instruction.

## THE JUDICIARY.

### SUPREME COURT.

NAME.	RESIDENCE.
D. M. FURCHES, Chief Justice	Goldsboro.
WALTER CLARK, Associate Justice	Raleigh.
WALTER A. MONTGOMERY, Associate Justice	Raleigh.
ROBERT M. DOUGLASS, Associate Justice	Greensboro.
CHARLES A. COOK, Associate Justice	Warrenton.
THOMAS S. KENAN, Clerk	Raleigh.
J. L. SEAWELL, Office Clerk	Raleigh.
ROBERT H. BRADLEY, Marshal and Librarian	Raleigh.
ZEB V. WALSER, Reporter	Lexington.

## SUPERIOR COURT JUDGES.

NAME.	DISTRICT.	RESIDENCE.
GEORGE H. BROWN, JR. ....	First .....	Washington.
FRANCIS D. WINSTON .....	Second .....	Windsor.
HENRY R. BRYAN .....	Third .....	New Bern.
E. W. TIMBERLAKE .....	Fourth .....	Lotusburg.
OLIVER H. ALLEN .....	Fifth .....	Kinston.
W. S. O'B. ROBINSON .....	Sixth .....	Goldsboro.
THOMAS A. MCNEILL .....	Seventh .....	Lumberton.
WALTER H. NEAL .....	Eighth .....	Laurinburg.
THOMAS J. SHAW .....	Ninth .....	Greensboro.
ALBERT L. COBLE .....	Tenth .....	Statesville.
HENRY R. STARBUCK .....	Eleventh .....	Winston.
WILLIAM A. HOKE .....	Twelfth .....	Lincolnton.
W. B. COUNCIL .....	Thirteenth .....	Boone.
M. H. JUSTICE .....	Fourteenth .....	Rutherfordton.
FREDERICK MOORE .....	Fifteenth .....	Asheville.
GEORGE A. JONES .....	Sixteenth .....	Franklin.

## SOLICITORS.

NAME.	DISTRICT.	RESIDENCE.
GEORGE W. WARD .....	First .....	Elizabeth City.
WALTER E. DANIELS .....	Second .....	Weldon.
L. I. MOORE .....	Third .....	Greenville.
CHARLES C. DANIELS .....	Fourth .....	Wilson.
RODOLPH DUFFY .....	Fifth .....	Catherine's Lake.
ARMISTEAD JONES .....	Sixth .....	Raleigh.
COLIN M. MCLEAN .....	Seventh .....	Elizabethtown.
L. D. ROBINSON .....	Eighth .....	Wadesboro.
AUBREY L. BROOKS .....	Ninth .....	Greensboro.
WILEY RUSH .....	Tenth .....	Ashboro.
M. L. MOTT .....	Eleventh .....	Wilkesboro.
JAMES L. WEBB .....	Twelfth .....	Waynesville.
MOSES N. HARSHAW .....	Thirteenth .....	Lenoir.
J. F. SPAINHOUR .....	Fourteenth .....	Morganton.
JAMES M. GUDGER, JR. ....	Fifteenth .....	Asheville.
JAMES W. FERGUSON .....	Sixteenth .....	Waynesville.

## CRIMINAL COURT JUDGES.

E. K. BRYAN .....	Eastern District .....	Wilmington.
HENRY B. STEVENS .....	Western District .....	Asheville.

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

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

State or Territory.	Name.	Residence.	Date of Appointment.	Term Expires.
New York	Corey, George H.	66 Wall Street, N. Y.	November 6, 1899	November 8, 1901
Pennsylvania	Wagner, William Jr.	15, 17 South 3d Street, Philadelphia	January 20, 1900	January 21, 1902
Virginia	Perkins, J. W.	Portsmouth, Va.	April 16, 1900	May 1, 1902
Connecticut	Cleveland, L. W.	New Haven, Conn.	December 7, 1899	December 28, 1901
Pennsylvania	Hunt, Thomas J.	623 Walnut Street, Philadelphia	January 20, 1900	January 21, 1902
New York	Hills, Charles Edgar	115, 117 Broadway	January 20, 1900	January 21, 1902
Maryland	Hoffman, P. H.	410-111 Equitable Building, Baltimore	January 20, 1900	January 21, 1902
Pennsylvania	Hunt, George W.	623 Walnut Street, Philadelphia	January 31, 1900	February 2, 1902
New York	McHarg, Rufus K.	7 Pine Street, New York	April 6, 1900	April 18, 1902
Maryland	Raleigh, W. H. H.	Cornet Hopkins Place, Baltimore	February 26, 1900	February 28, 1902
Massachusetts	Jones, Edward J.	61 Court Street, Boston, Mass.	February 26, 1900	February 28, 1902
Virginia	Williams, W. L.	101 Main Street, Norfolk, Va.	March 24, 1900	March 26, 1902
Georgia	Tanner, G. H.	Adanta, Ga.	January 20, 1900	January 23, 1902
Washington, D. C.	Mitchell, John E.	1321 F Street, N. W., Washington, D. C.	May 22, 1900	May 24, 1902
New York	Folsom, Thomas W.	826 Broadway, New York	February 12, 1901	February 8, 1903
Virginia	Gilliam, Robert	Petersburg, Va.	April 18, 1901	April 19, 1903
Washington, D. C.	Bundy, Charles S.	Federal Building, 311 D St., N. W., Washington, D. C.	December 27, 1900	December 29, 1902
Pennsylvania	Taylor, Samuel L.	311 Betz Building, Philadelphia, Pa.	December 27, 1900	December 29, 1902
Virginia	Ruffin, Edmund S.	Rooms 1 and 6 Aek, Music Building, Norfolk, Va.	February 20, 1901	February 21, 1903
New York	Anderson, Armour C.	13 Chambers Street, New York City	March 9, 1901	March 11, 1903
Virginia	Clark, L. D.	192, 196 Main Street, Norfolk, Va.	February 22, 1901	February 23, 1903
Massachusetts	Adams, Chas. Hall	Savannah, Ga.	January 20, 1901	January 21, 1903
Georgia	Adams, William B.	308 California Street, San Francisco, Cal.	January 20, 1901	January 21, 1903
California	King, James L.	310 Wall Street, New York City	January 24, 1901	January 25, 1902
New York	Carter, Edward F.	120 Broadway, New York City	November 6, 1899	November 4, 1903
do.	Corey, Edwin F.	224 Church Street, New York City	May 10, 1901	May 13, 1903
do.	Baldantyne, H.	Danville, Va.	May 22, 1901	May 24, 1903
New York	Brace, J. C.	111 Chestnut Street, Philadelphia, Penn.	July 15, 1899	July 27, 1901
Virginia	Tanner, Kinley J.	Norfolk, Va.	April 22, 1901	April 3, 1903
Pennsylvania	Tomlin, Robert W.	29 Cedar Street, New York City	December 30, 1899	December 8, 1901
Virginia	MacKay, Alfred	362 Broadway, New York City	September 7, 1899	October 2, 1901
New York	Roseman, Vincent	131 High Street, Portsmouth, Va.	June 6, 1899	July 31, 1901
do.	Cassel, Norman	S. W. Corner 5th and Main Streets, Cincinnati, O.	November 16, 1899	November 7, 1901
Virginia	Harrison, Joseph T.	Washington, D. C.	April 16, 1900	April 18, 1902
Ohio	Netherland, Wm. M.	10 Wall Street, New York City	May 28, 1900	May 31, 1902
Washington, D. C.	Garvey, Rufus E.	178 Devonshire Street, Boston, Mass.	January 20, 1900	January 21, 1902
New York	Tobey, Isaac B.	1616 E. Lexington Street, Baltimore, Md.	April 16, 1900	April 23, 1902
Massachusetts	Fisher, A. H.	N. E. Cor. Lexington and St. Paul Sts., Baltimore, Md.	December 7, 1900	December 8, 1902
Maryland	Mathew, Harry C.	150 4th Avenue, Pittsburg, Pa.	September 4, 1900	September 5, 1902
do.	Robb, W. F.		February 11, 1901	February 14, 1903



Virginia-----	Michelson, Adolph-----	Norfolk, Va-----	February March	8, 1901 4, 1900	February April	6, 1903 5, 1902
Virginia-----	Whitley, J. A-----	Richmond, Va-----	February	26, 1900	March	6, 1902
New York-----	Coady, John J-----	6 Wall Street, New York City-----	July	4, 1900	September	17, 1902
Cuba-----	Jose, Eugenie Marx-----	Havana, Cuba-----	January	21, 1901	January	22, 1903
Virginia-----	Frick, George A-----	Norfolk, Va-----	January	26, 1901	February	7, 1903
Maryland-----	Embert, T. Howard-----	Cor. St. Paul and Baltimore Sts., Baltimore, Md-----	February	2, 1901	February	4, 1903
Washington, D. C-----	Holtzman, Aylett T-----	1321 F Street N. W., Washington, D. C-----	May	27, 1901	May	28, 1903
Maryland-----	Hanson, Murray-----	14 St. Paul Street, Baltimore, Md-----				

## STATE OF NORTH CAROLINA.

OFFICE OF SECRETARY OF STATE,

RALEIGH, May 28, 1901.

I, J. Bryan Grimes, Secretary of State, hereby certify that the foregoing contains a correct list of the appointments of Commissioners of Affidavits and Probate of Deeds, with the dates of their appointment and places of residence, as recorded in this office.

J. BRYAN GRIMES,

Secretary of State.

# MEMBERS OF THE GENERAL ASSEMBLY.

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

## SENATORS.

W. D. TURNER, LIEUTENANT-GOVERNOR, President, Statesville.

District.	Name of Senator.	Post-Office.	County.
1	C. S. Vann	Edenton	Chowan.
1	W. H. Bray	Currituck	Currituck.
2	I. W. Miller	Alliance	Pamlico.
2	H. S. Ward	Plymouth	Washington.
3	S. J. Calvert	Jackson	Northampton.
4	E. L. Travis	Halifax	Halifax.
5	R. H. Speight	Wendale	Edgecombe.
6	F. G. James	Greenville	Pitt.
7	John E. Woodard	Wilson	Wilson.
7	Thomas M. Arrington	Rocky Mount	Nash.
8	John E. W. Sugg	Snow Hill	Greene.
8	Thomas D. Warren	Trenton	Jones.
9	J. T. Foy	Scott's Hill	Pender.
9	B. F. Aycock	Goldsboro	Wayne.
10	George E. Morton	Wilmington	New Hanover.
11	John E. Burroughs	Dabney	Vance.
12	N. B. Broughton	Raleigh	Wake.
13	Allen K. Smith	Smithfield	Johnston.
14	E. R. Robeson	Tar Heel	Bladen.
14	George H. Currie	Clarkton	Bladen.
15	Stephen McIntyre	Lumberton	Robeson.
15	J. A. Brown	Chadbourn	Columbus.
16	James D. McNeill	Fayetteville	Cumberland.
17	J. A. Long	Roxboro	Person.
18	H. A. Foushee	Durham	Durham.
18	R. W. Scott	Mcville	Alamance.
19	H. A. London	Pittsboro	Chatham.
20	William Lindsay	Reidsville	Rockingham.
21	James D. Glenn	Greensboro	Guilford.
22	W. P. Wood	Ashboro	Randolph.
23	James A. Leak	Wadesboro	Anson.
24	Cameron Morrison	Rockingham	Richmond.
24	H. C. McAllister	Mount Pleasant	Cabarrus.
25	S. B. Alexander	Charlotte	Mecklenburg.
26	John S. Henderson	Salisbury	Rowan.
26	John C. Thomas	Midway	Davidson.
27	J. C. Pinnix	Warler	Yadkin.
27	T. M. Stickleather	Turnersburg	Fredell.
28	Samuel E. Marshall	White Plains	Surry.
29	J. O. McIntosh	Triangle	Lincoln.
29	T. J. Dula	Wilkesboro	Wilkes.
30	L. H. Michael	Rutherfordwood	Watauga.
31	A. V. Miller	Lenoir	Caldwell.
31	M. L. Buchanan	Bakersville	Mitchell.
32	M. H. Justice	Rutherfordton	Rutherford.
32	E. Y. Webb	Shelby	Cleveland.
33	J. M. Gudger, Jr.	Asheville	Lincombe.
33	W. W. Stringfield	Waynesville	Haywood.
34	James M. Candler	Pillsboro	Jackson.
35	Joel L. Crisp	Stecoah	Graham.

## OFFICERS.

Name.	Position.	Post-office.
W. D. Turner	President	Statesville.
A. J. Maxwell	Principal Clerk	Rockingham.
F. A. Clinard	Engrassing Clerk	Hickory.
J. B. Smith	Doorkeeper	Fayetteville.
George Biggerstaff	Assistant Doorkeeper.	Rutherfordton.
W. L. Cohoon	Reading Clerk.	Elizabeth City.

## REPRESENTATIVES.

WALTER E. MOORE, SPEAKER, Webster.

Name.	Post-office.	County.
E. Long	Burlington	Alamance.
Charles Carson	Taylorsville	Alexander.
J. C. Fields	Sparta	Alleghany.
L. D. Robinson	Wadesboro	Anson.
Hiram Weaver	Jefferson	Ashe.
B. B. Nicholson	Washington	Beaufort.
F. D. Winston	Windsor	Bertie.
E. F. McCulloch	White Oak	Bladen.
D. B. McNeill	Supply	Brunswick.
Locke Craig	Asheville	Buncombe.
J. C. Curtis	Luther	Buncombe.
J. F. Spainhour	Morganton	Burke.
W. W. Morris	Concord	Cabarrus.
J. B. Isbell	Lenoir	Caldwell.
G. C. Barco	Camden	Camden.
N. W. Taylor	Beaufort	Carteret.
W. S. Wilson	Yanceyville	Caswell.
W. B. Gaither	Newton	Catawba.
R. H. Hayes	Pittsboro	Chatham.
J. D. McIver	Corinth	Chatham.
W. G. Payne	Hot House	Cherokee.
W. D. Welch	Winterville	Chowan.
R. T. Coleman	Hayesville	Clay.
C. R. Hoey	Shelby	Cleveland.
D. C. Allen	Armour	Columbus.
W. B. Pearce	New Bern	Craven.
E. R. McKethan	Fayetteville	Cumberland.
F. R. Hall	Godwin	Cumberland.
S. M. Beasley	Poplar Branch	Currituck.
C. T. Williams	Avon	Dare.
H. H. Hartley	Tyro Shops	Davidson.
C. M. Sheets	Mocksville	Davie.
D. L. Carlton	Kenansville	Duplin.
R. G. Russell	South Lowell	Durham.
E. L. Daughtridge	Tarboro.	Edgecombe.
B. F. Shelton	Tarboro.	Edgecombe.
F. T. Baldwin	Winston	Forsyth.
J. B. Whitaker, Jr.	Winston	Forsyth.
W. H. Yarborough	Louisburg	Franklin.
O. F. Mason	Dallas	Gaston.
L. L. Smith	Gatesville	Gates.
W. F. Mauney	Robbinsville	Graham.
A. W. Graham	Oxford	Granville.
W. H. P. Jenkins	Jeffrey	Granville.
F. L. Carr	Castoria	Greene.
Wescott Roberson	High Point	Guilford.
T. E. Whitaker	Greensboro	Guilford.
W. P. White	Hobgood	Halifax.
W. F. Parker	Enfield	Halifax.
W. A. Stewart	Dunn	Harnett.
J. A. Collins	Clyde	Haywood.
O. V. F. Blythe	Hendersonville	Henderson.
L. J. Lawrence	Murfreesboro	Hertford.
J. S. Mann	Middleton	Hyde.
A. D. Watts	Statesville	Iredell.
S. W. Stevenson	Mooreville	Iredell.
W. E. Moore	Webster	Jackson.
J. M. Morgan	Benson	Johnston.
C. W. Richardson	Archer	Johnston.
Alex. H. White	Pollocksville	Jones.
W. W. Carraway	Kinston	Lenoir.
J. F. Rheinhardt	Rheinhardt	Lincoln.
H. D. Dean	Franklin	Macon.
I. N. Ebbs	Hot Springs	Madison.
H. W. Stubbs	Williamston	Martin.
M. F. Morphew	Marion	McDowell.
C. H. Duls	Charlotte	Mecklenburg.
W. E. Ardrey	Ardeys	Mecklenburg.
F. M. Shannonhouse	Charlotte	Mecklenburg.

## REPRESENTATIVES—CONTINUED.

Name.	Post-office.	County.
J. E. Burlison .....	Spruce Pine .....	Mitchell.
R. N. Page .....	Bisco .....	Montgomery.
A. A. F. Seawell .....	Jonesboro .....	Moore.
C. F. Ellen .....	Rocky Mount .....	Nash.
George Rountree .....	Wilmington .....	New Hanover.
M. S. Willard .....	Wilmington .....	New Hanover.
F. R. Harris .....	Jackson .....	Northampton.
S. M. Gattis .....	Hillsboro .....	Orange.
Frank Thompson .....	Jacksonville .....	Onslow.
George Dees .....	Grantsboro .....	Pamlico.
T. P. Nash .....	Elizabeth City .....	Pasquotank.
J. R. Bannerman .....	Bannerman .....	Pender.
Thomas R. Ward .....	Belvidere .....	Perquimans.
W. T. Bradsher .....	Roxboro .....	Person.
W. J. Nichols .....	Greenville .....	Pitt.
F. H. Barnhill .....	Grindool .....	Pitt.
J. W. McFarland .....	Poor's Ford .....	Polk.
J. T. Brittain .....	Ashboro .....	Randolph.
Charles Ross .....	Ashboro .....	Randolph.
A. J. Little .....	Rockingham .....	Richmond.
G. B. Patterson .....	Maxton .....	Robeson.
J. S. Oliver .....	Affinity .....	Robeson.
J. R. Garrett .....	Lenox Castle .....	Rockingham.
J. H. Lane .....	Leaksville .....	Rockingham.
L. H. Rothrock .....	Rockwell .....	Rowan.
R. Lee Wright .....	Salisbury .....	Rowan.
J. F. Alexander .....	Forest City .....	Rutherford.
N. G. Duncan .....	Clinton .....	Sampson.
T. E. Owen .....	Parkersburg .....	Sampson.
Hector McLean .....	Laurinburg .....	Scotland.
W. E. Blalock .....	Norwood .....	Stanly.
R. J. Petree .....	Germantown .....	Stokes.
S. G. Brim .....	Brim .....	Surry.
John Burnett .....	Almond .....	Swain.
R. H. Zachary .....	Jeppha .....	Transylvania.
A. W. Owens .....	Columbia .....	Tyrrell.
J. W. Bivens .....	Wingate .....	Union.
W. B. Daniel .....	Epsom .....	Vance.
E. C. Beddingfield .....	Millbrook .....	Wake.
J. P. Pearson .....	Apex .....	Wake.
R. N. Simms .....	Raleigh .....	Wake.
W. M. N. Calloway .....	Foscoe .....	Watauga.
S. G. Daniel .....	Littleton .....	Warren.
T. W. Blount .....	Roper .....	Washington.
W. R. Allen .....	Goldsboro .....	Wayne.
George E. Hood .....	Goldsboro .....	Wayne.
E. O. Mastin .....	Wilkesboro .....	Wilkes.
H. L. Green .....	Wilkesboro .....	Wilkes.
H. G. Connor .....	Wilson .....	Wilson.
F. B. Benbow .....	Yadkinville .....	Yadkin.
W. M. McIntosh .....	Bee Log .....	Yancey.

## OFFICERS.

Name.	Position.	Post-office.
W. E. Moore .....	Speaker .....	Webster.
Brevard Nixon .....	Principal Clerk .....	Charlotte.
W. W. Wilson .....	Reading Clerk .....	Raleigh.
J. H. Fonville .....	Engrossing Clerk .....	Kenansville.
Frank Bennett .....	Doorkeeper .....	Wadesboro.
Y. B. Howell .....	Assistant Doorkeeper .....	Troy.
E. B. Norvell .....	Enrolling Clerk .....	Murphy.

# CAPTIONS

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# PUBLIC LAWS.

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# CONSTITUTION

OF THE

## STATE OF NORTH CAROLINA.

### PREAMBLE.

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

### ARTICLE I.

#### DECLARATION OF RIGHTS.

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

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

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

SEC. 3. That the people of this State have the inherent, sole Internal government of the State.  
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.

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 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, &c.

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

The legislative, executive and judicial powers distinct.

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

Of the power of suspending laws.

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

Elections free.

SEC. 10. All elections ought to be free.

In criminal prosecutions.

SEC. 11. In all criminal prosecutions, every man has the right to be informed of the accusation against him and to confront the



accusers and witnesses with other testimony, and to have counsel for his defence, and not be compelled to give evidence against himself or to pay costs, jail fees, or necessary witness fees of the defence, unless found guilty.

SEC. 12. No person shall be put to answer any criminal charge, except as hereinafter allowed, but by indictment, presentment or impeachment. Answers to criminal charges.

SEC. 13. No person shall be convicted of any crime but by the unanimous verdict of a jury of good and lawful men in open Court. The Legislature may, however, provide other means of trial for petty misdemeanors, with the right of appeal. Right of jury.

SEC. 14. Excessive bail should not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted. Excessive bail.

SEC. 15. General warrants, whereby any officer or messenger may be commanded to search suspected places, without evidence of the act committed, or to seize any person or persons not named, whose offence is not particularly described and supported by evidence, are dangerous to liberty and ought not to be granted. General warrants.

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

SEC. 17. No person ought to be taken, imprisoned, or 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, &c., but by law of the land.

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

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

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

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

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

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

SEC. 24. A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear Militia and the right to bear arms.

arms shall not be infringed; and, as standing armies in time of peace are dangerous to liberty, they ought not to be kept up, and the military should be kept under strict subordination to, and governed by, the civil power. Nothing herein contained shall justify the practice of carrying concealed weapons, or prevent the Legislature from enacting penal statutes against said practice.

Right of the people to assemble together.

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

Religious liberty.

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

Education.

SEC. 27. The people have 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, &c.

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

Perpetuities, &c.

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

Ex post facto laws.

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

Slavery prohibited.

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

State boundaries.

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

Courts shall be open.

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

Soldiers in time of peace.

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

Other rights of the people.

SEC. 37. This enumeration of rights shall not be construed to

impair or deny others retained by the people; and all powers not herein delegated remain with the people.

## ARTICLE II.

### LEGISLATIVE DEPARTMENT.

SECTION 1. The legislative authority shall be vested in two Two branches. 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 Time of assembling. 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.

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 Representa- Ratio of representation.

tive; to each county containing two but not three times the said ratio, there shall be assigned two Representatives, and so on progressively, and then the remaining Representatives shall be assigned severally to the counties having the largest fractions.

Qualifications for Senators.

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

Qualifications for Representatives.

SEC. 8. Each member of the House of Representatives shall be a qualified elector of the State, and shall have resided in the county for which he is chosen, for one year immediately preceding his election.

Election of officers.

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

Powers in 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 election shall be issued by the Governor under such regulations as may be prescribed by law.

Revenue.

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

Entails.

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

Journals.

SEC. 16. Each House shall keep a journal of its proceedings,

which shall be printed and made public immediately after the adjournment of the General Assembly.

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

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

Officers of the House.

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

President of the Senate.

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

Other Senatorial officers.

SEC. 21. The style of the acts shall be: "The General Assembly of North Carolina do enact."

Style of the acts.

SEC. 22. Each House shall be judge of the qualifications and election of its own members, shall sit upon its own adjournment from day to day, prepare bills to be passed into laws; and the two Houses may also jointly adjourn to any future day or other place.

Powers of the General Assembly.

SEC. 23. All bills and resolutions of a legislative nature shall be read three times in each House, before they pass into laws; and shall be signed by the presiding officers of both Houses.

Bills and resolutions to be read three times, &c.

SEC. 24. Each member of the General Assembly, before taking his seat, shall take an oath or affirmation that he will support the Constitution and laws of the United States, and the Constitution of the State of North Carolina, and will faithfully discharge his duty as a member of the Senate or House of Representatives.

Oath of members.

SEC. 25. The terms of office for Senators and members of the House of Representatives shall commence at the time of their election.

Terms of office.

SEC. 26. Upon motion made and seconded in either House by one-fifth of the members present, the yeas and nays upon any question shall be taken and entered upon the journals.

Yeas and nays.

SEC. 27. The election for members of the General Assembly shall be held for the respective districts and counties, at the places where they are now held, or may be directed hereafter to be held, in such manner as may be prescribed by law, on the first Thursday in August, in the year one thousand eight hundred and seventy, and every two years thereafter. But the General Assembly may change the time of holding the elections.

Election for members of the General Assembly.

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

Pay of members and officers of the General Assembly.



should they remain longer in session, they shall serve without compensation. They shall also be entitled to receive ten cents per mile, both while coming to the seat of government and while returning home, the said distance to be computed by the nearest line or route of public travel. The compensation of the presiding officers of the two Houses shall be six dollars per day and mileage. Should an extra session of the General Assembly be called, the members and presiding officers shall receive a like rate of compensation for a period not exceeding twenty days.

Extra session.

### ARTICLE III.

#### EXECUTIVE DEPARTMENT.

Officers of the Executive Department.

SECTION 1. The Executive Department shall consist of a Governor, in whom shall be vested the supreme executive power of the State, a Lieutenant-Governor, a Secretary of State, an Auditor, a Treasurer, a Superintendent of Public Instruction, and an Attorney-General, who shall be elected for a term of four years by the qualified electors of the State, at the same time and places and in the same manner as members of the General Assembly are elected. Their term of office shall commence on the first day of January next after their election, and continue until their successors are elected and qualified: *Provided*, that the officers first elected shall assume the duties of their office ten days after the approval of this Constitution by the Congress of the United States, and shall hold their offices four years from and after the first day of January.

Terms of office.

Qualifications of Governor and Lieutenant-Governor.

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

Returns of 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.

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

Oath of office for Governor.

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

Duties of Governor.

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

Reprieves, commutations and pardons.

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

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

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

Commander-in-Chief.

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

Extra sessions of General Assembly.

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

Officers whose appointments are not otherwise provided for.

SEC. 11. The Lieutenant-Governor shall be President of the



Duties of the  
Lieutenant-Gov-  
ernor.

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

In case of im-  
peachment of  
Governor, or va-  
cancy caused by  
death or resigna-  
tion.

SEC. 12. In case of the impeachment of the Governor, his failure to qualify, his absence from the State, his inability to discharge the duties of his office, or, in case the office of Governor shall in anywise become vacant, the powers, duties and emoluments of the office shall devolve upon the Lieutenant-Governor until the disability shall cease, or a new Governor shall be elected and qualified. In every case in which the Lieutenant-Governor shall be unable to preside over the Senate, the Senators shall elect one of their own number President of their body; and the powers, duties and emoluments of the office of Governor shall devolve upon him whenever the Lieutenant-Governor shall, for any reason, be prevented from discharging the duties of such office as above provided, and he shall continue as acting Governor until the disabilities are removed, or a new Governor or Lieutenant-Governor shall be elected and qualified. Whenever, during the recess of the General Assembly, it shall become necessary for the President of the Senate to administer the government, the Secretary of State shall convene the Senate, that they may select such President.

Duties of other  
Executive 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 adviser of the Executive Department.

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

Compensation of Executive officers.

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.

Seal of State.

SEC. 17. The General Assembly shall establish a Department of Agriculture, Immigration and Statistics, under such regulations as may best promote the agricultueal interests of the State, and shall enact laws for the adequate protection and encouragement of sheep husbandry.

Department of Agriculture, Immigration and Statistics.

## ARTICLE IV.

### JUDICIAL DEPARTMENT.

SECTION 1. The distinctions between actions at law and suits in equity, and the forms of all such actions and suits, shall be abolished; and there shall be in this State but one form of action, for the enforcement or protection of private rights or the redress of private wrongs, which shall be denominated a civil action; and every action prosecuted by the people of the State as a party against a person charged with a public 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

Impeachment.

	concurrence of two-thirds of the Senators present. When the Governor is impeached, the Chief Justice shall preside.
Treason against the State.	SEC. 5. Treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open Court. No conviction of treason or attainder shall work corruption of blood or forfeiture.
Supreme Court Justices.	SEC. 6. The Supreme Court shall consist of a Chief Justice and four Associate Justices.
Terms of the Supreme Court.	SEC. 7. The terms of the Supreme Court shall be held in the city of Raleigh, as now, unless otherwise provided by the General Assembly.
Jurisdiction of Supreme Court.	SEC. 8. The Supreme Court shall have jurisdiction to review, upon appeal, any decision of the Courts below, upon any matter of law or legal inference. And the jurisdiction of said Court over "issues of fact" and "questions of fact" shall be the same exercised by it before the adoption of the Constitution of one thousand eight hundred and sixty-eight, and the Court shall have the power to issue any remedial writs necessary to give it a general supervision and control over the proceedings of the inferior Courts.
Claims against the State.	SEC. 9. The Supreme Court shall have original jurisdiction to hear claims against the State, but its decisions shall be merely recommendatory; no process in the nature of the execution shall issue thereon; they shall be reported to the next session of the General Assembly for its action.
Judicial Districts for Superior Courts.	SEC. 10. The State shall be divided into nine judicial districts, for each of which a Judge shall be chosen; and there shall be held a Superior Court in each county at least twice in each year, to continue for such time in each county as may be prescribed by law. But the General Assembly may reduce or increase the number of districts.
Residences of Judges, rotation in Judicial Districts and special terms.	SEC. 11. Every Judge of the Superior Court shall reside in the district for which he is elected. The Judges shall preside in the Courts of the different districts successively, but no Judge shall hold the Courts in the same district oftener than once in four years; but in case of the protracted illness of the Judge assigned to preside in any district, or of any other unavoidable accident to him, by reason of which he shall be unable to preside, the Governor may require any Judge to hold one or more specified terms in said district, in lieu of the Judge assigned to hold the Courts of the said district.
Jurisdiction of Courts inferior to Supreme Court.	SEC. 12. The General Assembly shall have no power to deprive the Judicial Department of any power or jurisdiction which rightfully pertains to it as a co-ordinate department of the gov-

ment; but the General Assembly shall allot and distribute that portion of this power and jurisdiction which does not pertain to the Supreme Court, among the other Courts prescribed in this Constitution or which may be established by law, in such manner as it may deem best; provide also a proper system of appeals, and regulate by law, when necessary, the methods of proceeding in the exercise of their powers, of all the Courts below the Supreme Courts, so far as the same may be done without conflict with other provisions of this Constitution.

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

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

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

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

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

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

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

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, &c.

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.

Transaction of business in the Superior Courts.

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.

Solicitors for each Judicial District.

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

Sheriffs and Coroners.

SEC. 24. In each county a Sheriff and Coroner shall be elected by the qualified voters thereof, as is prescribed for members of the General Assembly, and shall hold their offices for two years. In each township there shall be a Constable elected in like manner by the voters thereof, who shall hold his office for two years. When there is no Coroner in a county, the Clerk of the Superior Court for the county may appoint one for special cases. In case of a vacancy existing for any cause in any of the offices created by this section, the Commissioners of the county may appoint to such office for the unexpired term.

Vacancies.

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

Terms of office of first officers under this Article.

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

Jurisdiction of Justices of the Peace.

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



ent can not exceed a fine or fifty dollars or imprisonment for thirty days. And the General Assembly may give to Justices of the Peace jurisdiction of other civil actions, wherein the value of the property in controversy does not exceed fifty dollars. When an issue of fact may be joined before a Justice, on demand of either party thereto, he shall cause a jury of six men to be summoned, who shall try the same. The party against whom judgment shall be rendered in any civil action, may appeal to the Superior Court from the same. In all cases of a criminal nature, the party against whom judgment is given may appeal to the Superior Court, where the matter shall be heard anew. In all cases brought before a justice, he shall make a record of the proceedings, and file the same with the Clerk of the Superior Court for his county.

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.

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.

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.

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

Vacancies in  
office of Justice.

Vacancies in  
office of Superior  
Court Clerk.

Officers of other  
Courts inferior to  
Supreme Court.

Removal of  
Judges of the  
various Courts for  
inability.

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

to the Supreme Court as may be established by law, by the presiding officers of said Courts. The Clerk against whom proceedings are instituted shall receive notice thereof, accompanied by a copy of the causes alleged for his removal, at least ten days before the day appointed to act thereon, and the Clerk shall be entitled to an appeal to the next term of the Superior Court, and thence to the Supreme Court as provided in other cases of appeals.

Amendments not to vacate existing offices.

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

# ARTICLE V.

## REVENUE AND TAXATION.

Capitation tax.

SECTION 1. The General Assembly shall levy a capitation tax on every male inhabitant in the State over twenty-one and under fifty years of age, which shall be equal on each to the tax on property valued at three hundred dollars in cash. The commissioners of the several counties may exempt from capitation tax in special cases, on account of poverty and infirmity, and the State and county capitation tax combined shall never exceed two dollars on the head.

Exemptions.

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 bond, 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 rail-



roads 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.

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

Property exemptions from taxation.

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

Taxes levied by County Commissioners.

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

Acts levying taxes shall state object, &c.

## ARTICLE VI.

### SUFFRAGE AND ELIGIBILITY TO OFFICE.

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

Qualifications of elector.  
General Assembly to provide registration laws.

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 to register and vote.

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 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.

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

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 reason 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 mal-practice in office; unless such person shall be restored to the rights of citizenship in a manner prescribed by law.

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. When amendment to take effect.

## ARTICLE VII.

### MUNICIPAL CORPORATIONS.

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. County officers.

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

SEC. 3. It shall be the duty of the Commissioners first elected in each county to divide the same into convenient districts, and to report the same to the General Assembly before the first day of January, 1869. Counties to be divided into districts.

SEC. 4. Upon the approval of the reports provided for in the foregoing section, by the General Assembly, the said districts shall have corporate powers for the necessary purposes of local government, and shall be known as townships. Said districts shall have corporate powers as townships.

SEC. 5. In each township there shall be biennially elected by the qualified voters thereof a Clerk and two Justices of the Peace, who shall constitute a Board of Trustees, and shall, under the supervision of the County Commissioners, have control of the taxes and finances, roads and bridges of the townships, as may be prescribed by law. The General Assembly may provide for the election of a larger number of the Justices of the Peace in cities and towns, and in those townships in which cities and towns are situated. In every township there shall also be biennially elected a School Committee, consisting of three persons, whose duties shall be prescribed by law. Officers of townships.

SEC. 6. The Township Board of Trustees shall assess the taxable property of their townships and make return to the County Trustees shall assess property.

Commissioners for revision, as may be prescribed by law. The Clerk shall be, *ex officio*, treasurer of the township.

No debt or loan except by a majority of voters.

SEC. 7. No county, city, town, or other municipal corporation, shall contract any debt, pledge its faith, or loan its credit, nor shall any tax be levied or collected by any officers of the same, except for the necessary expenses thereof, unless by a vote of the majority of the qualified voters therein.

Drawing of money.

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

Taxes to be *ad valorem*.

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

When officers enter on duty.

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.

Governor to appoint Justices.

SEC. 11. The Governor shall appoint a sufficient number of Justices of the Peace in each county, who shall hold their places until sections four, five and six of this Article shall have been carried into effect.

Charters to remain in force until legally changed.

SEC. 12. All charters, ordinances and provisions relating to municipal corporations shall remain in force until legally changed, unless inconsistent with the provisions of this Constitution.

Debts in aid of the rebellion not to be paid.

SEC. 13. No county, city, town, or other municipal corporation shall assume to pay, nor shall any tax be levied or collected for the payment of any debt, or the interest upon any debt, contracted directly or indirectly in aid or support of the rebellion.

Powers of General Assembly over municipal corporations.

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

## ARTICLE VIII.

### CORPORATIONS OTHER THAN MUNICIPAL.

Corporations under general laws.

SECTION 1. Corporations may be formed under general laws, but shall not be created by special act, except for municipal purposes, and in cases where, in the judgment of the Legislature, the object of the corporation 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.

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

What corporations shall include.

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

Legislature to provide for organizing cities, towns, &c.

## ARTICLE IX.

## EDUCATION.

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

Education shall be encouraged.

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

General Assembly shall provide for schools.

Separation of the races.

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

Counties to be divided into districts.

SEC. 4. The proceeds of all lands that have been or hereafter may be granted by the United States to this State, and not otherwise appropriated by this State or the United States; also, all moneys, stocks, bonds, and other property, now belonging to any State fund for purposes of education; also, the net proceeds of all sales of the swamp lands belonging to the State, and all other grants, gifts or devises, that have been or hereafter may be made to the State, and not otherwise appropriated by the State, or by the terms of the grant, gift or devise, shall be paid into the State treasury; and, together with so much of the ordinary revenue of the State as may be by law set apart for that purpose, shall be faithfully appropriated for establish-

What property shall be devoted to educational purposes.



ing and maintaining in this State a system of free public schools, and for no other uses or purposes whatsoever.

County school fund.

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

Proviso.

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

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

Benefits of the University.

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

Board of Education.

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

President and Secretary.

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

Power of Board.

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

SEC. 11. The first session of the Board of Education shall be

held at the capital of the State, within fifteen days after the organ-  
ization of the State Government under this Constitution; the  
time of future meetings may be determined by the Board.

First session of Board.

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

Quorum.

SEC. 13. The contingent expenses of the Board shall be pro-  
vided by the General Assembly.

Expenses.

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

Agricultural De-  
partment.

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

Children must  
attend school.

## ARTICLE X.

### HOMESTEADS AND EXEMPTIONS.

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

Exemption.

SEC. 2. Every homestead, and the dwellings and buildings  
used therewith, not exceeding in value one thousand dollars,  
to be selected by the owner thereof, or in lieu thereof, at the  
option of the owner. any lot in a city, town or village, with the  
dwelling and buildings used thereon, owned and occupied by  
any resident of this State, and not exceeding the value of one  
thousand dollars, shall be exempt from sale under execution, or  
other final process obtained on any debt. But no property shall  
be exempt from sale for taxes, or for payment of obligations  
contracted for the purchase of said premises.

Homestead.

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

Homestead ex-  
empted 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 of widow.



benefit during her widowhood, unless she be the owner of a homestead in her own right.

Property of a married female secured to her.

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

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

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

How deed for homestead may be made.

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

## ARTICLE XI.

### PUNISHMENTS, PENAL INSTITUTIONS AND PUBLIC CHARITIES.

Punishments.

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

Convict labor.

Proviso.

Death punishment.

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

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

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

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

SEC. 6. It shall be required by competent legislation that the structure and superintendence of penal institutions of the State, The sexes to be separated. 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.

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. Provisions for the poor and orphans.

SEC. 8. There shall also, as soon as practicable, be measures Orphan houses. 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.

SEC. 9. It shall be the duty of the Legislature, as soon as Inebriates and idiots. practicable, to devise means for the education of idiots and inebriates.

SEC. 10. The General Assembly may provide that the indigent Deaf-mutes, blind and insane. deaf mute, blind and insane, of the State shall be cared for at the charge of the State.

SEC. 11. It shall be steadily kept in view by the Legislature Self-supporting. and the Board of Public Charities, that all penal and charitable institutions should be made as nearly self-supporting as is consistent with the purposes of their creation.

## ARTICLE XII.

### MILITIA.

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

bearing arms, from religious scruples, shall be exempt therefrom.

Organizing, &c.

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

Governor Commander-in-Chief.

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

Exemptions.

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

## ARTICLE XIII.

### AMENDMENTS.

Convention, how called.

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

How the Constitution may be altered.

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

## ARTICLE XIV.

### MISCELLANEOUS.

Indictments.

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

Penalty for fighting duel.

SEC. 2. No person who shall hereafter fight a duel, or assist in the same as a second, or send, accept, or knowingly carry a

challenge therefor, or agree to go out of the State to fight a duel, shall hold any office in this State.

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

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

SEC. 5. In the absence of any contrary provision, all officers of Governor to make appointments. 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.

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

SEC. 7. No person, who shall hold any office or place of trust Holding office 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.

SEC. 8. All marriages between a white person and a negro, or Intermarriage of whites and negroes prohibited. 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.

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SESSION 1901.

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# PUBLIC LAWS

OF THE

## STATE OF NORTH CAROLINA.

SESSION 1901.

### CHAPTER 1.

#### An act to establish a Text-Book Commission.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the State Board of Education, shall be and is hereby constituted a State Text-Book Commission, whose duty it is to select and adopt a uniform series or system of text-books for use in the public schools in the State of North Carolina.

State Board of Education constituted State Text-Book Commission.  
Duties.

SEC. 2. That said Commission is hereby authorized, empowered and directed to select and adopt a uniform system or series of text-books for use in the public schools of the State, as above indicated, and when so selected and adopted, the text-books shall be used for a period of five years, in all the public schools of this State, and it shall not be lawful for any school officer, director or teacher, to use any other books upon the same branches, other than those adopted by said State Text-book Commission. Said uniform series shall include the following branches, to-wit: Orthography, defining, reading, writing, drawing, arithmetic, geography, grammar, language lessons, History of North Carolina, containing the Constitution of the State; History of the United States, containing the Constitution of the United States, physiology, hygiene, nature and effect of alcoholic drinks, and narcotics, elements of civil government, elements of agriculture, theory and practice of teaching: *Provided*, That none of said text-books shall contain anything of a partisan or sectarian character.

To select and adopt uniform text-books for public schools.  
When adopted to be used five years.  
Unlawful to use other books.  
Branches included in uniform series.

Must be non-partisan.

Governor to  
appoint sub-  
commission.  
Number.  
Who eligible.

Location.

Duties of sub-  
commission.

Sub-commission  
to report to  
commission.

What report  
to contain.

Report kept  
secret and de-  
livered to  
Secretary of  
Commission.  
When opened.

Oath of sub-  
commissioners.

SEC. 3. It shall be the duty of the Governor to appoint a sub-commission of not less than five, nor more than ten, to be selected from among the teachers, or city or county superintendents, actually engaged in the school business in this State: *Provided*, That not more than two of these shall be taken from and Congressional District, to whom shall be referred all books sent to the State Text-Book Commission as specimen copies or samples, upon which bids are to be based, and it shall be the duty of said sub-commission, in executive session, to examine and report upon the merits of the books, irrespective of the price, taking into consideration the subject-matter of the books, their printing, their material, and their mechanical qualities, and their general suitability and desirability for the purposes for which they are desired and intended.

SEC. 4. That it shall further be the duty of said sub-commission to report to the Commission at such time as said Commission shall direct, arranging each book in its class, or division, and reporting them in the order of their merit, pointing out the merits and demerits of each book, and indicating what book they recommend for adoption first, what book is their second choice, and their third choice, and so on, pursuing this plan with the books submitted upon each branch of study, and if said sub-commission shall consider different books upon the same subject, or of the same class or division of approximately even merit, all things being considered, they shall so report, and if they consider that any of the books offered are of such a class as to make them inferior and not worthy of adoption, they shall, in their report, so designate such books, and in said report they shall make such recommendations and suggestions to the Commission as they shall deem advisable and proper to make. Said report shall be kept secret and sealed up, and delivered to the Secretary of the Commission, and said report shall not be opened by any member of the Commission until the Commission shall meet in executive session to open and consider the bids, or proposals, of publishers, or others, desiring to have books adopted by said Commission.

SEC. 5. That each member of said sub-commission, before entering upon the discharge of his duties, shall take and subscribe an oath to act honestly, conscientiously, and faithfully, and that he is not now, and has not within two years prior to his appointment, been agent or attorney, or in the employment of, or interested in, any book, or publishing house, concern, or corporation, making, or proposing to make, bids for the sale of books, pursuant to the provisions of this act; and that he will

examine all books submitted carefully and faithfully, and make true report thereon, as herein directed and prescribed. Said oath shall be filed in the office of the Secretary of State.

SEC. 6. That said Text-Book Commission shall hear and consider said report in its selection and adoption of a uniform series of text-books, and shall also, themselves, consider the merits of the books, taking into consideration their subject-matter, the printing, binding, material, and mechanical quality, and their general suitability and desirability for the purposes intended, and the price of said books, and they shall give due consideration to the report and recommendation of said sub-commission. Said Commission shall select and adopt such books as will, in their best judgment, accomplish the ends desired; and they are hereby authorized and directed, in case any book, or books, are deemed by them suitable for adoption, and more desirable than other books, or book, of the same class, or division, submitted, and they further consider the price at which such book, or books, are offered to be unreasonably high, and that it should be offered at a smaller price, to immediately notify the publisher of such books, or book, of their decision, and request such reduction in price as they deem reasonable or just, and if they and such publishers shall agree on a price they may adopt this book, or books, but if not, they shall use their own sound judgment and discretion whether they will adopt that or the book, or books, deemed by them the next best in the list submitted. And when said Text-Book Commission shall have finished with the report of said sub-commission, the said report shall be filed and preserved in the office of the State Superintendent of Public Instruction, and shall be open at all times for public inspection.

SEC. 7. That said Text-Book Commission shall, immediately after the passage of this Act, meet and organize, the Governor being *ex officio* President of the Commission, and the Superintendent of Public Instruction its Secretary. As soon as practicable, not later than thirty days after its organization, the Commission shall advertise in such manner, and for such a length of time, and at such places as may be deemed advisable, that at a time and place fixed definitely in said advertisement sealed bids, or proposals, will be received from the publishers of school text-books for furnishing books to the public schools in the State of North Carolina, through agencies established by said publishers in several counties, and places in counties in the State, as may be provided for in such regulations as said Commission may adopt and prescribe. The bids, or proposals, to be for furnishing the books for a period of five years,

Text-Book Commission, in selection of books, shall consider report of sub-commission and the books themselves.

Selection of books.

Procedure if price of book desired is unreasonably high.

Discretion in adoption.

Report of sub-commission to be filed in office of Superintendent of Public Instruction.

Organization of Commission.

Advertisement for bids for furnishing books.

Bids to be for furnishing books for five years.

Bid to state price, accompanied by specimen copies.

Bidder to deposit a sum of money with State Treasurer as pledge of good faith.

Forfeiture of deposit.

Bids sealed, deposited with Secretary of State and delivered by him to Commission.

Commission to meet.

Refer specimen copies to sub-commission.

Instructions to sub-commission.

Duties of Commission on reception of report of sub-commission.

All books must be in English.

After adoption Commission to notify publishers.

and no longer, and that no bid for a longer period will be considered. Said bid, or bids, shall state specifically and definitely the price at which book, or books, are to be furnished, and shall be accompanied by ten or more specimen copies of each and every book proposed to be furnished, and it shall be required of each bidder to deposit with the Treasurer of the State a sum of money, such as the Commission may require, not less than \$500, or more than \$2,500, according to the number of books each bidder may propose to supply, and notice shall further be given in said advertisement that such deposits shall be forfeited absolutely to the State if the bidder making the deposit of any sum shall fail, or refuse, to make and execute such contract and bond, as is hereinafter required, within such time as the Commission shall require, which time shall also be stated in said advertisement. All bids shall be sealed and deposited with the Secretary of State, to be by him delivered to the Commission when they are in executive session, for the purpose of considering the same, when they shall be opened in the presence of the Commission.

SEC. 8. That it shall be the duty of the said Text-Book Commission to meet at the time and place designated in such notice, or advertisement, and take out the sample, or specimen, copies submitted, upon which the bids are based, and refer and submit them to the sub-commission, as provided for and directed in section 3 of this Act, with instructions to the said sub-commission to report back to them, at a time specified, with their report, classification, and recommendation, as provided in sections 3 and 4. When the said report is submitted it shall be the duty of the said Text-Book Commission to meet in executive session to open and examine all sealed proposals submitted and received in pursuance of the notice, or advertisement, provided for in section 7 of this Act. It shall be the duty of said Commission to examine and consider carefully all such bids, or proposals, together with the report and recommendation of the sub-commission, and determine in the manner provided in section 6 of this Act what book, or books, upon the branch hereinabove mentioned, shall be selected for adoption, taking into consideration the size, quality as to the subject-matter, material, printing, binding, and the mechanical execution, and price, and the general suitability for the purpose desired and intended: *Provided, however,* That all books selected, or adopted, shall be written, or printed, in English. After their selection, or adoption, shall have been made, the said Commission shall, by registered letter, notify the publishers, or proposers, to whom the contracts have been awarded, and it shall be the duty of the Attorney-General of the State to

prepare the said contract, or contracts, in accordance with the terms, or provisions, of this Act, and the said contract shall be executed by the Governor and the Secretary of State, and the seal of the State attached upon the part of the State of North Carolina, and the said contract shall be executed in triplicate, one copy to be kept by the contractor, one copy to be kept by the Secretary of the Text-Book Commission, and one copy to be filed in the office of the Secretary of State. At the time of the execution of the contract aforesaid, the contractor shall enter into a bond in the sum of not less than ten thousand dollars, payable to the State of North Carolina, the amount of said bond, within said limits, to be fixed by said Commission, conditioned for the faithful, honest, and exact performance of this contract, and shall further provide for the payment of reasonable attorney's fees in case of recovery in any suit upon the same, with three or more good and solvent sureties, actual citizens and residents of the State of North Carolina, or any guaranty company authorized to do business in the State of North Carolina, may become the surety on the said bond; and it shall be the duty of the Attorney-General to prepare and approve said bond: *Provided, however,* That said bond shall not be exhausted by a single recovery, but may be sued on from time to time until the full amount thereof shall be recovered, and the said Commission may, at any time, by giving thirty days' notice, require additional security or additional bond. And when any firm, person, or corporation shall have been awarded a contract, and submitted therewith the bond as required hereunder, the Commission, through its Secretary, shall so inform the Treasurer of the State, and it shall then be the duty of the Treasurer to return to such contractor the cash deposit made by him, and the said Commission, through its Secretary, shall inform the Treasurer of the names of such unsuccessful bidders, or proposers, and the Treasurer shall, upon the receipt of this notice, return to them the amount deposited by them in cash at the time of the submission of their bids. But should any person, firm, or company, or corporation fail, or refuse, to execute a contract, and submit therewith his bond as required by this Act, within thirty days of the awarding of the contract to him, and the mailing of the registered letter containing the notice: *Provided,* The mailing of the registered letter shall be sufficient evidence that the notice was given and received, the said cash deposit shall be deemed and is hereby declared forfeited to the State of North Carolina and it shall be the duty of the Treasurer to place such cash deposit in the Treasury of the State to the credit of the school fund; *And provided further,* That any recovery had on any bond given

Attorney-General to prepare contracts.

How executed.

Executed in triplicate.

Copies, by whom kept.

Contractor's bond.

Attorney-General to prepare and approve bond.

Single recovery not to exhaust bond.

May require additional security.

Contractor having submitted bond, Commission to inform Treasurer, who shall return cash deposit.

Treasurer to return cash deposits of unsuccessful bidders.

Successful bidder failing or refusing to execute contract and submit bond, cash deposit forfeited.

When forfeited, how disposed of.



Recoveries on bond inure to benefit of school fund.

Text-books must always equal specimens.

Secretary of State to preserve specimen copies and original bids.

Contract and exchange price to be printed on back of books after adoption.

No book sold at lower price elsewhere than bidder's price for this State to be adopted.

Stipulations in contract as to relative prices of books in this and other States, counties and school districts therein.

Contractor violating stipulation, procedure.

Contractor failing to execute specifically his contract, procedure.

Commission and contractor may alter contract.

by any contractor shall inure to the benefit of the school fund in the State and counties, and when collected shall be placed in the Treasury of the school fund.

SEC. 9. That the books furnished under any contract shall, at all times during the existence of the contract be equal to, in all respects, the specimen, or sample, copies furnished with the bid, and it shall be the duty of the Secretary of State to carefully preserve in his office, as the standard of quality and excellence to be maintained in such books during the continuance of such contracts, the specimen, or sample, copies of all books which have been the basis of any contract, together with the original bid, or proposal. It shall be the duty of all contractors to print plainly on the back of each book the contract price, as well as the exchange price at which it is agreed to be furnished, but the books submitted as sample, or specimen copies, with the original bid shall not have the price printed on them before they are submitted to the sub-commission. And the said Text-Book Commission shall not, in any case, contract with any person, publisher, or publishers, for the use of any book, or books, which are to be, or shall be, sold to patrons for use in any public school in the State, at above, or in excess of, the price at which such book, or books, are furnished by said person, publisher, or publishers, under contract to any State, county, or school district in the United States, under like conditions as those prevailing in this State and under this Act. And it shall be stipulated in each contract that the contractor has never furnished, and is not now furnishing, under contract, any State, county, or school district in the United States, where like conditions prevail as are prevailing in this State, and under this Act, the same book, or books as are embraced in said contract at a price below or less than price stipulated in said contract, and the said Commission is hereby authorized and directed, at any time that they may find that any book, or books, have been sold at a lower price under contract to any State, county, or school district aforesaid, to sue upon the bond of said contractor and recover the difference between the contract and the lower price for which they find the book, or books, have been sold. And in case any contractor shall fail to execute specifically the terms and provisions of his contract, said Commission is hereby authorized, empowered, and directed to bring suit upon the bond of such contractor for the recovery of any and all damages, the suit to be in the name of the State of North Carolina, and the recovery for the benefit of the public school fund. But nothing in this Act shall be construed so as to prevent said Commission and any contractor agreeing thereto from in any manner changing



or altering any contract: *Provided*, four members of the Commission shall agree to the change, and think it advisable and for the best interest of the public schools of this State. Proviso.

Sec. 10. That it shall always be a part of the terms and conditions of every contract made in pursuance of this Act, that the State of North Carolina shall not be liable to any contractor in any manner for any sum whatever, but all such contractors shall receive their pay, or consideration, in compensation solely and exclusively derived from the proceeds of the sale of books as provided for in this act: State not liable to contractor.

*Provided further*, That the Commission shall stipulate in the contract for the supplying of any book, or books, as herein provided, that the contractor, or contractors, shall take up school books now in use in this State and receive the same in exchange of new books, allowing a price for such old books not less than fifty per cent of the contract price of the new books. And each person, or publisher, making a bid for the supplying of any book, or books, hereunder, shall state in such bid, or proposal, the exchange price at which such book, or books, shall be furnished. Compensation of contractor, solely from proceeds of book sales.  
  
Contractors to take old books in exchange for new at not less than 50 per cent of contract price.

Sec. 11. That the Text-Book Commission shall have and reserve the right to reject and all bids, or proposals, if they shall be of opinion that any or all should, for any reason, be rejected. And in case they fail from among the bids, or proposals submitted, to select, or adopt, any book, or books, from any of the branches mentioned in section 2 of this Act, they may re-advertise for sealed bids, or proposals, under the same terms and conditions as before. and proceed in their investigations in all respects as they did in the first instance, and as required by the terms and provisions of this Act, or they may advertise for sealed bids, or proposals, from authors, or publishers, of textbooks, who have manuscripts of books not yet published, for prices at which they will publish and furnish in book form such manuscripts for use in the public schools in North Carolina, proceeding in like manner as before; *And provided further*, The State itself shall not, under any circumstances, enter into any contract binding it to pay for the publication of any book, or books, but in the contract with the owner of the manuscript it shall be provided that he shall pay the compensation to the publisher for the publication and putting in book form the manuscript, together with the cost and expense of copyrighting the same; *And provided further*, That in all cases bids, or proposals, shall be accompanied with a cash deposit of from \$500 to \$2,500, as the Commission may direct, and as provided in section 7 of this Act. And it is Bids to state exchange price of books furnished.  
  
Right to reject bids reserved.  
  
Failure to adopt from bids submitted, Commission may re-advertise. Same provisions to apply.  
  
May advertise for bids for books in manuscript, not published.  
  
State can not contract to pay for publication.  
  
Contract must provide that owner pay for publication, copyrighting, etc.  
  
In all cases, cash deposit must accompany bid.

Form and method of bidding for the contract to be awarded under this Act by any corporation doing or purposing to do business in North Carolina.

All books and manuscript to be examined and reported upon by sub-commission.

When contract entered into, Governor to issue proclamation.

Method of distribution of books.

Provisions for persons living in counties where no agency established to secure books.

Price of books.

Statement to be printed on each book.

further expressly provided, that any person, firm, or corporation, now doing business, or proposing to do business, in the State of North Carolina, shall have the right to bid for the contract to be awarded hereunder in manner as follows: In response to the advertisement, when made as hereinbefore provided, said person, firms, or corporations, may submit the written bid, or bids, to edit, or have edited, published and supplied for use in the public schools in this State any book, or books, provided for hereunder: *Provided*, that instead of filing with the said bids, or proposals, a sample, or specimen, of copy of each book proposed to be furnished, he may exhibit to the Commission in manuscript, or printed form, the matter proposed to be incorporated in any book, together with such a description and illustration of the form and style thereof, as will be fully intelligible and satisfactory to the said Commission, or he may submit a book, or books, the equal of which in every way they propose to furnish; and he shall accompany his bids, or proposals, with cash deposit hereinbefore provided:

*Provided*, That all books and manuscripts shall be examined and reported upon by said sub-commission provided for in section 3 of this Act.

SEC. 12. That as soon as said Commission shall have entered into a contract, or contracts, for the furnishing, or supplying, of books for use in the public schools in this State, it shall be the duty of the Governor to issue his proclamation announcing such fact to the people of the State.

SEC. 13. That there shall be maintained in each county in the State, provided the Commission shall deem it advisable, and so demand, not less than one, or more than six, agencies for the distribution of the books to the patrons, or the contractor shall be permitted to make arrangements with merchants, or others, for the handling and distribution of the books, and parties living in the county where no agency has been established, or no arrangement made for distribution, may order the same from one of the contractors, and it shall be the duty of the contractor, or contractors, to deliver any book, or books, so ordered, to the person ordering, to his post-office address, freight, express, postage, or other charges, prepaid, at the retail contract price: *Provided*, The price of the book, or books, so ordered shall be paid in advance. All books shall be sold to the consumer at the retail contract price, and on each book shall be printed the following: "The price fixed hereon is fixed by State contract, and any deviation therefrom shall be reported to your County Superintendent of Public Instruction, or the State Superintendent at Raleigh." And it is expressly provided that should any party

contracting to furnish books, as provided for in this Act, fail to furnish them, or otherwise breach his contract, in addition to the right of the State to sue on the bond hereinabove required, the chairman of the County Board of Education, or any member of said Board of Education, may sue in the name of the State of North Carolina, in the courts of the State of North Carolina having jurisdiction, and recover on the bond given by the contractor the full value of the books so failed to be furnished, for the use and benefit of the school fund of the county: *Provided*, That in all cases service of process may be had and deemed sufficient on any agent of the contractor in the county, or if no agent is in the county, then service may be had on any agent in charge of any depository, and this service shall be, and stand in the place of, service on the defendant contractor.

On breach of contract, Chairman or any member of County Board of Education may sue contractor.

Recovery.

Service of process.

SEC. 14. That said Commission may, from time to time, make any necessary regulations not contrary to the provisions of this Act, to secure the prompt distribution of the books herein provided for, and the prompt and faithful performance of all contracts, and it is especially now provided that said Commission shall maintain its organization during the five years of the continuance of the contract, and after the expiration of the same to re-advertise for new bids, or proposals, as required by this Act, in the first instance, and enter into such other contracts as they may deem best for the interest of the patrons of the public schools of the State: *Provided*, Any contract entered into, or renewed, shall be for the term of five years.

Power of Commission to make regulations.

Term of Commission.

At expiration of five years Commission to re-advertise and contract.

Renewed contract to be for five years.

SEC. 15. That as soon as practicable after the adoption provided for in this Act, the State Superintendent shall issue a circular letter to each County Superintendent in the State, and to such others as he may desire to send it, which letter shall contain the list of books adopted, the prices, location of agencies, and method of distribution, and such other information as he may deem necessary.

Immediately after adoption, State Superintendent to notify County Superintendents.

SEC. 16. That as soon after the passage of this Act as may be practicable, and the Commission shall deem advisable, the books adopted as a uniform system of text-books shall be introduced and used as text-books, to the exclusion of all others in all the public free schools in the State: *Provided*, That nothing herein shall be so construed as to prevent the use of supplementary books, but such supplementary books shall not be used to the exclusion of the books prescribed, or adopted, under the provisions of this Act:

Books adopted to be exclusively used in public schools as soon as practicable. Proviso as to supplementary books.

*And provided further*, That nothing in this Act shall prevent the teaching in any school any branch higher, or more advanced, than is embraced in section 2 of this Act, nor the use of

Proviso as to teaching higher branches and use of books therein.

any book upon such higher branch of study: *Provided*, That such higher branch shall not be taught to the exclusion of the branches mentioned and set out in section 2 of this Act.

If no contract made, or contractor fails to furnish books, patrons may procure in usual way.

SEC. 17. That nothing herein shall be construed to prevent or prohibit the patrons of the public schools throughout the State from procuring books in the usual way, in case no contract shall be made, or the contractor fails, or refuses, to furnish the books provided for in this Act at the time required for their use in the respective schools.

Penalty for teacher wilfully using, or permitting to be used books other than those adopted upon the same branch.

SEC. 18. That any teacher who shall wilfully use, or permit to be used, in his or her school, any text-book upon the branches embraced in this Act, where the Commission has adopted a book upon that branch, other than the one so adopted, the County Board of Education shall discharge and cancel the certificate of said teacher, or school superintendent: *Provided*, That they may use, or permit to be used, such book, or books, as may now be owned by the pupils of the school, until such books are worn out, not exceeding one year from date of adoption.

How long books now in use may be used.

Penalty for selling books for a greater than contract price.

SEC. 19. That any dealer, clerk, or agent, who shall sell any book for a greater price than the contract price shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding \$50.00.

Text-Book Commission to serve without compensation. Compensation of sub-commission.

SEC. 20. That said Text-Book Commission shall serve without compensation, and members of the sub-commission actually serving shall be paid a per diem of four dollars per day, during the time that they are actually engaged, not to exceed thirty days, and in addition shall be repaid all money actually expended by them in the payment of necessary expenses, to be paid out of the public school fund, and they shall make out and swear to an itemized statement of such expenses.

Must make verified expense account.

Conflicting laws repealed.

SEC. 21. That all laws and clauses of laws in conflict with this Act be and the same 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 the 8th day of February, A. D. 1901.

## CHAPTER 2.

## An act to revise the Corporation Law of North Carolina.

*The General Assembly of North Carolina do enact:*

SECTION 1. Every corporation shall have power:

(1) To have succession, by its corporate name, for the period limited in its charter, or certificate of incorporation, and, when no period is limited, for a period of sixty years.

Corporate powers  
as to  
Succession.

(2) To sue and be sued in any court.

(3) To make and use a common seal, and alter the same at pleasure.

Suits pro and con.  
Common seal.

(4) To hold, purchase and convey real and personal estate in or out of the State, and to mortgage the same and its franchises; the power to hold real and personal estate shall include the power to take the same by devise or bequest.

Real estate.

(5) To elect and appoint in such manner as it shall determine to be proper, all necessary officers and agents, and fix their compensation, and define their duties and obligations.

Officers and  
agents.

(6) To conduct business in this State, other States, the District of Columbia, the Territories, dependencies, and the colonies of the United States, and in foreign countries, and have one or more offices in or out of this State.

Places of business  
and offices.

(7) To make by-laws and regulations, consistent with the laws of the State, for its own government, and for the due and orderly conduct of its affairs and the management of its property.

By-laws and  
regulations.

(8) To wind up and dissolve itself, or be wound up and dissolved in the manner hereafter mentioned.

Dissolution.

SEC. 2. Any corporation may convey lands, and all other property which is transferable by deed, by deed of bargain and sale, or other proper deed, sealed with the common seal and signed by the president or presiding member or trustee (and two other members of the corporation and attested by a witness or witnesses), or by deed of bargain and sale, or other proper deed, sealed with the common seal and signed in its name by the president or presiding member, or trustee, and attested by the secretary of the company. But any conveyance of its property, whether absolutely or upon condition, in trust, or by way of mortgage, executed by any corporation, shall be void and of no effect as to torts committed by such corporation, its agents or employes, prior to, or at the time of the execution of said deed: *Provided*, persons injured, or their representatives, shall commence proceedings, or actions, to enforce their claims against said corporation within sixty days after the registration of said deed, as required by law.

How a  
corporation may  
convey land.

Conveyance void  
as to torts  
committed prior  
thereto by  
corporation or its  
agents, &c.,  
provided action  
commenced sixty  
days after  
registration of  
deed.



Mortgages do not exempt corporate property from execution on judgment for services or torts.

SEC. 3. Mortgages of incorporate companies upon their property or earnings, whether in bonds or otherwise, hereafter issued, shall not have power to exempt the property or earnings of such corporations from execution for the satisfaction of any judgment obtained in courts of the State against such corporations for labor performed, nor torts committed by such corporation, its agents or employes, whereby any person is killed, or any person or property injured, any clause or clauses in such mortgage to the contrary notwithstanding.

Extent of application of this act to all corporations, their officers, directors and stockholders.

SEC. 4. In addition to the powers enumerated in the first section of this act, and the powers specified in its charter, or in the act or certificate under which it was incorporated, every corporation, its officers, directors and stockholders, shall possess and exercise all the powers and privileges contained in this act, so far as the same are necessary or convenient to the attainment of the objects set forth in such charter or certificate of incorporation, and shall be governed by the provisions, and be subject to the restrictions and liabilities in this act contained, so far as the same are appropriate to, and not inconsistent with, such charter, or the act under which such corporation was formed; and no corporation shall possess or exercise any other corporate powers, except such incidental powers as shall be necessary to the exercise of the powers so given.

Restriction on corporate powers.

Corporations created under this act can not carry on banking business.

SEC. 5. No corporation created, or to be created, under the provisions of this act, shall, by any implication or construction, be deemed to possess the power of carrying on the business of discounting bills, notes or other evidences of debt, or of receiving deposits of money, of buying gold or silver bullion, or foreign coins, or of buying and selling bills of exchange, or of issuing bills, notes or other evidences of debt, upon loan, or for circulation as money: *Provided*, that in the transaction of its business it may make, and take and indorse, when necessary, all such bonds, notes and bills of exchange, as the particular business may require.

Legislature to have plenary powers over charters of corporations.

SEC. 6. The charter of every corporation, or any supplement thereto, or amendment thereof, shall be subject to alteration, modification, amendment or repeal, in the discretion of the Legislature, and the Legislature may, at pleasure, dissolve any corporation.

This act subject to amendment and corporations bound thereby.

Amendments not to impair or take away remedies against corporations.

SEC. 7. This act may be amended or repealed at the pleasure of the Legislature, and every corporation shall be bound by such amendment; but such amendment or repeal, shall not take away or impair any remedy against any such corporation, or its officers, for any liability which shall have been previously incurred; this act and all amendments thereof shall be a part of the charter of every corporation heretofore formed, or hereafter



formed hereunder, except so far as the same are inapplicable and inappropriate to the objects of such corporation.

Applicable and appropriate parts of this act a part of charter of every corporation.

## 2. FORMATION, ALTERATION AND DISSOLUTION.

SEC. 8. Any number of persons, not less than three, who may be desirous of engaging in any business, or of forming any company, society or association whatever, not unlawful, except railroads, other than street railways, or banking, or insurance, shall be incorporated in the manner following, and in no other way (except in those cases where, in the judgment of the Legislature, the object of the corporation can not be attained under the general law, and in all such cases the act creating the corporation shall contain a preamble, in which shall be set forth specifically and definitely the particular object of the corporation, or provision in the proposed charter, which can not be attained under the general law); that is to say, such persons shall, by a certificate of incorporation, under their hands and seals, set forth:

Corporations, how formed.

(1) The name of the corporation; no name shall be assumed already in use by another existing corporation of this State, or so nearly similar thereto as to lead to uncertainty or confusion; and shall end with the word "company."

Certificate of incorporation, what to contain and set forth.

(2) The location of its principal office in the State.

(3) The object or objects for which the corporation is formed.

(4) The amount of the total authorized capital stock of the corporation, the number of shares into which the same is divided, and the par value of each share; the amount of capital stock with which it will commence business, and, if there be more than one class of stock, a description of the different classes, with the terms on which the respective classes of stock are created: *Provided, however*, that the provisions of this paragraph shall not apply to religious, charitable or literary corporations, unless it is desired to have a capital stock; in case any religious, charitable or literary corporation desires to have no capital stock, it shall be so stated, and the conditions of membership shall be also stated.

(5) The names and post-office addresses of the subscribers for stock, and the number of shares subscribed by each; the aggregate of such subscriptions shall be the amount of capital stock with which the company will commence business; and if there be no capital stock, the names and post-office addresses of the incorporators.

(6) The period, if any, limited for the duration of the company.

(7) The certificate of incorporation may also contain any provision which the incorporators may choose to insert for the regu-

lation of the business, and for the conduct of the affairs of the corporation, and any provision creating, defining, limiting and regulating the powers of the corporation, the directors and the stockholders, or any class or classes of stockholders; *Provided*, such provision be not inconsistent with the laws of this State.

Certificate of  
incorporation,  
how signed.

SEC. 9. The certificate of incorporation shall be signed by the original incorporators, or a majority of them, and shall be proved, or acknowledged, before an officer duly authorized under the laws of this State to take the proof or acknowledgment of deeds: such certificate of incorporation when so proved, shall be filed in the office of the Secretary of State, who shall, if the same shall be in accordance with law, thereupon cause the same to be recorded in his office in a book to be kept for that purpose, and known as the "Corporation Book," and he shall, upon the payment of the organization tax and fees, certify under his official seal, the said certificate of incorporation and probates, which said certificate of incorporation shall be forthwith recorded in the office of the Clerk of the Superior Court of the county, where the principal office of said corporation in this State shall, or is to be, established, in a book to be known as the "Record of Incorporations," and said certificate of incorporation, or a copy thereof, duly certified by the Secretary of State, or by the Clerk of the Superior Court of the county in which the same is recorded, shall be evidence in all courts and places, and shall, in all judicial proceedings, be deemed *prima facie* evidence of the complete organization and incorporation of the company purporting thereby to have been established.

To be filed with  
Secretary of State  
and, if legal, be  
recorded.

Certificate of  
incorporation  
and probates to  
be certified by  
Secretary of State  
and recorded in  
office of clerk  
superior court in  
county of  
principal office.

Certified copy of  
certificate of  
incorporation  
shall be evidence.

SEC. 10. The persons so associated, their successors and assigns, shall, from the date of such filing in said office of the Secretary of State, be and constitute a body corporate by the name set forth in such certificate of organization, subject to amendment and dissolution in the manner provided by law.

When the  
incorporators  
become a body  
corporate.

Signers of  
certificates to  
direct affairs until  
directors elected.

SEC. 11. Until the directors are elected, the signers of the certificate of incorporation shall have the direction of the affairs and of the organization of the corporation, and may take such steps as are proper to obtain the necessary subscription to stock and to perfect the organization of the corporation.

What the by-laws  
may determine  
and contain.

SEC. 12. All corporations may, by their by-laws, where no other provision is herein made, determine the manner of calling and conducting all meetings; the number of members that shall constitute a quorum: (*Provided*, in no case shall more than a majority of shares or amount of interest be required to be represented at any meeting in order to constitute a quorum; if the quorum shall not be so determined by the corporation, a majority in interest of the stockholders, represented either in person, or by proxy, shall constitute a quorum); the number of shares that

shall entitle the members to one or more votes; the mode of voting by proxy; the mode of selling shares for the non-payment of assessments; the tenure of office of the several officers, and the manner in which vacancies in any of the offices shall be filled, till a regular election, and they may annex suitable penalties to such by-laws, not exceeding in any case the sum of twenty dollars, for any one offense: *Provided*, that no such by-law shall be made by any corporation repugnant to any provision of its certificate of organization: *Provided further*, that the provisions of this act shall govern in all cases where the by-laws are silent.

Proviso.

Proviso.

SEC. 13. The power to make and alter by-laws shall be in the stockholders, but any corporation may, in the certificate of incorporation, confer that power upon the directors; by-laws made by the directors under power so conferred may be altered or repealed by the stockholders.

Power to make and alter by-laws.

SEC. 14. The business of every corporation shall be managed by its directors, who shall respectively be shareholders therein; they shall be not less than three in number, and, except as hereinafter provided, they shall be chosen annually by the stockholders at the time and place provided in the by-laws, and shall hold office for one year and until others are chosen and qualified in their stead; but by so providing in its certificate of incorporation, any corporation organized under this act may classify its directors in respect to the time for which they shall severally hold office, the several classes to be elected for different terms: *Provided*, that no class shall be elected for a shorter period than one year, or for a longer period than five years, and that the term of office of at least one class shall expire in each year; any corporation which shall have more than one kind of stock, may, by so providing in its certificate of incorporation, confer the right to choose the directors of any class upon the stockholders of any class, or classes, to the exclusion of the others; one director of every corporation of this State shall be an actual resident of this State, and it shall not be necessary for more than one director to be a resident of this State, notwithstanding the provisions of any special charter or other act.

Directors, their selection, powers, duties, terms of office, etc.

SEC. 15. Every corporation organized under this act shall have a president, secretary and treasurer, who shall be chosen either by the directors or stockholders, as the by-laws may direct, and shall hold their offices until others are chosen and qualified in their stead; the president shall be chosen from among the directors; the secretary shall record all the votes of the corporation and directors in a book to be kept for that purpose, and perform such other duties as shall be assigned to him; the treasurer may be required to give bond in such sum, and with such surety, or sureties, as shall be required by the by-laws for the faithful discharge

President and other officers, their selection, duties, requirements, terms of office, etc.

of his duty; any two of the offices may be held by the same person, if the body electing so determine.

Other officers and agents, selection, terms of office, etc.

SEC. 16. The corporation may have such other officers, agents and factors, who shall be chosen in such manner and hold their office for such terms, and upon such conditions as may be prescribed by the by-laws or determined by the board of directors.

Vacancies, how filled.

SEC. 17. Any vacancy occurring among the directors, or in the office of president, secretary or treasurer, by death, resignation, removal or otherwise, shall be filled in the manner provided for in the by-laws; in the absence of such provision such vacancies shall be filled by the board of directors.

First meeting, how called.

SEC. 18. The first meeting of every corporation shall be called by a notice, signed by a majority of the incorporators, designating the time, place and purpose of the meeting, which notice shall be published at least two weeks before the meeting, in some newspaper of the county where the corporation is established; or said first meeting may be called without publication, if two days' notice be personally served on all the incorporators, or if all the incorporators shall in writing waive notice and fix a time and place of meeting, no notice or publication shall be required.

Stock; classes.

SEC. 19. Every corporation shall have power to create two or more kinds of stock of such classes, with such designations, preferences and voting powers or restriction or qualification thereof as shall be stated and expressed in the certificate of in-

Power to increase.

corporation; and the power to increase or decrease the stock, as in this act elsewhere provided, shall apply to all or any of the

Preferred stock proportioned to capital paid in.

classes of stock; but at no time shall the total amount of the preferred stock exceed one-half the actual capital paid in cash

Preferred stock may be redeemable at par.

or property; and such preferred stock may, if desired, be made subject to redemption at not less than par, at a fixed time, and price, to be expressed in the certificate thereof; and the holders

Dividends.

thereof shall be entitled to receive, and the corporation shall be bound to pay thereon, a fixed yearly dividend, to be expressed in the certificate, payable quarterly, half yearly, or yearly, before

Preference in payment of debts.

any dividend shall be set apart or paid on the common stock, and such dividends may be made cumulative; and in case of insolvency, its debts or other liabilities shall be paid in preference

Power to create preferred stock.

to the preferred stock; unless its original certificate of incorporation shall otherwise provide, no corporation shall create preferred stock, except by authority given to the board of directors,

Stock issued for property or labor.

by a vote of at least two-thirds of the stock voted at a meeting of the common stockholders, duly called for that purpose; the terms "general stock" and "common stock" are synonymous;

when any corporation shall issue stock for labor done or personal property or real estate, or leases thereof, in the absence of fraud

in the transaction, the judgment of the directors as to the value of such labor, property, real estate or leases, shall be conclusive.

SEC. 20. Every stockholder shall have a certificate signed by the president and treasurer, or secretary, certifying the number of shares owned by him in such corporation.

Certificates of stock.

SEC. 21. The shares of stock in every corporation shall be personal property, and shall be transferable on the books of the corporation in such manner and under such regulations as the by-laws provide; and whenever any transfer of shares shall be made for collateral security, and not absolutely, it shall be so expressed in the entry of the transfer.

Shares personal property.  
How transferable.

Transfer for collateral security.

SEC. 22. Where the whole capital of a corporation shall not have been paid in, and the capital paid shall be insufficient to satisfy its debts and obligations, each stockholder shall be bound to pay on each share held by him the sum necessary to complete the amount of such share, as fixed by the certificate of incorporation or charter, or such proportion of that sum as shall be required to satisfy such debts and obligations; but no person holding stock in any corporation in this State as executor, administrator, guardian, or trustee, and no person holding such stock as collateral security shall be personally subject to any liability as a stockholder of such corporation; but the person pledging such stock shall be considered as holding the same, and shall be liable as a stockholder accordingly, and the estate and funds in the hands of such executor, administrator, guardian, or trustee, shall be liable in like manner, and to the same extent, as the testator or intestate, or the ward, or the person interested in such fund, would have been, had he been living and competent to act and hold the stock in his own name.

Liability of stockholders for debts when stock not fully paid in.

Executors, administrators, guardians, trustees and holders of stock as security not liable.  
Pledgor liable.

Funds in hands of executor, etc., liable.

SEC. 23. The directors of every corporation may, from time to time, make assessments upon the shares of stock subscribed for, not exceeding, in the whole, the par value thereof remaining unpaid; and the sums so assessed shall be paid to the treasurer at such times and by such installments as the directors shall direct, said directors having given thirty days' notice of the assessment and of the time and place of payment, either personally or by mail, or by publication in a newspaper published in the county where the corporation is established.

Assessments upon shares.

SEC. 24. If the owner of any shares shall neglect to pay any sum assessed thereon for thirty days after the time appointed for payment, the treasurer, when ordered by the board of directors, shall sell, at public auction, such numbers of the shares of the delinquent owner as will pay all assessments then due from him, with interest, and all necessary incidental charges, and shall transfer the shares sold to the purchaser, who shall be entitled to a certificate therefor.

Upon failure to pay assessment, shares to be sold and transferred to purchaser.



Notice of sale.

SEC. 25. The treasurer shall give notice of the time and place appointed for the sale, and of the sum due on each share, by advertising the same three weeks successively, once in each week, before the sale, in some newspaper published in the county where the principal office of the corporation is located, at the court-house door, and by mailing a notice thereof to the last known post-office address of the delinquent stockholder.

Upon payment in full of each installment of capital stock, certificate to be made and filed in office of Secretary of State.

SEC. 26. The president and secretary, or treasurer, upon payment in full of each installment of the capital stock, and of every increase thereof, shall make a certificate, stating the amount of the capital so paid, and whether paid in cash or by the purchase of property, stating also the total amount of capital stock, if any, previously paid and reported, which certificate shall be signed and sworn to by the president and secretary, or treasurer, and they shall, within ten days after such payment, cause the certificate to be filed in the office of the Secretary of State.

Officers failing to make and file certificate liable for all previous debts.

SEC. 27. If any of the said officers shall neglect or refuse to perform the duties required of them in the preceding section for thirty days after written request so to do by a creditor or stockholder of the corporation, they shall be jointly and severally liable for all its debts contracted before the filing of such certificate.

Amended certificate of incorporation before payment on capital stock.

SEC. 28. It shall be lawful for the incorporators of any incorporation, before the payment of any part of its capital, to file with the Secretary of State an amended certificate of incorporation, duly signed by the incorporators named in the original certificate of incorporation, and duly acknowledged or proved, modifying, changing or altering the original certificate of incorporation in whole, or in part, which amended certificate of incorporation shall take the place of the original certificate of incorporation, and when recorded in the proper county shall be deemed to have been filed and recorded on the date of filing and recording the original certificate of incorporation: *Provided*, the officers shall be entitled to the same fees for filing and recording the amended certificate of incorporation as if they were original; but there shall be charged no additional organization tax, except when the certificate of incorporation is amended by increasing the capital stock, in which event, an additional organization tax shall be paid upon such increase.

Proviso as to fees in Secretary's office.

Additional organization tax.

How to change nature of business or name, increase or decrease capital stock, change par value of shares, extend corporate existence, create classes and make amendments or alterations.

SEC. 29. Every corporation organized under this act may change the nature of its business, change its name, increase its capital stock, decrease its capital stock, change the par value of the shares of its capital stock, extend its corporate existence, create one or more classes of preferred stock, and make such other amendment, change or alteration as may be desired, in manner following: The board of directors shall pass a resolution de-



declaring that such change or alteration is advisable, and call a meeting of the stockholders to take action thereon; the meeting shall be held upon such notice as the by-laws provide, and in the absence of such provisions, upon ten days' notice, given personally or by mail, if two-thirds in interest of each class of the stockholders having voting powers shall vote in favor of such amendment, change or alteration, a certificate thereof shall be signed by the president and secretary, under the corporate seal, acknowledged or proved, as in the case of deeds of real estate, and such certificate, together with the written assent, in person or by proxy, of two-thirds in interest of each class of such stockholders, shall be filed in the office of the Secretary of State, and upon such filing they shall be recorded in the county in which the original certificate of incorporation is recorded, and thereupon the certificate of organization shall be deemed to be amended accordingly: *Provided*, that such certificate of amendment, change or alteration, shall contain only such provision as it would be lawful and proper to insert in an original certificate of incorporation made at the time of making such amendment, and the certificate of the Secretary of State, under his official seal, that such certificate and assent have been filed in his office shall be taken and accepted as evidence of such change, or alteration, in all courts and places.

SEC. 30. Any corporation of this State, whether organized under a special act of incorporation, or under general laws, and which might now be created under the provisions of this act, may increase or decrease its capital stock, change its name, the par value of the shares of its capital stock, or the location of its principal office in or out of this State, and fix any method of altering its by-laws, in the manner prescribed in section 29; and any corporation may in the same manner relinquish one or more branches of its business, or extend its business to such branches as might have been inserted in its original certificate of incorporation.

Power to increase or decrease capital stock, change name, par value of shares, location of office, alter by-laws and relinquish or extend branches of business.

SEC. 31. The board of directors of any corporation, organized under the laws of this State, may change the location of the principal office of such corporation within this State to any other place within this State, by resolution adopted at a regular or special meeting of such board, by the votes of at least two-thirds of the members of such board: *Provided*, that no certificate shall be required to be filed of the removal of any office from one point to another in the same town, township or city, of the State. Upon the adoption of a resolution as aforesaid, a copy thereof shall be filed in the office of the Secretary of State, signed by the president and secretary of such corporation, and sealed with its corporate seal.

Change of location of principal office.

Proviso.

Resolution of change, properly attested, to be filed in office of Secretary of State.

Decrease of  
capital stock,  
now effected.

SEC. 32. The decrease of capital stock may be effected by retiring or reducing any class of the stock, or by drawing the necessary number of shares by lot for retirement, or by the surrender by every shareholder of his shares, and the issue to him in lieu thereof of a decreased number of shares, or by the purchase, at not above par of certain shares for retirement, or by retiring shares owned by the corporation, or by reducing the par value of shares; and when any corporation shall decrease the amount of its capital stock as hereinbefore provided, the certificate decreasing the same shall be published for three weeks successively, at least once in each week, in a newspaper published in the county in which the principal office of the corporation is located; the first publication to be made within fifteen days after the filing of such certificate, and in default thereof the directors of the corporation shall be jointly and severally liable for all the debts of the corporation contracted before the filing of the said certificate, and the stockholders shall also be liable for such sums as they may respectively receive of the amount so reduced: *Provided*, no such decrease of capital stock shall release the liability of any stockholder, whose shares have not been fully paid, for debts of the corporation theretofore contracted.

Publication of  
decreasing  
certificate.

Default of  
advertisement.  
Directors liable  
for previously  
contracted debts.

Proviso.

Dividends, when  
declared and  
paid.

SEC. 33. No corporation shall declare and pay dividends, except from the surplus or net profits arising from its business, nor when its debts, whether due or not, shall exceed two-thirds of its assets, nor divide, withdraw or in anyway pay to the stockholders, or any of them, any part of its capital stock, or reduce its capital stock, except according to this act, and in case of any violation of the provisions of this section, the directors under whose administration the same may happen, shall be jointly and severally liable, at any time within six years after paying such dividend, to the corporation and to its creditors, in the event of its dissolution or insolvency, to the full amount of the dividend so paid, or capital stock so divided, withdrawn, paid out or reduced, with interest on the same from the time such liability accrued: *Provided*, that any director who may have been absent when the same was done, or who may have dissented from the act or resolution by which the same was done, may exonerate himself from such liability by causing his dissent to be entered at large on the minutes of the directors, at the time the same was done, or forthwith after he shall have notice of the same.

Liability of  
directors on  
paying dividends  
or changing  
capital stock  
contrary to  
provisions of this  
act.

Proviso as to  
absent or  
dissenting  
directors.

Dissolution of  
corporations.

SEC. 34. Whenever, in the judgment of the board of directors, it shall be deemed advisable and most for the benefit of such corporation that it should be dissolved, the board, within ten days after the adoption of a resolution to that effect by a majority of the whole board, at any meeting called for that purpose, of which meeting every director shall have received at least three

days' notice, shall cause notice of adoption of such resolution to be mailed to each stockholder residing in the United States, to his last known post-office address, and also, beginning within said ten days, cause a like notice to be published in a newspaper published in the county wherein the corporation shall have its principal office, at least four weeks successively, once a week, next preceding the time appointed for the same, of a meeting of the stockholders to be held at the office of the corporation, to take action upon the resolutions so adopted by the board of directors, and which meeting may, on the day so appointed, by consent of a majority in interest of the stockholders present, be adjourned from time to time for not less than eight days, at [of] the time of which adjourned meeting notice by advertisement in said newspaper shall be given; and if at any such meeting two-thirds in interest of all the stockholders shall consent that a dissolution shall take place, and signify their consent in writing, such consent, together with the list of the names and residences of the directors and officers, certified by the president and the secretary or treasurer, shall be filed in the office of the Secretary of State, who, upon being satisfied by due proof that the requirements aforesaid have been complied with, shall issue a certificate that such consent has been filed, and the board of directors shall cause such certificate to be recorded in the office of the Clerk of the Superior Court of the county in which the principal office of the corporation is located, and published four weeks successively, at least once a week, in a newspaper published in said county; and upon filing in the office of the Secretary of State of an affidavit of the manager or publisher of such newspaper that said certificate has been so published, the corporation shall be dissolved, and the board shall proceed to settle up and adjust its business and affairs.

Whenever all the stockholders shall consent in writing to a dissolution, no meeting or notice thereof shall be necessary, but on filing said consent in the office of the Secretary of State he shall forthwith issue a certificate of dissolution, which shall be published as above provided, and recorded in the office of the Clerk of the Superior Court of the county in which the principal office of the corporation is located.

SEC. 35. The incorporators named in any certificate of incorporation, before the payment of any part of the capital, and before beginning the business for which the corporation was created, may surrender all their corporate rights and franchises, by filing in the office of the Secretary of State a certificate verified by oath, that no part of the capital has been paid and such business has not been begun, and surrendering all rights and franchises, and thereupon the said corporation shall be dissolved.

How corporations  
may surrender  
corporate rights.

Upon death of any corporator prior to incorporation, survivors may designate successor and organize.

Extension of corporate existence.

Effect on franchises, privileges, immunities or advantages which could not be obtained under this act.

Corporations to keep transfer and stock books.

Books only evidence as to who entitled to examine them and vote.

Directors to produce and keep them during elections.

Directors, how elected.

Majority of stock must be present.

SEC. 36. When on or more of the incorporators of any corporation, created by or under any general or special act, shall have died before the corporation shall have been organized pursuant to law, the survivors or survivor may, in writing, designate other persons who may take the place and act instead of those deceased, in the organization; and the organization so effected by their aid shall be as effectual in law as if it had been effected by all the original incorporators.

SEC. 37. Any corporation, created by special charter, or under the general law, for any objects which are allowed by this act, may extend its corporate existence in the manner prescribed in the twenty-ninth section of this act: *Provided*, that if such corporation possesses franchises, powers, privileges, immunities or advantages which could not be obtained under this act, such extension shall not continue, renew or extend such franchises, powers, privileges, immunities or advantages, but the filing of the certificate of extension shall operate as a waiver and abandonment of such franchises, powers, privileges, and advantages.

### 3. ELECTIONS—STOCKHOLDERS' MEETINGS.

SEC. 38. Every corporation shall keep at its principal and registered office in this State the transfer books, in which the transfer of stock shall be registered, and the stock books, which shall contain the names and addresses of the stockholders, the number of shares held by them respectively, which shall at all times during the usual hours for business be open to the examination of every stockholder; and the books aforesaid shall be the only evidence as to who are the stockholders entitled to examine such books or list, and to vote at elections; and the board of directors shall produce at the time and place of such election such books or list, there to remain during the election, and the neglect or refusal of said directors to produce the same shall render them ineligible to any office at such election.

SEC. 39. All elections for directors shall be by ballot, unless otherwise expressly provided in the charter or certificate of incorporation or by-laws; the poll shall remain open one hour, unless all the stockholders are present in person or by proxy and have sooner voted, or unless all the stockholders waive this provision in writing; the persons receiving the greatest number of votes shall be the directors: *Provided, however*, that a majority of all the stock issued and outstanding shall be present in person or by proxy.

SEC. 40. The certificate of incorporation, original or amended, of any corporation now or hereafter organized under the law of this State, and thereunder issuing or authorized to issue shares of its capital stock, may provide that at all elections of

directors, managers or trustees, each stockholder shall be entitled to as many votes as shall equal the number of his shares of stock multiplied by the number of directors, managers or trustees to be elected, and that he may cast all of such votes for a single director, manager or trustee, or may distribute them among the number to be voted for, or any two or more of them, as he may see fit, which right, when exercised, shall be termed cumulative voting.

How many votes stockholders entitled to.

How cast.

This act shall not be construed as affecting in anywise the determination of whether or not the right of cumulative voting has been heretofore granted by implication, or the right of cumulative voting, if any, granted specifically by special charter, or certificate of incorporation.

SEC. 41. Unless otherwise provided in the charter, certificate of incorporation or by-laws of the corporation, at every election each stockholder, whether resident or non-resident, shall be entitled to one vote in person or by proxy, duly authorized in writing, for each share of the capital stock held by him, but no proxy shall be voted on after three years from its date; nor shall any share of stock be voted on at any election which has been transferred on the books of the corporation within twenty days next preceding such election.

Unless otherwise provided in certificate, stockholder has one vote for each share.

When proxy out of date.

Provision as to transferred stock.

SEC. 42. Every person holding stock as executor, administrator, guardian or trustee, or in any other representative or fiduciary capacity, may represent the same at all meetings of the corporation, and may vote thereon as a stockholder, and every person who shall pledge his stock as collateral security may, nevertheless, represent the same at all such meetings, and may vote thereon as a stockholder, unless in the transfer to the pledgee on the books of the corporation he shall have expressly empowered the pledgee to vote thereon, in which case only the pledgee or his proxy may represent said stock and vote thereon.

Persons holding stock in representative capacity may represent the same in meetings.

Pledgor may represent pledged stock.

Exception.

SEC. 43. Shares of stock of a corporation belonging to said corporation shall not be voted upon directly or indirectly.

Shares of stock belonging to corporation not to be voted upon.

SEC. 44. No person shall be elected as director of any corporation issuing stock unless he shall be, at the time of his election, a *bona fide* holder of some of the stock thereof; and any director ceasing to be a *bona fide* holder of some of the stock thereof, shall cease to be a director; any corporation may, by its certificate of incorporation or by-laws, determine how many shares a person shall hold to qualify him to be a director.

Qualifications of directors.

SEC. 45. In case the right to vote upon any share of stock shall be questioned, the stock books of the corporation shall be referred to, to ascertain who are the stockholders, and in case of a discrepancy between the books, the transfer book shall control and determine who are entitled to vote.

What determines right to vote when questioned.



Effect of and procedure on failure to elect directors at regular time.

Failure or refusal of directors to call meeting for election within 30 days after petition from owners of one-tenth of stock; procedure.

Procedure in event any person aggrieved by or complain of any election, or matter pertaining thereto.

Statement to be filed in office of Secretary of State within 30 days after each election of directors.

What to contain.

Secretary of State to furnish blanks. Keep statement in his office.

Issue certificate thereof to corporation.

Prepare index thereof.

SEC. 46. If the election for directors of a corporation shall not be held on the day designated by the act or certificate of incorporation or by-laws, the directors shall cause the election to be held as soon thereafter as conveniently may be; no failure to elect directors at the designated time shall work any forfeiture or dissolution of the corporation; and if the directors shall fail or refuse for thirty days after receiving a written request for such election from those owning one-tenth of the outstanding shares of stock, to call a meeting for such election, then the judge of the district, or the judge presiding in the courts of the district, in which the principal office of the corporation is located, may, upon the application of any stockholder, and on notice to the directors, order an election or make such other order as justice may require; the proceedings governing the issuance and hearing of injunctions shall, as far as is applicable, govern such hearing.

SEC. 47. The Superior Court, upon application of any person who may be aggrieved by, or complain of any election, or any proceeding, act or matter in or touching the same, ten days' notice having been given to the adverse party, or to those who are to be affected thereby, of such intended application, shall proceed forthwith, at chambers, in any county in the district in which the principal office of the corporation is situated, hear the affidavits, proofs and allegations of the parties, or otherwise inquire into the matter or causes of complaint, and thereupon establish the election so complained of, or order a new election, or make such order, and give such relief in the premises as right and justice may require.

SEC. 48. Every corporation, authorized to transact business in this State, shall file in the office of the Secretary of State, annually, within thirty days after every election of directors, a statement authenticated by the signatures of the president and secretary, containing the names of all of the directors, and officers, with the date of the election or appointment, term of office, residence, and post-office address of each, the character of its business, and location, giving the street and number, if any, of its principal office in the State, and the name of the agent in charge of said office, upon whom process against the corporation may be served; but this shall not prevent service of process on other agents authorized by law; and for this purpose the Secretary of State shall furnish blanks in proper form and safely keep in his office all such statements, and issue to the corporations filing the same, his certificate thereof, and also prepare an alphabetical index thereof, which statements and index shall be submitted to the inspection of persons interested, at all proper hours; and every corporation failing to comply with the



provisions of this section, shall forfeit to the State one hundred dollars, to be recovered, with costs, in an action to be prosecuted by the Attorney-General, who may prosecute such actions whenever it shall appear that this section has been violated; this section shall not apply to any corporation which is required to file a similar statement in the office of the Commissioner of Insurance, or the Corporation Commission.

SEC. 49. The meetings of the stockholders of every corporation of this State shall be held at the principal office in this State; the directors may hold their meetings, and have an office, and keep the books of the corporation (except the stock and transfer books) outside of the State; every corporation shall maintain a principal office in this State, and have an agent in charge thereof, wherein shall be kept the stock and transfer books for the inspection of all who are authorized to see the same, and for the transfer of stock; the Superior Court may, upon proper cause shown, order any or all of the books of said corporation to be forthwith brought within this State, and kept therein at such place and for such time as may be designated in such order, and the charter of any corporation failing to comply with such order may be declared forfeited by the court making such order. And it shall thereupon cease to be a corporation, and all its directors and officers shall be liable to be punished for contempt of court for disobedience of such order.

SEC. 50. The name of every corporation shall be at all times conspicuously displayed at the entrance of its principal office in this State, and in default thereof for sixty (60) days the corporation shall be liable to a penalty of one hundred dollars, to be recovered with costs, by the State, before any court of competent jurisdiction, in an action to be prosecuted by or under the direction of the Attorney-General.

SEC. 51. Whenever, for any reason, a legal meeting of the stockholders of any corporation can not be otherwise called, three or more stockholders, having voting powers, may call such meeting by publishing ten days' notice of the time, place and purposes of the meeting, in a newspaper published in the county in which the principal office in this State is located, and mailing such notice to all stockholders whose post-office address is known, or can be ascertained. A meeting called as aforesaid, shall be a legal meeting of the corporation, and if there be no officers present, the stockholders may elect officers for the meeting; and the secretary of the meeting shall record the proceedings thereof in the book of minutes of the corporation.

Corporations failing to comply with this section to forfeit \$100.00.

Not to apply to corporations required to file similar statements elsewhere.

Place of stockholders' meetings.

Directors' meetings and office.

Principal office in this State where shall be kept stock and transfer books.

Superior Court may order books brought and kept in this State.

Failure to comply may forfeit charter.

Directors and officers liable for contempt.

Name of corporation must be displayed at entrance of principal office.

Default for 60 days, penalty.

Method of calling meeting by three or more voting stockholders.

If no officers present, stockholders may elect.

## 4. DIVIDENDS—PAYMENT OF CAPITAL STOCK.

Dividend, when declared,

SEC. 52. The directors of every corporation created under this act shall, in January in each year, unless some specific day or days for that purpose be fixed in its charter, certificate of incorporation or by-laws, and in that case then on the days so fixed, after reserving, over and above its capital stock paid in, as a working capital for said corporation, such sum, if any, as shall have been fixed by the stockholders, declare a dividend among its stockholders of the whole of its accumulated profits exceeding the amount so reserved, and pay the same to such stockholders on demand: *Provided*, that the corporation may, in its certificate of incorporation, or in its by-laws, give the directors power to fix the amount to be reserved as a working capital: *Provided*, no such company shall declare any dividend, when its debts, whether due or not, shall exceed two-thirds of its assets.

Amount,

Proviso,

No dividend when debts exceed two-thirds of assets,

Capital stock, in what paid,

SEC. 53. Nothing but money shall be considered as payment of any part of the capital stock of any corporation organized under this act, except as hereinafter provided in case of the purchase of property, and no loan of money shall be made to a stockholder or officer thereof; and if any such loan be made, the officers who make it, or assent thereto, shall be jointly and severally liable, to the extent of such loan, and interest, for all the debts of the corporation until the repayment of the sum so loaned.

No loan to stockholder,

Liability of officers making such loan,

Power to purchase property and pay for it in stock,

Such stock full paid,

SEC. 54. Any corporation formed under this act may purchase mines, manufactories or other property necessary for its business, and issue stock to the amount of the value thereof in payment therefor, and the stock so issued shall be full-paid stock, and not liable to any further call, neither shall the holder thereof be liable for any further payment under any of the provisions of this act; and in the absence of actual fraud the judgment of the directors as to the value of the property shall be conclusive; and in all statements and reports of the corporation to be published or filed, this stock shall not be stated or reported as being issued for cash paid to the corporation, but shall be reported in this respect according to the facts.

How such stock reported,

Powers of corporations formed to build railroads or other works of internal improvements or public use or utility as to stocks, bonds, etc.,

SEC. 55. Corporations having for their object, the building, constructing or repairing of railroads, water, gas or electric works, tunnels, bridges, viaducts, canals, hotels, wharves, piers, or any like works of internal improvement or public use, or utility, may subscribe for, take, pay for, hold, use and dispose of stock or bonds in any corporation formed for the purpose of constructing, maintaining and operating any such public works; and the directors of any such corporation formed for the purpose of constructing, maintaining and operating any public work of the

description aforesaid may accept in payment of any such subscription, or purchase, real or personal property, necessary for the purposes of such corporation, or work, labor and services performed, or materials furnished to, or for, such corporation to the amount of the value thereof, and from time to time issue upon any such subscription or purchase, in such installments or proportions as such directors may agree upon, full paid stock, in full or partial performance of the whole, or any part of such subscription or purchase, and the stock so issued shall be full paid stock, and not liable to any further call, neither shall the holder thereof be liable for any further payments. And in all statements and reports of the corporation to be published or filed, this stock shall not be stated, or reported, as being issued for cash paid to the corporation, but shall be reported and published in this respect according to the fact.

May receive in payment for stock necessary property, work, labor, services or materials.

Such stock full paid.

Statements and reports of such stock to be according to facts.

SEC. 56. If any certificate made, or any public notice given by the officers of any corporation, in pursuance of the provisions of this act, shall be false in any material representation, all the officers who shall have signed the same, knowing it to be false, shall be jointly and severally liable for all the debts of the corporation contracted while they were stockholders or officers thereof, as a penalty enforceable in the courts of this State only.

Liability of officers making false certificates or giving false notices.

SEC. 57. Each private corporation now doing business in the State of North Carolina, railroads, banking, insurance, and telegraph companies excepted, shall, on or before the first day of July, nineteen hundred and one, 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 character of the business which it transacts, the place of its principal office, and the names, and the post-office address of its officers and directors: *Provided*, that in cases where there is now on file in the office of the Secretary of State copies of such articles of agreement or charters, the same need not be filed again, but this act shall be in other respects complied with. And every corporation failing to comply with the provisions of this section shall forfeit to the State two 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.

Private corporations (railroads, banking, insurance, and telegraph companies excepted), to file copy of charter and statement in office of Secretary of State.

Proviso.

Failure to comply with provisions of this act, penalty.

## 5. WINDING UP.

SEC. 58. All corporations, whose charters shall expire by their own limitation, or shall be annulled by forfeiture or otherwise,

Corporations to be continued three years, after time for dissolution.  
Purpose

shall nevertheless be continued bodies corporate for the term of three years after the time when they would have been so dissolved, for the purpose of prosecuting and defending actions by or against them, and of enabling them gradually to settle and close their concerns, to dispose of and convey their property, and to divide their capital stock; but not for the purpose of continuing the business for which such corporation may have been established.

Upon dissolution, directors become trustees.

Powers and duties.

SEC. 59. Upon the dissolution in any manner of any corporation, unless otherwise directed by an order of the court, the directors shall be trustees thereof, with full power to settle the affairs, collect the outstanding debts, sell and convey the property and divide the moneys and other property among the stockholders, after paying its debts, as far as such moneys and property shall enable them; they shall have power to meet, and act under the by-laws of the corporation, and, under regulations to be made by a majority of said trustees, to prescribe the terms and conditions of the sale of such property, and may sell all, or any part for cash, or partly on credit, or take mortgages or bonds for part of the purchase price for all or any part of said property.

Powers and responsibilities of trustees.

SEC. 60. The directors, constituted trustees as aforesaid, shall have power to sue for and recover the aforesaid debts and property, in the name of the corporation, and shall be suable by the same name for the debts owing by such corporation, and shall be jointly and severally responsible for such debts, only to the amount of moneys and property of the corporation which shall come to their hands or possession as such trustees.

Upon dissolution of corporation, superior court may continue directors trustees, or appoint receivers.

Powers and duties of such.

SEC. 61. Whenever any corporation shall be dissolved in any manner whatsoever, the Superior Court, on application of any creditor, or stockholder, at any time, may either continue the directors trustees as aforesaid, or appoint one or more persons to be receivers of such corporation, to take charge of the estate and effects thereof, and to collect the debts and property due and belonging to the corporation, with power to prosecute and defend, in the name of the corporation, or otherwise, all suits necessary or proper for the purposes aforesaid, and to appoint an agent or agents under them, and to do all other acts which might be done by such corporation, if in being, that may be necessary for the final settlement of its unfinished business; and the powers of such trustees or receivers may be continued as long as the court shall think necessary for such purposes.

How long powers continue.

Judge of superior court to have jurisdiction of such proceedings.

SEC. 62. The Judge of the Superior Court shall have jurisdiction of such application and of all questions arising in the proceedings thereon, and make such orders, injunctions, and decrees therein as justice and equity shall require at any place in the district.

SEC. 63. The said trustees or receivers shall pay ratably, as far as its moneys and property shall enable them, all the creditors of the corporation who prove their debts in the manner directed by the Court; and if any balance remains after the payment of such debts, and necessary expenses, the same shall be distributed among the stockholders.

Payment of  
creditors of  
dissolved  
corporation.

Distribution of  
balance, if any.

SEC. 64. Any action now pending, or to be hereafter begun, against any corporation which may become dissolved before final judgment, shall not abate by reason thereof, but no judgment shall be entered therein, except upon notice to the trustees or receivers of the corporation.

Action begun  
before dissolution  
does not abate  
thereby.

Notice to trustees  
or receivers  
before judgment.

SEC. 65. A copy of every decree or judgment dissolving a corporation, or forfeiting its charter, shall be forthwith filed by the Clerk of the Court, in the office of the Secretary of State, and a note thereof shall be made by the Secretary of State, on the charter or certificate of incorporation, and in the index thereof, and be published by him in the annual report hereinafter provided for, the cost of which shall be taxed by the Clerk of the Superior Court, in the action wherein the corporation is dissolved.

Copies of decrees  
or judgments of  
dissolution or  
forfeiture to be  
filed with  
Secretary of State.

Note thereof to be  
made on charter,  
and published.

Cost, how paid.

## 6. EXECUTION AGAINST CORPORATIONS.

SEC. 66. If any judgment or decree shall be rendered against a corporation, the plaintiff may sue out such executions against the property of a corporation as is provided by law to be issued against the property of natural persons, which executions may be levied as well on the current money as on the goods, chattels, lands and tenements of such corporation.

Executions,  
how issued.

On what levied.

SEC. 67. Every agent or person having charge or control of any property of a corporation, on request of any public officer, having for service a writ of execution against it, shall furnish to him the names of the directors and officers thereof, and a schedule of all its property, including debts due or to become due to it, so far as he may have knowledge of the same.

Agent of  
corporation to  
furnish officer  
having execution  
names of  
directors, officers,  
and schedule of  
property and  
debts.

SEC. 68. If any officer holding an execution shall be unable to find other property belonging to the corporation liable to execution, he or the judgment creditor may elect to satisfy such execution in whole or in part, out of any debts due to the corporation; and it shall be the duty of any agent or person having custody of any evidence of such debt, to deliver the same to the officer, for the use of the creditor, and such delivery, with a transfer to the officer in writing, for the use of the creditor, and notice to the debtor shall be a valid assignment thereof; and such creditor may sue for and collect the same in the name of the corporation, subject to such equitable set-offs on the part of the debtor as in other assignments; and every agent or person

Execution, how  
collected out of  
debts due  
corporation.



Liability of agent failing to comply with provisions of this and last section, who shall neglect or refuse to comply with the provisions of this and the last preceding section, shall be himself liable to pay to the execution creditor the amount due on said execution, with costs.

Shares in banks, insurance companies, and joint stock companies belonging to defendant in execution may be sold under execution. SEC. 69. Any share or interest in any bank, insurance company, or other joint stock company, that is or may be incorporated under the authority of this State, or incorporated or established under the authority of the United States, belonging to the defendant in execution, may be taken and sold by virtue of such execution, in the same manner as goods and chattels.

Officer of such company having the books shall give to officer a certificate of the interest of defendant in such company. SEC. 70. The clerk, cashier, or other officer of such company, who has at the time the custody of the books of the company, shall, upon exhibiting to him the writ of execution, give to the officer having such writ a certificate of the number of shares or amount of the interest held by the defendant in such company; and if he shall neglect or refuse so to do, or if he shall wilfully give a false certificate thereof, he shall be liable to the plaintiff for double the amount of all damages occasioned by such neglect, or false certificate, to be recovered in an action against him.

Penalty for neglect, refusal or giving false certificate. SEC. 71. When the clerk, cashier, or other officer of any joint stock company that is, or hereafter may be, incorporated under the authority of this State, who has the custody of the books of registry of the stock thereof, shall be non-resident in this State, it shall be the duty of the sheriff or other officer receiving a writ of execution issued out of any court of this State against the goods and chattels of a defendant in execution holding stock in such company, to send by mail a notice in writing, directed to such non-resident clerk, cashier, or other officer, at the post-office nearest his reputed place of residence, stating in such notice that he, the said sheriff, or other officer, holds such writ of execution, and out of what court, at whose suit, for what amount, and against whose goods and chattels such writ has been issued, and that by virtue of such writ he, the sheriff, or other officer, seizes and levies upon all the shares of stock of such company held by the defendant in execution on the day of the date of such written notice; and it shall also be the duty of such sheriff, or other officer, on the day of mailing such notice, as aforesaid, to affix and set up upon any office or place of business of such company, within his county, a like notice in writing, and on the same day to serve like notice in writing upon the president and directors of said company, or upon such of them as reside in his county, either personally or by leaving the same at their respective places of abode; and the sending, setting up and serving of such notices in the manner aforesaid, shall constitute such levy taken to be a valid levy of such writ upon all shares of stock in such company held by the defendant in execution, which have

Where custodian of corporation books a non-resident, the officer receiving writ of execution shall notify him.

What notice to contain.

Other notices, where posted, upon whom served and what to contain.

Notices constitute levy.



not at the time of the receipt of such notice by said clerk, cashier, or other officer, who has custody of the books of registry of the stocks thereof, been actually transferred by the defendant; and thereafter any transfer or sale of such shares by the defendant in execution shall be void as against the plaintiff in said execution, or any purchaser of such stock at any sale thereunder.

Subsequent sale or transfer of shares void.

SEC. 72. That the non-resident clerk, cashier, or other officer in such company, to whom notice in writing is sent, as prescribed in the preceding section, shall thereupon send forthwith, by mail or otherwise, to the officer having such writ, a statement of the time when he received such notice and a certificate of the number of shares held by the defendant in such company at the time of the receipt by him of such notice, not actually transferred on the books of said company; and the said sheriff, or other officer, shall, on receipt by him of such certificate, insert the number of such shares in the inventory attached to said writ; and if such clerk, cashier, or other officer in such company, neglect to send such certificate as aforesaid, or if he shall wilfully send a false certificate, he shall be liable to the plaintiff for double the amount of all damages occasioned by such neglect, or false certificate, to be recovered in an action against him; but the neglect to send, or miscarriage of such certificate, shall not impair the validity of the levy upon the stock.

Duty of non-resident custodian to send statement and certificate to officer.

What to contain.

Officer to insert defendants shares in inventory.

Liability of custodian of books for neglecting to send or sending false certificate.

Validity of levy not impaired.

## 7. INSOLVENCY.

SEC. 73. Whenever any corporation shall become insolvent, or shall suspend its ordinary business for want of funds to carry on the same, or be in imminent danger of insolvency, or has forfeited its corporate rights, or its corporate existence shall have expired by limitation, a receiver or receivers may be appointed by the Court under the same regulations as are provided by law for the appointment of receivers in other cases.

Appointment of receiver for insolvent, forfeited or expired corporations.

SEC. 74. Such receiver, so appointed, shall have full power and authority to demand, sue for, collect, receive and take into their possession all the goods and chattels, rights and credits, moneys and effects, lands and tenements, books, papers, choses in action, bills, notes, and property of every description of the corporation, foreclose mortgages, deeds of trust and other liens executed to the corporation, and to institute suits for the recovery of any estate, property, damages or demands existing in favor of the corporation, and the receiver or receivers shall have power to sell, convey and assign all the said estate, rights and interest, and shall hold and dispose of the proceeds thereof under the direction of the Court; the word receiver as used in this act shall be construed to include receivers and trustees appointed, as

Powers of receiver.

Word "receiver" construed.

Receiver's bond. provided in this act. Every receiver shall, before acting, enter into such bond and comply with such terms as the Court may prescribe.

All property, etc., of insolvent corporation to vest in receiver upon appointment. SEC. 75. All the real and personal property of an insolvent corporation, wheresoever situated, and all its franchises, rights, privileges and effects shall, upon the appointment of a receiver, forthwith vest in him, and the corporation shall be divested of the title thereto.

Where corporation proves solvent court may discharge receiver and turn over property to corporation. SEC. 76. Whenever a receiver shall have been appointed, as aforesaid, and it shall afterwards appear that the debts of the corporation have been paid, or provided for, and that there remains, or can be obtained by further contributions, sufficient capital to enable it to resume its business, the Court may, in its discretion, a proper case being shown, discharge the receiver, and decree that its property, rights, franchises and effects shall revert to the corporation, and thereafter the corporation may resume control of, and enjoy the same, as fully as if the receiver had never been appointed.

Reorganization after receiver discharged. SEC. 77. Whenever a majority in interest of the stockholders of such corporation shall have agreed upon a plan for the reorganization of the corporation and a resumption by it of the management and control of its property and business, such corporation may, with the consent of the Court, upon the reconveyance to it of its property and franchises, either by deed or decree of the Court, mortgage the same for such amount as may be necessary for the purposes of such reorganization; and may issue bonds or other evidences of indebtedness, or additional stock, or both, and use the same for the full or partial payment of the creditors who will accept the same, or otherwise dispose of the same for the purposes of the reorganization.

Power of receiver to send for books and papers and examine persons as to property and affairs of corporation. SEC. 78. Such receiver shall have power to send for persons and papers, and to examine any persons, including the creditors and claimants, and the president, directors, and other officers and agents of the corporation, on oath or affirmation (which oath or affirmation the receiver may administer), respecting its affairs and transactions and its estate, money, goods, chattels, credits, notes, bills, and choses in action, real and personal estate and effects of every kind; and also respecting its debts, obligations, contracts and liabilities, and the claims against it; and if any person shall refuse to be sworn or affirmed, or to make answers to such questions as may be put to him, or refuse to declare the whole truth touching the subject-matter of the said examination, the Court may, on report of the receiver, commit such person to prison, there to remain until he shall submit himself to be examined and pay all the costs of the proceedings against him.

SEC. 79. Every matter and thing by this act required to be

done by receivers or trustees shall be good and effectual, to all intents and purposes, if performed by a majority of them; and the Court may remove any receiver or trustee and appoint another or others in his place, or fill any vacancy which may occur.

Acts of majority of receivers or trustees valid.

Court may remove and appoint others.

SEC. 80. Such receiver, within thirty days after his appointment, shall lay before the Court a full and complete inventory of all the estate, property and effects of the corporation, its nature and probable value, and an account of all debts due from and to it, as nearly as the same can be ascertained, and make a report to the Superior Court of his proceedings, at every civil term thereof during the continuance of the trust.

Receiver to lay before the court inventory.

SEC. 81. The Court may limit the time within which creditors shall present and make proof to such receiver of their respective claims against the corporation, and may bar all creditors and claimants failing so to do within the time limited, from participating in the distribution of the assets of the corporation; the Court may also prescribe what notice, by publication or otherwise, shall be given to creditors of such limitation of time.

Time limit for creditors to present claims.

SEC. 82. Every claim against an insolvent corporation shall be presented to the receiver in writing; and the claimant, if required, shall submit himself to such examination in relation to the claim as the receiver shall direct, and shall produce such books and papers relating to the claim as shall be required; and the receiver shall have power to examine, under oath or affirmation, all witnesses produced before him touching the claims, and shall pass upon and allow or disallow the claims or any part thereof, and notify the claimants of his determination.

Presentation of claims to receiver.

Procedure.

SEC. 83. It shall be the duty of such receiver to report to the term of the Superior Court subsequent to any finding by him as to any claim against the corporation, and exceptions thereto may be filed by any person, interested, within ten days after notice of such finding by the receiver, and not later than within the first three days of the said term; and if, on any exception so filed, a jury trial shall be demanded it shall be the duty of the Court to prepare a proper issue and submit the same to a jury; and if such demand is not made within the first three days of the term of Court to which the report is made the right to a jury trial shall be deemed to have been waived.

Receiver to report claims to court.

Ten days to file exceptions.

Issue on exceptions to be submitted to jury.

Right to jury trial, when waived.

SEC. 84. Such receiver shall, upon application by him, be substituted as party-plaintiff or complainant in the place and stead of the corporation, in any suit or proceeding which was pending at the time of his appointment.

Receiver may become plaintiff in pending action.

SEC. 85. No action against a receiver of a corporation shall abate by reason of his death, but, upon suggestion of the facts on the record, shall be continued against his successor, or against the corporation in case no new receiver be appointed.

Action against receiver not to abate by his death.

Continued against his successor.

Mortgaged corporation property may be sold by receiver, when.

SEC. 86. When the property of an insolvent corporation is at the time of the appointment of a receiver incumbered with mortgages or other liens, the legality of which is brought in question and the property is of a character materially to deteriorate in value pending the litigation, the Court may order the receiver to sell the same, clear of incumbrances, at public or private sale, for the best price that can be obtained, and pay the money into the Court, there to remain subject to the same liens and equities of all parties in interest as was the property before sale, to be disposed of as the Court shall direct.

Laborers and workmen have prior lien against assets of insolvent corporation.

SEC. 87. In case of the insolvency of any corporation the laborers and workmen and all persons doing labor or service of whatever character in the regular employment of such corporation, shall have a first and prior lien upon the assets thereof for the amount of wages due to them respectively for all labor, work, and services done, performed or rendered within two months next preceding the date when proceedings in insolvency shall be actually instituted and begun against such insolvent corporation, which lien shall be prior to all other liens that can or may be acquired upon or against such assets.

Compensation of receiver.

SEC. 88. Before distribution of the assets of an insolvent corporation among the creditors or stockholders, the Court shall allow a reasonable compensation to the receiver for his services, not to exceed five (5) per cent upon receipts and disbursements, and the costs and expenses of administration of his trust, and the costs of the proceedings in said Court to be first paid [out] of said assets.

Distribution of funds.

SEC. 89. After payment of all allowances, expenses and costs, and the satisfaction of all special and general liens upon the funds of the corporation to the extent of their lawful priority, the creditors shall be paid proportionally to the amount of their respective debts, and the creditors shall be entitled to distribution on debts not due, making in such case a rebate of interest, when interest is not accruing on the same, and the surplus funds, if any, after payment of the creditors and the costs, expenses, and allowances aforesaid, and the preferred stockholders, shall be divided and paid to the general stockholders proportionately, according to their respective shares.

#### S. REMEDIES AGAINST OFFICERS AND STOCKHOLDERS.

Action against officers and directors for liability.

SEC. 90. When the officers, directors or stockholders of any corporation shall be liable to pay the debts of the corporation, or any part thereof, any person to whom they are liable may have an action against any one or more of them.

SEC. 91. Any officer, director or stockholder who shall pay any

debt of a corporation for which he is made liable by the provisions of this act, may recover the amount so paid, in an action against the corporation for money paid for its use, in which action only the property of the corporation shall be liable to be taken, and not the property of any stockholder.

Officer, director or stockholder who shall pay corporation debt may recover the amount from corporation.

SEC. 92. No sale or other satisfaction shall be had of the property of any director or stockholder for any debt of the corporation of which he is such director or stockholder till judgment be obtained therefor against such corporation and execution thereon returned unsatisfied, or it shall be made to appear to the Court that the corporation has no property available for the satisfaction of said indebtedness.

Corporation property to be exhausted before director's or stockholder's property liable.

### 9. FOREIGN CORPORATIONS.

SEC. 93. Any corporation created by any other State, or by any foreign State, kingdom or government may acquire by devise or otherwise and hold, mortgage, lease and convey real estate in this State for the purpose of prosecuting its business, or objects, or such real estate as it may acquire by way of mortgage or otherwise in the payment of debts due such corporation: *Provided*, such foreign State, kingdom or government, under whose laws such corporations were created, shall not be at the time of such purchase, at war with the United States.

Powers of foreign corporations to do business in this State.

Proviso.

### 10. LOST CERTIFICATES OF STOCK.

SEC. 94. Every corporation may issue a new certificate of stock in the place of any certificate theretofore issued by it, alleged to have been lost or destroyed, and the directors authorizing such issue of a new certificate may, in their discretion, require the owner of the lost or destroyed certificate, or his legal representatives, to give the corporation a bond, in such sum as they may direct, as [an] indemnity against any claim that may be made against such corporation; a new certificate may be issued without requiring any bond when, in the judgment of the directors, it is proper so to do.

Issuing new certificates in lieu of lost or destroyed ones.

SEC. 95. Whenever any corporation shall have refused to issue a new certificate of stock in place of one theretofore issued by it, or by any corporation of which it is a successor, alleged to have been lost or destroyed, the owner of the lost or destroyed certificate or his legal representatives, may maintain a civil action in the Superior Court of the county in which the principal office of the corporation is located to compel such corporation to issue a duplicate certificate of stock in the place of the certificate alleged to have been lost or destroyed; and if the issues of fact arising upon the pleadings shall be found in favor of the plaintiff, the

Proceedings to compel issuance of duplicate certificate in place of lost or destroyed one.



Court shall make an order requiring the corporation or other party, within such time as it shall designate, to issue and deliver to the plaintiff a new certificate for the number of shares of the capital stock of the corporation which shall have been found to be owned by the plaintiff; in making the order the Court shall direct that the plaintiff deposit such security as to the Court shall appear sufficient to indemnify any person other than the plaintiff, who shall thereafter appear to be the lawful owner of such certificate stated to be lost or destroyed; and the Court may also direct publication of such notice, either preceding or succeeding the making of such final order, as it shall deem proper. Any person who shall thereafter claim any rights under the certificate so lost or destroyed shall have recourse to said indemnity, and the corporation shall be discharged from all liability to such person by reason of compliance with the order.

## 11. TAXES AND FEES.

Fees to be paid  
State Treasurer  
on filing with Sec-  
retary of State.

For certificate of  
incorporation.

Increase of  
capital stock.

Extension or re-  
newal of corporate  
existence.

Dissolution,  
change of name,  
etc., etc.

Corporations for  
which no taxes  
required.

Other fees.

Taxes on and  
provisions for  
corporations  
chartered by Gen-  
eral Assembly.

SEC. 96. On filing any certificate or other paper, relative to corporations, in the office of the Secretary of State, the following taxes shall be paid to the State Treasurer, for the use of the State: For certificates of incorporation twenty cents for each thousand dollars of the total amount of capital stock authorized, but in no case less than twenty-five dollars; increase of capital stock, twenty cents for each thousand dollars of the total increase authorized, but in no case less than twenty dollars; extension or renewal of corporate existence of any corporation, the same as required for the original certificate of organization by this act; dissolution of corporation, change of name, change of nature of business, amended certificate of incorporation (other than those authorizing increase of capital stock), decrease of capital stock, increase or decrease of par value of, or number of, shares, twenty dollars; for filing list of officers and directors, one dollar: *Provided*, that no taxes shall be required to be paid by any benevolent, religious, educational, or charitable society or association having no capital stock; and, in addition, the Secretary of State shall collect and retain the fees now fixed by section 4, chapter 318, Public Laws 1893, and the Clerks of the Superior Court shall be paid their fees for recording and copying and affixing seals as now provided by law.

SEC. 97. Every bill introduced in either House of the General Assembly to incorporate any private corporation, shall be accompanied by a receipt from the State Treasurer, showing that there has been paid an organization tax in double the amount prescribed in the foregoing section, and in addition thereto each private corporation (railroad, insurance and banking companies



excepted), shall, before organization, file and have recorded a copy of the bill, creating it in the office of the Secretary of State, and shall thereupon become subject to the provisions of this act.

SEC. 98. The Secretary of State shall annually furnish the County Commissioners of each county in the State with a list of corporations doing business in this State, whose principal place of business is located in their respective counties, showing the location of the principal office, the name of the agent in charge thereof, and the amount of capital stock issued, and it shall be the duty of the County Commissioners to assess against each of the corporations so reported the annual license tax prescribed by law for such corporations doing business in North Carolina, and see that the same are properly collected and accounted for.

Secretary of State to annually furnish county commissioners list of corporations with principal office in their county.

What said list shall contain.

Duties of County Commissioners as to license tax.

## 12. REORGANIZATION OF CORPORATIONS.

SEC. 99. Whenever the property and franchises of any corporation created by, or under, any law or laws, of this State, shall be sold and conveyed under or by virtue of any decree or decrees of a court of this State, or of the Circuit Court of the United States, sitting in equity, and an execution or executions issued thereon to satisfy any mortgage debt or debts, judgment or judgments, or other incumbrance or incumbrances thereon, such sale and conveyance duly made and executed, shall vest in the purchaser or purchasers thereof all the right, title, interest, property, possession, claim and demand in law and equity, of the parties to the suit or suits, action or actions, in which such decree or decrees, was or were, made of, in and to, the said property so sold with its appurtenances; and also of, in and to, the corporate rights, liberties, privileges and franchises of the said corporation, but subject to all the conditions, limitations, restrictions and penalties of the said corporation of, and concerning the same; and such purchaser, or purchasers, and his or their associates, not less than three in number, shall thereupon become a new body, politic and corporate, in fact and in law, by such name as said persons shall elect, and shall be deemed and considered the stockholders of the capital stock of such new body politic and corporate, in the ratio, and according to the amount of the purchase-money by them respectively contributed; and shall be entitled to all the rights, liberties, privileges and franchises, and be subject to all conditions, limitations, restrictions and penalties of, and concerning, the said corporation, whose property and franchises shall have been so sold and conveyed, which were contained in the act or acts creating, or under which the aforesaid corporation was created, and the supplements thereto, so far as the same was or were in force and unrepealed at the time of such sale and conveyance.

Effect of sale of corporate property on purchaser.

Purchaser and his associates, not less than three in number, become new body corporate.

When new corporation to meet and organize.

SEC. 100. The persons for, or on whose account, any such property and franchises may have been purchased, shall meet within thirty days after the conveyance made by virtue of said process, or decree, shall have been delivered, written notice of the time and place of said meeting having been given to each of said several persons at least ten days before said meeting, and organize said new corporation.

Powers and duties at such meeting.

SEC. 101. At such meeting so held, the said persons shall adopt a corporate name and corporate seal, determine the amount of the capital stock of said corporation, and shall have power and authority to make and issue certificates of stock in shares of such amounts as they shall see fit.

Issuing preferred stock.

SEC. 102. The said corporation may then, or at any time thereafter, create and issue preferred stock to such an amount, and at such time, as they may deem necessary.

New corporation to make and transmit certificate to Secretary of State.

SEC. 103. It shall be the duty of such new corporation, within one month after its organization, to make certificate thereof, under its common seal, attested by the signature of its president, specifying the date of such organization, the name so adopted, the amount of capital stock, and the name of its president and directors, and transmit the said certificate to the Secretary of State, to be filed and recorded in his office, and there remain of record; and a certified copy of such certificate so filed shall be the charter and evidence of the corporate existence of said new corporation: *Provided*, that nothing contained in this act shall divest, or in any manner impair, the lien of any prior mortgage, or other incumbrance upon the property or franchises, conveyed under the sale of said property or franchise, when by the terms of the process or decree under which the sale was made, or by operation of law, the said sale is made subject to the lien of any such prior mortgage or other incumbrance: *And Provided*,

When made and what to contain.

That no such sale and conveyance or organization of such new corporation shall in anywise affect or impair any rights of any person, body politic or corporate, not a party to the action in which the aforesaid decree was made, nor of the said party, except so far as determined by said decree: *And Provided, also*, that when any trustee shall be made a party to such action and his *cestui que trust*, for any reason satisfactory to the Court in which the action may be, shall not be made a party thereto, the rights and interest of such *cestui que trust* shall be concluded by such decree.

To be filed and recorded.

Certified copy, charter.

Proviso as to priorities.

Provisions to persons, etc., not party to action under which sale and purchase were made.

Proviso as to *cestui que trust* not party to action.

### 13. MISCELLANEOUS.

Secretary of State to annually compile and publish list of certificates filed previous year.

SEC. 104. The Secretary of State shall annually compile from the records of his office, and publish a complete list, in alphabetical order, of the original and amended certificates of incorpora-

tion filed during the preceding year, together with the location of the principal office of each in this State, the name of the agent in charge thereof, the amount of the authorized capital stock, the amount with which business is to be commenced, the amount issued, the date of filing the certificate, and the period for which the corporation is to continue.

What list to contain.

SEC. 105. The members of any mutual association heretofore or hereafter incorporated, may provide for and create a capital stock of such corporation, upon the consent in writing of all the members of the corporation, and may provide for the payment of such stock, and fix and prescribe the rights and privileges of the stockholders therein.

Provisions for mutual associations.

SEC. 106. When any act shall have passed, or certificate of incorporation, as provided in this chapter, shall have been recorded, creating a body corporate, and the corporators for two years shall neglect or fail to organize the company and carry into effect the intent of the act, or when organized, if they at any time for two years together shall cease to act, then such disuse of their corporate privilege and powers shall be deemed and taken as a forfeiture of the charter.

Two years failure to organize or do business forfeits charter.

SEC. 107. It shall be the duty of the Attorney-General to bring an action in the Superior Court of the county, as in this Code directed, to restrain by injunction, any corporation from assuming or exercising any franchise, or transacting any business not allowed by its charter; to restrain any person from exercising corporate franchises not granted; to bring directors, managers, and officers of a corporation, or the trustees of funds given for a public or charitable purpose, to an account for the management and disposition of the property confided to their care; to remove such officers or trustees upon proof of gross misconduct; to secure, for the benefit of all interested, the property or funds aforesaid; to set aside and restrain improper alienations thereof, and generally to compel the faithful performance of duty, and prevent all malversations, peculations and waste. And in case of fraud by the president, directors, managers or stockholders, in any corporation, the Court shall render personally liable to creditors and others injured thereby such of the directors and stockholders as may have been concerned in the fraud.

Attorney-General to bring action to restrain corporation from exceeding powers of charter and persons from exercising corporate franchises not granted.

To compel accounts.  
To remove from office.  
To secure property.  
To restrain improper alienations, etc.

In case of fraud, directors, etc., liable.

SEC. 108. That there shall be appointed by the Secretary of State a clerk, who shall be designated the Corporation Clerk, who shall be paid out of the moneys derived from the organization taxes herein provided for, the sum of twelve hundred dollars per annum, and who shall perform such duties as the Secretary of State shall require of him.

Corporation clerk.

SEC. 109. Whenever in the certificate of incorporation, or organization of any corporation, organized under any general act of the

Error or omission in certificate of incorporation, or other error or omission of any matter required to be stated, how corrected.

Certificate of correction of errors, etc., to be filed with Secretary of state.

Force and effect of filing said certificate.

Forms of probate of deeds and conveyances executed by corporation.

Legislature of this State, there shall be any error or omission in the recital of the act under which said corporation is created, or in the omission of any other matter which is required to be stated in the certificate, it shall and may be lawful for said corporation to correct such error in the manner following: The board of directors of such corporation shall pass a resolution declaring that such error exists, and that said corporation desires to correct the same, and shall call a meeting of the stockholders of said corporation to take action upon such resolution: the meeting of said stockholders shall be held upon such notice as the by-laws provide, and in the absence of such provision, then upon ten days' notice, given personally, or by mail; if two-thirds in interest of all the stockholders shall vote in favor of the correction of such error or omission, a certificate of such action shall be made and signed by the president and secretary under the corporate seal: which said certificate shall be acknowledged or proved as in the case of deeds of real estate, and such certificate, together with the written assent, in person or by proxy, of two-thirds in interest of all the stockholders of said corporation, shall be filed in the office of the Secretary of State, and upon the filing thereof the certificate of incorporation, or of organization, shall be deemed to be corrected and amended accordingly, and the filing of said certificate in conformity with this act shall have the same force and effect as if said certificate of incorporation or organization had been originally drafted in conformity with the amendment so made.

SEC. 110. That the following forms of probate for deeds and other conveyances executed by a corporation shall be deemed sufficient, but shall not exclude other forms of probate, which would be deemed sufficient in law. If the instrument is executed by the president or presiding member or trustee and two other members of the corporation, and sealed with the common seal, either of the following forms shall be sufficient:

"This .... day of ....., A. D. ...., personally came before me (here give the name and official title of the officer who signs this certificate). A. B., (here give the name of the subscribing witness), who, being by me duly sworn, says that he knows the common seal of the (here give the name of the corporation), and is also acquainted with C. D., who is the president (or presiding member or trustee), and also with E. F. and G. H., two other members of said corporation; and that he, the said A. B., saw the said president (or presiding member or trustee) and the two said other members sign the said instrument, and saw the said president (or presiding member or trustee) affix the said common seal of said corporation thereto, and that he, the said sub-

scribing witness, signed his name as such, subscribing witness thereto in their presence."

.....  
(Signature of Officer.)

If the deed or other instrument is executed by the president, presiding member or trustee of the corporation, and sealed with its common seal, and attested by its secretary, either of the following forms of proof and certificate thereof shall be deemed sufficient:

(1) "This .... day of ....., A. D. ...., personally came before me (here give name and official title of the officer who signs the certificate) A. B., (here give the name of the attesting secretary), who, being by me duly sworn, says that he knows the common seal of (here give the name of the corporation), and is acquainted with C. D., who is the president of said corporation, and that he, the said A. B., is the secretary of the said corporation, and saw the said president sign the foregoing (or annexed) instrument, and saw the said common seal of said corporation affixed to said instrument by said president (or that he, the said A. B., secretary as aforesaid, affixed said seal to said instrument), and that he, the said A. B., signed his name in attestation of the execution of said instrument in the presence of said president of said corporation."

.....  
(Signature of Officer.)

(2) "This is to certify that on the .... day of ..... before me personally came ..... (president, vice-president or secretary, as the case may be), with whom I am personally acquainted, who, being by me duly sworn, says that ..... is the president (or vice-president), and ..... is the secretary of the ....., the corporation described in, and which executed the foregoing instrument; that he knows the common seal of said corporation; that the seal affixed to the foregoing instrument is said common seal, and the name of the corporation was subscribed thereto by the said president (or vice-president), and that said president (or vice-president) and secretary subscribed their names thereto, and said common seal was affixed, all by order of the board of directors of said corporation, and that the said instrument is the act and deed of said corporation."

.....  
(Signature of Officer.)



Words "Court," "Superior Court," or "Judge of the Superior Court," when they appear in this act, construed.

SEC. 111. Whenever the words "Court," "Superior Court," or "Judge of the Superior Court" appear in this act, they shall be construed to mean the Judge of the Superior Court, resident of the district, or holding the courts, by rotation, exchange, or appointment, of the district wherein such corporation may be established.

Conflicting portions of chapter 16, volume 1, of The Code, and acts amendatory and supplemental thereto, repealed.

Effect of this act on existing corporations.

SEC. 112. Chapter 16, Volume 1, of The Code, and all acts amendatory thereof, and supplemental thereto, so far as they may be in conflict with this act, are hereby repealed; but no existing corporation shall be hereby dissolved, nor shall the powers specified in its charter or certificate of incorporation be thereby impaired, or limited, and vested rights acquired under the repealed acts, and actually exercised and enjoyed, shall not be divested, or disturbed, but no special provision relating to taxation, or immunity, or exemption therefrom, contained in any special charter, shall be revived or continued by anything in this act.

Secretary of State to have copies of this act printed.

SEC. 113. The Secretary of State shall have printed such number of copies of this act for distribution as in his judgment shall be necessary.

When in force.

SEC. 114. This act shall be in force from and after the 1st day of April, 1901.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

### CHAPTER 3.

#### **An Act to Amend the Public School Law, Ratified March 11, 1901.**

*The General Assembly of North Carolina do enact:*

Section 20 amended.

SECTION 1. That the word "with" in line 49 of section 20, and after "places" and before "the" be stricken out and "by" inserted therefor.

Section 22 amended.

SEC. 2. That the word "continued" after "be" and before "as" in line 38, section 22, be stricken out and "continuous" be inserted therefor.

Section 27 amended.

SEC. 3. That the capital "M" in the word "May" after and before "if" in line 4 section 27 be changed to a small "m."

Section 37 amended.

SEC. 4. That after "schools" and before "when" in line 24, section 37, strike out the period and insert a comma.

Section 41 amended.

SEC. 5. After "subject" and before "removal" in line 46, section 41, strike out "of" and insert "to."

Section 57 amended.

SEC. 6. After "race" and before "for" in line 16, section 57, strike out "respectfully" and insert "respectively."

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 15th day of March, A. D. 1901.



## CHAPTER 4.

**An Act to Revise and Consoliate the Public School Law.**

*The General Assembly of North Carolina do enact:*

SECTION 1. The State Board of Education shall, on the first Monday in August of each and every year, apportion among the several counties of the State all the school funds which may be then in the treasury of the said board, and order a warrant for the full apportionment to each county, which said apportionment shall be made on the basis of the school population, but no part of the permanent school fund shall be apportioned or distributed, but only the income therefrom. The State Auditor shall keep a separate and distinct account of the public school funds, and of the income and interest thereof, and also of such moneys as may be raised by State, county, and capitation tax, or otherwise, for school purposes.

State Board of Education to apportion school funds first Monday in August.

Apportionment made on basis of school population.

Only income of permanent fund applied.

Separate accounts of funds to be kept

SEC. 2. Upon the receipt of the requisition of the Treasurer of any county, duly approved by the Chairman and Secretary of the County Board of Education for the school fund which may have been apportioned to said county, the State Board of Education shall issue its warrants on the State Auditor for the sum due said county whereupon the said Auditor shall draw his warrant on the Treasurer of the State Board of Education in favor of such County Treasurer for the amount set forth in the warrant of the said State board.

On requisition County Treasurer properly approved, State Board of Education to issue warrant on Auditor and Auditor on Treasurer for amount apportioned to said county.

SEC. 3. The State Treasurer shall receive and hold as a special deposit all school funds paid into the Treasury, and pay them out only on the warrant of the State Auditor, issued on the order of the State Board of Education in favor of a County Treasurer, duly endorsed by the County Treasurer in whose favor it is drawn, and it shall be the only valid voucher in the hands of the State Treasurer for the disbursement of school funds.

School funds paid into treasury, how held and paid out.

What constitutes valid voucher in hands of State Treasurer for school funds.

SEC. 4. The proceeds of all lands that have been or may hereafter be granted by the United States to this State, and not otherwise appropriated by this State or the United States, also all moneys, stocks, bonds and any other property now belonging to any State fund, for the purposes of education, also the net proceeds of sales of swamp lands belonging to the State, and all other grants, gifts or devises that have been made or hereafter may be made to this State, and not otherwise appropriated by this State or by the terms 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 set apart for that purpose, shall be

Proceeds of lands granted by U. S. to N. C., moneys, stocks, bonds and property belonging to educational fund; proceeds from sale of swamp lands, grants, gifts and devises not otherwise appropriated to be appropriated for public school purposes.

faithfully appropriated for establishing and maintaining a system of free public schools, as established in pursuance of the Constitution.

Property belonging to county school fund, proceeds from sale of estrays, penalties, forfeitures, fines, fines for breach of military laws, moneys paid for military exemption, and taxes for liquor license and auctioneers appropriated in each county for public schools.

SEC. 5. All moneys, stocks, bonds and other property belonging to a county school fund, also the net proceeds from sales of estrays, also the clear proceeds of all penalties and forfeitures, and of all fines collected in the several counties for any breach of the penal or military laws of the State, and all moneys which shall be paid by persons as equivalent for exemption from military duties; also the net proceeds of any tax imposed on licenses to retailers of wines, cordials, or spirituous liquors and to auctioneers, shall belong to and remain in the several counties, and shall be faithfully appropriated for establishing and maintaining free public schools in several counties as established in pursuance of the Constitution. The amount collected in each county shall be reported annually to the State Superintendent of Public Instruction. The Solicitors of the several judicial districts, criminal and inferior courts, shall prosecute all penalties, and forfeited recognizances entered in their courts respectively, and as compensation for their services shall receive a sum to be fixed by the Court, not more than five per centum of the amount collected upon such penalty or forfeited recognizance for the collection of which execution was found to be necessary.

Annual report to Superintendent of Public Instruction.  
Duties of solicitors as to the penalties and forfeited recognizances.  
Compensation.

Levy of special tax to maintain four months' schools in each district provided for.

SEC. 6. If the tax levied for the State for the support of the public schools shall be insufficient to maintain one or more schools in each school district for the period of four months, then the Board of Commissioners of each county shall levy annually a special tax to supply the deficiency for the support and maintenance of said schools for the said period of four months or more. The said tax shall be collected by the Sheriff in money, and he shall be subject to the same liabilities for the collection and accounting of said tax as for other taxes. The said tax shall be levied on all property, credits and polls of the county; and in the assessment of the amount on each the Commissioners shall observe the constitutional equation of taxation; and the funds thus raised shall be expended in the county in which it is collected, in such manner as the County Board of Education may determine for maintaining the public schools for four months at least in each year. But the County Board of Education shall not be required to expend upon a district containing less than sixty-five pupils the same sum it may give to larger districts, notwithstanding an inequality of length of school terms may be the result, the County Board of Education, on or before the annual meeting of the Commissioners and Justices of the Peace for levying county taxes, shall make an estimate of the amount of money necessary to maintain the schools for four months and submit it to the County Commissioners.

Tax, how collected.

On what levied.

Funds, how and where expended.

County Board of Education to estimate amount necessary to maintain four months' schools.

SEC. 7. The Superintendent of Public Instruction shall have the school laws published in pamphlet form and distributed on or before the first day of May of each year. He shall send to each officer a circular letter, enumerating his duties as prescribed in this act. He shall have printed all the forms necessary and proper for the purposes of this chapter, and shall look after the school interest of the State, and report biennially to the Governor, at least five days previous to each regular session of the General Assembly, which report shall give information and statistics of the public schools and recommend such improvements in the school law as may occur to him. He shall keep his office at the seat of government, and shall sign all requisitions on the Auditor for the payment of money out of the State Treasury for school purposes. Copies of his acts and decisions, and of all papers kept in his office and authenticated by his signature and official seal, shall be of the same force and validity as the original. He shall be furnished with such room, fuel and stationery as shall be necessary for the efficient discharge of the duties of his office.

SEC. 8. The Superintendent of Public Instruction shall direct the operations of the system of public schools and enforce the laws and regulations in relation thereto. It shall be his duty to correspond with leading educators in other States, and to investigate systems of public schools established in other States, and, as far as practicable, render the results of educational efforts and experiences available for the information and aid of the Legislature and State Board of Education.

SEC. 9. It shall be the duty of the Superintendent of Public Instruction to acquaint himself with the peculiar educational wants of the several sections of the State, and he shall take all proper means to supply said wants, by counseling with County Boards of Education and County Superintendents, by lectures before Teacher's Institutes, and by addresses to public assemblies on subjects relating to public schools and public school work, and he shall be allowed for traveling expenses and for additional clerical assistance five hundred dollars per annum.

SEC. 10. In case the State Superintendent shall have sufficient evidence at any time that any County Superintendent of Schools or any member of the County Board of Education, is not capable of discharging or is not discharging the duties of his office as required by this act, or is guilty of immoral or disreputable conduct, he shall report the matter to the County Board of Education, which shall hear evidence in the case, and if, after careful investigation they shall find sufficient cause for his removal, they shall declare the office vacant at once and proceed to elect his successor. Either party may appeal from the decision of the

Duties of Superintendent of Public Instruction as to publication of school laws.

Informing officers of their duties.

To printing necessary forms.

Biennial report to Governor.

What report to contain.

Where to keep his office.

To sign requisitions on Auditor.

Force of copies of his acts, decisions and official papers.

To be furnished with room, fuel, stationery, etc.

Operations of public schools under control of Superintendent of Public Instruction.

Duty to correspond with educators of other States, etc.

Duties of Superintendent of Public Instruction relative to educational wants of several sections of the State.

Allowance for traveling expenses and additional clerical assistance.

Proceedings for removal of County Superintendent of Schools and election of successor.

Appeal.

County Superintendent may try title to office in State courts.	County Board of Education to the State Board of Education, which shall have full power to investigate and review the decision of the County Board of Education. This section shall not be construed to deprive each County Superintendent of the right to try his title to said office in the courts of the State.
Superintendent of Public Instruction authorized to employ clerk and stenographer. Salaries.	SEC. 11. The State Superintendent of Public Instruction is authorized to employ a clerk at a salary of one thousand dollars per annum and a stenographer at a salary of two hundred and fifty dollars per annum to be paid monthly by the State Treasurer on the warrant of the Auditor, out of any funds which may be in the Treasury not otherwise appropriated.
County Boards of Education, how appointed.	SEC. 12. The General Assembly shall appoint three men in each county of good business qualifications and known to be in favor of public education, who shall constitute a County Board of Education, which board shall enter upon the duties of its office immediately upon the qualification of a majority of its members.
When to enter upon duties.	In case of vacancy by death, resignation or otherwise, said vacancy shall be filled by the other members of the County Board of Education. Members of the County Board of Education herein provided for shall hold office until the first Monday in July, 1903,
Vacancy, how filled.	at which time the Board of County Commissioners in each county shall elect the Board of Education and every two years thereafter.
Term of office.	SEC. 13. 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 recovery, preservation, and application of all moneys or property which may be due to or should be applied to the support and maintenance of the school, 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 forty-seven. The County Board of education and all other school officials in the several counties shall obey the instructions of the State Superintendent and accept his constructions of the school law. 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, and 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
Subsequent election of boards.	
Created body corporate. Corporate name.	
Corporate powers and duties.	
Action on breach of County School Fund Treasurer's bond, by whom brought.	
County school officials to obey instructions and accept legal constructions of State Superintendent.	
Time of opening and closing public schools, how fixed.	
Methods of conducting public schools.	

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.

Rules and regulations governing schools.

SEC. 14. In addition to all other duties and powers imposed and conferred upon them by law, the County Boards of Education shall have general control and supervision of all matters pertaining to the public schools in their respective counties and are given the powers to execute, and are charged with the due execution of the school laws in their respective counties, and all powers and duties conferred and imposed by this act, or the general laws of the State respecting public schools which are not expressly conferred and imposed upon some other official, are conferred and imposed upon said County Board of Education; and an appeal shall lie from all other county school officers to said board.

Additional powers of County Boards of Education.

SEC. 15. The County Board of Education shall have power to investigate and pass upon the moral character of any teacher in the public schools of the county, and to dismiss such teacher, if found of bad moral character, also to investigate and pass upon the moral character of any applicant for a teacher's certificate or for employment as teacher in any public school in the county, such investigation shall be made after written notice, of not less than ten days, to the person whose character is to be investigated. The said board shall have power to issue subpoenas for the attendance for witnesses, a disobedience to which subpoenas shall, without legal excuse, be a misdemeanor punishable by a fine of not more than fifty dollars or imprisonment for not more than ten days. Subpoenas may be issued in any and all matters which may lawfully come within the powers of said board, and which in the discretion of the board should be investigated. And it shall be the duty of the Sheriffs, Coroners and Constables to serve such subpoenas upon payment of their lawful fees for service of subpoenas issued from the Superior Court of the State. Appeals provided for in this act shall be regulated by rules to be adopted by the board. The Superior Courts of the State may review any action of the County Board of Education affecting any one's character or right to teach.

Powers of County Boards over public school teachers and applicants.

Procedure in investigation.

Duty of Sheriff, etc., to serve subpoenas. Appeals.

Right of Superior Court to review.

SEC. 16. The County Board of Education on the second Monday in July, 1901, and biennially thereafter, shall elect a County Superintendent of Schools, who shall be at the time of his election, a practical teacher or who shall have had at least two years experience in teaching school and who also shall be a man of

Election of County Superintendent of Schools.

Qualifications.



Term of office.	liberal education and shall otherwise be qualified to discharge the duties of his office as required by law due regard being given to experience in teaching. Said Superintendent must be of good moral character and shall hold his office for a term of two years from the date of his election and until his successor is elected and qualified. Immediately after the election of the County Superintendent of Schools the Chairman of the County Board of Education shall report to the State Superintendent of Public Instruction the name, address, experience, and qualifications, of the person elected, and the person elected shall report to the State Superintendent as soon as he shall have qualified, the date of such qualification. In case of vacancy by death, resignation, or otherwise, the County Board of Education shall fill said vacancy. The members of the County Board of Education and County Superintendent of Schools have the authority to administer oaths to teachers and all subordinate school officials where an oath is required of the same: <i>Provided</i> , that any person who has filled the office of County Superintendent for four years next preceding the passage of this act shall be eligible to such office in Bertie and Bladen counties, if the election of such person meets the approval of the State Board of Education.
Chairman County Board of Education to immediately report to State Superintendent Public Instruction, name, address, experience and qualifications of person elected County Superintendent. Person elected to report date of qualification. Vacancy, how filled. Power to administer oaths. Proviso as to Bertie and Bladen counties.	
Appointment of Township School Committeemen.	SEC. 17. The County Board of Education of each county shall on the second Monday in July, 1901, and biennially thereafter, appoint in each of the townships of the county three intelligent men of good business qualification, who are known to be in favor of public education, who shall serve for two years from the date of their appointment as School Committeemen in their respective townships and until their successors are elected and qualified. If a vacancy shall occur at any time by death, resignation or otherwise it shall be the duty of the County Board of Education to fill such vacancy. The County Board of Education shall have the power to pay out of the reserve school fund to each member of the township committee thus appointed one dollar per day for not more than four days per annum. On the second Monday in July, nineteen hundred and one, and biennially thereafter, the County Board of Education in each county may, if they deem best, instead of electing Township Committeemen, elect for each school of the several townships 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. If a vacancy should occur at any time by death, resignation, or otherwise, it shall be the duty of the County Board of Education to fill such vacancy. And in the case aforesaid all the powers and duties conferred under this act on the Township Committeemen shall
Qualifications.	
Term of office.	
Vacancy, how filled.	
Compensation.	
County Board of Education may elect three Committeemen for each school.	
Qualifications.	
Term of office.	
Vacancy, how filled.	
Powers and duties.	



vest in the said committeemen of the several schools of the township, and they shall serve without compensation.

SEC. 18. The School Committee as soon as practicable after their election and qualification not to exceed twenty days, shall meet and elect from their number a chairman and secretary, and shall keep a record of their proceedings in a book to be kept for that purpose; the name and address of the chairman and secretary shall be reported to the County Superintendent of Schools and recorded by him, and all appeals from the committee shall be first made to the County Superintendent of Schools, whose decisions shall be final, unless reversed by the County Board of Education.

SEC. 19. The School Committee shall be intrusted with the care and custody of all school-houses, school-house sites, grounds, books, apparatus, or other public school property in the township with full power to control the same as they may deem best for the interest of the public schools and the cause of education.

SEC. 20. The School Committee is required to furnish the County Superintendent of Schools a census report of all the pupils of school age in their township or district by name, age, sex and race, also name of parent or guardian, and the blanks upon which said reports are to be made shall be furnished to the various school committees by the County Superintendent of Schools on the first Monday in August in each year, which report shall be duly verified under oath by the committee and returned to the County Superintendent of Schools on or before the first Monday in September of each year, and any committee failing to comply with the provisions of this section without just cause shall be subject to removal. The School Committee shall be allowed a sum not exceeding two cents per name for all names reported between the ages of six and twenty-one. The School Committee shall also report to the County Superintendent of Schools who shall in turn report to the County Board of Education, the number of public school-houses and the value of all public school property for each race separately and furnish to the teacher at the opening of the school a register containing the name and age of each pupil of school age in that district. They shall also report by race and sex the number of all persons between the ages of twelve and twenty-one who can not read and write. School Committee shall meet at convenient times and places for the employment of teachers for the public schools, and no teacher shall be employed by any committee except at a regularly called meeting of such committee, due notice of said meeting having been given at three public places with the committee.

SEC. 21. The School Committee shall keep a book in which shall be recorded an itemized statement of all moneys appor-

To serve without compensation.

School Committee shall elect Chairman and Secretary.

Record of proceedings.  
To report names of Chairman and Secretary to County Superintendent.

Appeals from Committee.

Committee to have control of school property.

Committee to furnish County Superintendent census of children of school age, etc.  
Blanks to be furnished.

When.

Report to be verified.

When returnable.

Penalty for failure to comply with provisions of this section.

Compensation for making census.

Report of number of public school houses and value of school property.

List of persons of school age to be furnished teachers.

Report of persons unable to read and write.

Employment of teachers.

Committee to keep itemized statement of moneys apportioned, received and expended, copy of contracts with teachers. Power to purchase supplies.

Power to employ and dismiss teachers.

Time of contract.

Amount of consideration limited.

Restriction on employment.

Age limit for certificate.

Compensation allowed to teachers.

Restrictions as to third-grade certificates.

Minimum time of compensation. School month defined.

School term to be continued.

When certificates issued by institutions void.

At end of term teacher to exhibit statement to School Committee. Contents.

Committee to give order on Treasurer for teacher's salary.

Monthly statements of teacher.

When orders on Treasurer valid.

When Committee may order school closed, etc.

tioned to, received and expended by them for each school and a copy of all contracts made by them with teachers. The committee shall have authority to purchase the supplies necessary for conducting the schools and for repairs to an amount not to exceed in the aggregate the sum of twenty-five dollars in any one year for each school.

SEC. 22. The School Committee shall have authority to employ and dismiss teachers, but no contract shall be made during any year to extend beyond the term of office of the committee, nor for more money than accrues to the credit of the district for the fiscal year during which the contract is made. No person shall be employed as a teacher who does not produce a certificate from the County Superintendent of Schools or other parties authorized by law to issue the same and dated within the time prescribed by law and continuing to the end of the term. No certificate to teach school shall be issued to any person under eighteen years of age. Teachers of second grade shall receive not more than twenty-five dollars per month out of the public fund, and teachers of first grade may receive such compensation as shall be agreed upon. Teachers of the third grade shall receive not more than twenty dollars per month, but no third-grade certificate shall be renewed and no holder of a third-grade certificate shall be employed except as an assistant teacher. No teacher shall receive any compensation for a shorter term than one month unless providentially hindered from completing the term. Twenty school days of not less than six hours nor more than seven hours each day shall be a month. The school term shall be continued as far as practicable. Certificates issued by any institution as now provided by law shall be void whenever the person holding said certificate shall for three consecutive years fail to teach in some school in the State.

SEC. 23. At the end of every term of a public school, the teacher or principal of the school shall exhibit to the School Committee a statement of the number of pupils, male and female, the average daily attendance, the length of term and the time taught. If the committee is satisfied that the provisions of this act have been complied with they shall give an order on the Treasurer of the county school fund, payable to said teacher, for the full amount due for services rendered, but monthly statements shall be made by the teacher to the committee, orders on the Treasurer shall be valid when signed by two members of the committee and countersigned by the County Superintendent. When a monthly report of any school where the district does not contain over one hundred and fifty children shows an average daily attendance of less than one-fifth of the school census, the committee shall at once order the school to be closed and the money due said school shall remain to the credit of that school.

SEC. 24. The County Board of Education shall on the second Monday in January and the second 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 other necessary expenses. 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, and in making such apportionments 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. 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 No. 1, 2, 3, etc., for white, colored, or Indian, in ..... township, in the county of .....

SEC. 25. The semi-annual apportionment of public school moneys shall be based upon the amounts actually received by the County Treasurer from all sources and reported by him to the County Board of Education as required by this act.

SEC. 26. The County Board of Education of any county may annually appropriate an amount not exceeding one hundred dollars out of the school funds of the county for the purpose of conducting one or more Teachers' Institutes for said county or the County Boards of Education of two or more adjoining counties may appropriate an amount not exceeding one hundred dollars to each county, for the purpose of conducting a Teachers' Institute for said counties at some convenient and satisfactory point. All teachers of any county in which such institute is held are hereby required to attend the same continuously during the session thereof; and, upon failure to do so, unless providentially hindered, shall be debarred from teaching in any of the public schools of this State for the term of one year, or until such teacher shall have attended some county institute in some other county. A county Teachers' Institute under this section shall be conducted by the County Superintendent of Schools, assisted by some member of the State Board of Examiners, or a member of the faculty of the Normal Department of the University of North Carolina, or of the State Normal and Industrial College, or of the Agricultural and Mechanical College at Raleigh, or by

Apportionment of school funds, when.

How.

Contingent fund first reserved.

For what purpose.

School funds to be apportioned so as to equalize terms of schools if possible

Must take into consideration grade of work and qualifications of teachers required. Maximum salary to be fixed. School Committeemen and Treasurer to be notified of apportionment. Schools, how numbered.

Semi-annual appointment, what based upon.

Appropriations for conducting teachers' institutes.

Teachers required to attend.

Penalty for failure.

By whom conducted.

some practical teacher or teachers appointed by the State Superintendent of Public Instruction.

When County Board to meet.

SEC. 27. The County Board of Education shall meet on the second Monday in January, April, July and October and May, if necessary, continue in session two days and they may have called meetings, of one day each, as often as once a month if the school business of the county requires it. They shall receive the same per diem and mileage as that allowed the County Commissioners, and shall at the meeting in January, April, July and October, examine the books and vouchers, audit the accounts of Treasurer of the county school fund and shall have power to fix the maximum monthly salary for first-grade teachers.

Mileage and per diem.

Duties and powers.

Power to punish for contempt.

SEC. 28. The County Board of Education of each county shall have power to punish for contempt, for any disorderly conduct or disturbance tending to interrupt them in the transaction of their official business, and every person who shall wilfully interrupt or disturb any public or private school or any meeting lawfully and peacefully held for the purpose of literary and scientific improvement, either within or without the place where such meeting or school is held, or injure any school building, or deface any school furniture, apparatus, or other school property, shall be guilty of a misdemeanor and fined not exceeding fifty dollars or imprisoned not more than thirty days. Any person who shall wilfully set fire to any school house or procure the same to be done shall be guilty of a misdemeanor, and upon conviction shall be punished by imprisonment in the penitentiary or the county jail, and may also be fined in the discretion of the Court.

Misdemeanor to disturb school, literary or scientific meeting, injure school building or deface school property.

Penalty.

Misdemeanor to set fire to school house, etc.

Penalty.

Division of townships into school districts.

Provisions for settling boundaries.

Minimum distance between schools.

Minimum number of children to school district.

Formation of districts from contiguous townships.

Power to receive gifts, dispose of school property, etc.

SEC. 29. The County Board of Education shall divide the townships into convenient school districts as compact in form as practicable. They shall consult the convenience and necessities of each race in setting the boundaries of the school district for each race, and shall establish no new school in any township within less than three miles by the nearest traveled route of some school already established in said township; nor shall they create any school district with less than sixty-five children of school age, unless prevented by geographical reason or sparsely settled neighborhoods. Nothing in this act shall prevent the Board of Education, whenever they shall deem it necessary for the good of the public schools, from forming a school district out of portions of two or more contiguous townships.

SEC. 30. The County Board of Education may receive any gift, grant, donation or devise made for the use of any school or schools within their jurisdiction. When, in the opinion of the board, any school-house, school-house site, or other public school property has become unnecessary for public purposes, they may

sell the same at public auction, after advertisement of twenty days at three public places in the county, or at private sale. The deed for the property thus sold shall be executed by the chairman and clerk of the board, and the proceeds of the sale shall be paid to the Treasurer of the county school fund.

Deed, how  
executed.  
Disposal of  
proceeds.

SEC. 31. The County Board of Education may receive suitable sites for school-houses by donation or purchase. In case of purchase they shall issue an order on the Treasurer of the County Board of Education for the purchase-money and upon payment of the order the title to the said site shall vest in the board and their successors in office. Whenever the board is unable to obtain a suitable site for a school by gift or purchase, they shall report to the County Superintendent of County Instruction, who shall, upon five days' notice to the owner of the land, apply to the Clerk of the Superior Court for the appointment of three appraisers, who shall lay off, by metes and bounds, not more than one acre, and assess the value thereof. They shall make a written report of their proceedings, to be signed by them, or by a majority of them, to the said Clerk within five days from their appointment, who shall enter the same upon the records of the Court. Said appraisers and officers shall serve without compensation. If said report is confirmed by the Clerk of the Court, the chairman and secretary shall issue an order on the Treasurer of the County Board of Education in favor of the owner of the land thus laid off, and upon the payment or offer of payment of this order the title to said land shall vest in the County Board and their successors in office. Improved land shall not be condemned under this section unless it be essential to secure a proper location. Any person aggrieved by the action of said appraisers may appeal to the Superior Court of the county in which the land is situated upon giving bond to secure the board against such costs as may be incurred on account of said appeal not being prosecuted with effect.

Sites for school  
houses.

Title, in whom  
vested.

Procedure to  
condemn sites  
where unable to  
purchase, and  
assess damages.

Upon payment or  
offer of payment  
title to vest in  
County Boards  
and their  
successors.  
Provision as to  
improved land.

Appeal.

Appeal bond.

SEC. 32. All deeds to the County Board of Education shall be recorded and delivered to the Clerk of the Court for safe keeping.

Deeds to be  
recorded and kept  
by Clerk of Court.

SEC. 33. In any school district where there may be a private school, regularly conducted for at least six months in the year the School Committee may contract with the teacher of such private school to give instructions to all pupils between the ages of six and twenty-one years in the branches of learning taught in the public schools, as prescribed in this act, without charge and free of tuition; and such School Committee may pay such teacher for such service out of the public school fund apportioned to the district and the agreement as to such pay shall be arranged between the committee and teacher. Every teacher

Contracts with  
teachers of  
private schools,  
when made, etc.

Compensation.



Qualifications of such teachers.	of the public school branches in said school shall obtain a first-grade certificate before beginning his or her work, and shall from
Reports.	time to time make such reports as are required of other school teachers under this act. The County Superintendents of Schools
Authority of County Superintendent. Contracts to designate minimum public school term.	have the same authority in respect to the employment and dismissal of teachers under this section, and in every other respect as is conferred in other sections of the law. And all contracts made under this section shall designate the minimum length of the public school term, which shall not be less than the average length of the public school term of the county of the preceding year. The amount paid said private school for each pupil in the public school branches, based on the average daily attendance, shall not exceed the regular tuition rates in said school for said branches of study.
Maximum amount to be paid private school fixed.	
Amount of contracts restricted.	SEC. 34. No contract for teachers' salaries shall be made during any fiscal year for a larger amount of money than accrues to the credit of the respective districts for the year, and no committee shall give an order unless the money to pay it is actually to the credit of the district, and no part of the school fund for one year shall be used to pay school claims for any previous year.
Restriction on Committee in giving orders. Restriction on use of annual school fund.	
School Committee to keep account of moneys and contracts.	SEC. 35. The School Committee for each township shall keep a book in which shall be kept an itemized account of all moneys apportioned, received and expended by them for each school and a copy of all contracts made by them with teachers.
County Superintendent <i>ex officio</i> Secretary of County Board of Education. Duties.	SEC. 36. The County Superintendent of Schools shall be <i>ex officio</i> the Secretary of the County Board of Education. He shall record all proceedings of the Board of Education, issue all notices and orders that may be made by said board pertaining to the public schools, school-houses, sites, or districts (which notices or orders it shall be the duty of the Secretary to serve by mail or by personal delivery without cost), and record all school statistics, look after all forfeitures, fines and penalties, see that the same are placed to the credit of the school fund and report the same to the County Board of Education. The County Board of Education shall provide the County Superintendent of Schools with an office at the county seat and with a suitable book in which to keep the records required by this section. The record of the Board of Education and the County Superintendent of Schools shall be kept in the office provided for that purpose by the said board.
County Board to provide office for County Superintendent at county seat, also record book.	
Record, where kept.	
Examination of teachers, where and when conducted.	SEC. 37. The County Superintendent of Schools of each county shall examine all applicants of good moral character for teacher's certificate at the court-house in the county, on the second Thursday of July and October of every year, and continue the examination from day to day during the remainder of the week,



if necessary, till all applicants are examined, and for the examination of teachers at any other time than above named, he shall require of such applicant a fee of one dollar, in advance, and all fees for private examination shall be paid by the County Superintendent of Schools to the Treasurer of the county school fund to go to the general school fund of the county. The place for holding the examination of teachers shall be at the county seat, but other places in said county may be designated by the County Superintendent of Schools, when, in his discretion, it may be for the convenience of the teachers of his county. A general average of ninety per centum and over shall entitle an applicant to a first-grade certificate; a general average of eighty per centum or more shall entitle the applicant to a second-grade certificate; and a general average of seventy shall entitle an applicant to a third-grade certificate. The certificates shall be valid only in the county in which they are issued and for one year from date, except that first-grade certificates shall be valid for two years. The branches taught in the public schools shall be orthography, defining, writing, drawing, arithmetic, geography, grammar, language of the State, history of the United States, including the Constitution of the United States, physiology, hygiene, nature and effect of alcoholic drinks and narcotics, elements of civil government, elements of agriculture, theory and practice of teaching, and such other branches as the State Board of Education may direct. The County Superintendent of Schools shall hold his examinations publicly, and may invite competent persons to assist him in such examination. He shall keep a copy of all examination questions, both public and private, and forward copies to the State Superintendent upon request. No Superintendent shall renew any second-grade certificate, except upon re-examination.

SEC. 38. The County Superintendent shall each year hold not less than one teachers' meeting in each township, which the teachers shall be required to attend, if necessary one-half of a school day may be set apart for this purpose.

SEC. 39. It shall be the duty of the County Superintendent to advise with the teachers as to the best methods of instruction and school government, and to that end he shall keep himself thoroughly informed as to the progress of education in other counties, cities and States; he shall have authority to correct abuses, and to this end he may, with the concurrence of a majority of the School Committee, suspend any teacher who may be guilty of any immoral or disreputable conduct, or may prove himself incompetent to discharge efficiently the duties of a public school teacher, or who may be persistently neglectful of said

Fee.

Fees for private examination, how disposed of, Place for holding examination.

What percent entitles to first-grade certificate.

What entitles to second-grade certificate.

What entitles to third-grade certificate.

Certificates, how long and where valid.

List of branches to be taught in public schools.

Examinations public.

Copies to be kept and forwarded to State Superintendent on request.

Teachers' meetings.

Duties and powers of County Superintendent.

Suspension of teachers.

To visit public schools, etc.

duties. The County Superintendent shall be required to visit the public schools of his county while in session under the direction of the County Board of Education, and shall inform himself of the condition and needs for [of] the various schools within his jurisdiction.

Duties of County Superintendent.  
To distribute blanks.

SEC. 40. It shall be the duty of the County Superintendent of the Schools to distribute to the various School Committees of his county all such blanks as may be furnished by the State Superintendent of Public Instruction for reports of school statistics of the several districts; also, blanks for teachers' reports and for orders on the Treasurer of the county school fund for teachers' salaries; he shall also distribute to the School Committees school registers for their respective districts and necessary record book; he shall advise with said committee as to the best methods of gathering the school statistics contemplated by such blanks, and, by all proper means, shall seek to have such statistics fully and properly reported.

To distribute school registers.

Advise as to gathering and reporting school statistics.

Duty of County Superintendent to report to State Superintendent of Public Instruction on or before July 1st every year.  
Contents of report.

SEC. 41. It shall be the duty of the County Superintendent of Schools in each county, on or before the first Monday in July of every year, to report to the State Superintendent of Public Instruction an abstract statement of the number, grade, race, and sex of the teachers examined and approved by him during the year; also, the number of public schools taught in the county during the year for each race; the number of children of school age in each school district; the number enrolled in each district; the average daily attendance in each district by race and sex and the number of all persons in the county between the ages of twelve and twenty-one who can not read and write. He shall also report by race and sex the number of pupils of each race enrolled in all the schools, their average attendance; the average length of terms of said schools, and the average salary, respectively, for the teachers of each race; the number of school districts for each race, and any new school districts laid out during the year shall be specified in his report. He shall also report the number of public school-houses and the value of public school property for each race; the number of Teachers' Institutes held; the number of teachers attending such institutes, together with such suggestions as may occur to him promotive of the school interest of the county. The County Superintendent of the Schools shall record in his book an accurate copy of his report to the State Superintendent of Public Instruction. If any County Superintendent of Schools fails or refuses to perform any of the duties required of him by this act he shall be subject to removal from his office by the County Board of Education upon the complaint of the State Superintendent of Public Instruction.

County Superintendent to record in his book copy of his report.

Failure of County Superintendent to perform any duties subject to removal from office.

SEC. 42. In case the County Superintendent shall have sufficient evidence at any time that any member of the committee is not capable of discharging, or is not discharging, the duties of his office, he shall bring the matter to the attention of the County Board of Education, which shall thoroughly investigate the charges and shall remove said committeeman and appoint a successor if sufficient evidence shall be produced to warrant his removal and the best interest of the schools demand it.

Incapacity or failure of Committeemen to discharge official duties, cause for removal.

Procedure.

SEC. 43. That it shall be the duty of the County Superintendent of Public Instruction to require of the School Committee, in enumerating the number of school children, to make a statement in the report of the number of deaf, dumb and blind between the ages of six and twenty-one years, designating the race and sex, and the address of the parent or guardian of said children; and the County Superintendents of Public Instruction are hereby required to furnish such information to the principals of the deaf, dumb and blind institutions, and the Superintendent of Public Instruction, in preparing blanks, as directed in the Code, sec. 3370, shall include questions, answers to which will furnish the information as aforesaid.

List of deaf, dumb and blind children.

To be furnished Superintendent of Deaf, Dumb and Blind Institutions. Blanks to contain questions relative thereto.

SEC. 44. The compensation of the County Superintendent of Schools shall be not less than two dollars, nor more than three dollars per diem, or the Board of Education may pay an annual compensation to the County Superintendent not to exceed four per cent of the disbursements for the schools under his supervision. Every County Superintendent shall reside in the county of which he is Superintendent. It shall not be lawful for any County Superintendent to teach a school while the public schools of his county are in session: *Provided*, the State Board of Education may, for good and sufficient reason, permit a County Superintendent to so teach.

Compensation of County Superintendent of Schools.

Residence of County Superintendent. Unlawful to teach school. Proviso.

SEC. 45. The members of the County Board of Education, the School Committeemen and the County Superintendent of Schools in each county shall, before entering upon the duties of their office, take oath for the faithful performance thereof.

Oath of office.

SEC. 46. The County Treasurer of each county shall receive and disburse all public school funds, and shall keep the same separate and distinct from all other funds, but before entering upon the duties of his office he shall execute a justified Treasurer's bond, with security in an amount to be fixed by the Board of County Commissioners in an amount not less than the moneys received by him or by his predecessor during the previous year, condition for the faithful performance of his duties as Treasurer of the county school fund, and for the payment over to his successor in office of any balance of school moneys that may be in his hands unexpended, and the County Board of Commission-

County Treasurer to receive and disburse school funds.

To keep same separate.

To execute bond. Amount.

Conditions of bond.

Increase of bond. Concerning default of County Commissioners. ers may, from time to time, if necessary, require him to strengthen said bond, and in default thereof the members of the County Board of Commissioners shall be guilty of a misdemeanor.

Approval of Treasurer's bond. SEC. 47. The bond of the Treasurer of the county school fund shall be approved by the Board of County Commissioners, and they shall bring action for any breach thereof, and on their failure to bring such action it may be brought in the name of the State on the relation of any tax-payer. The said bond shall be separate, not including liabilities for other funds.

Action, by whom brought. Separate bond. SEC. 48. All orders for the payment of teachers' salaries, for building, repairs, school furnishings, or for the payment of money for any purpose whatsoever, before it shall be a valid voucher in the hand of the County Treasurer, shall be signed first by at least two members of the committee, then by the County Superintendent.

Limit to amount of order. No order shall be signed by the County Superintendent for more money than is to the credit of that district for the fiscal year, nor shall Superintendent of Schools endorse the order of any teacher who does not produce a certificate as required in section 22. The said Treasurer shall not pay any

Restriction as to endorsement of teacher's order. school money for building or repairing any school-house unless the site on which it is located has been donated to or purchased by the County Board of Education and the deed for the same regularly executed and delivered to said board, and their successors in office, probated, registered in the office of the Register of Deeds for the county and delivered to the Clerk of the Court, to

Order for building and repairs not to be paid till title passed, registered and deposited with Clerk. be by him safely deposited with his valuable official papers, and surrendered to his successor in office and for default he shall be liable on his official bond for any sum thus illegally paid.

Treasurer liable on bond for sums illegally paid. SEC. 49. It shall be the duty of the Treasurer of the county school fund to keep a book in which he shall open an account with each township in the county, showing the amount apportioned to the various townships by the County Board of Education. He shall also open an account with each school district showing the amount apportioned to various school district. He shall record the date of all payments of school money in the name of the person to whom paid and for what purpose and the several amounts. He shall balance the amount of each township and district annually on the thirtieth of June of each year, and shall report by letter or printed circular, within ten days thereafter, said balances to the County Board of Education and to the School Committee.

Treasurer's school account books, what to show. SEC. 50. The Treasurer of the county school fund shall when required by the County Board of Education produce his books and vouchers for examination, and shall also exhibit all moneys due the public school fund of the county at each settlement required by this act.

To balance accounts annually.  
To report balance to County Board and School Committee.

Treasurer, when required to produce books, vouchers and exhibit school moneys at settlements.

SEC. 51. The Treasurer of the county school fund of each county shall report to the State Superintendent of Public Instruction on the first Monday of August of each year the entire amount of money received and disbursed by him during the preceding school year, designated by items, the amounts received respectively from property tax, poll tax, liquor licenses, fines, forfeitures, and penalties, auctioneers, estrays, from State Treasurer and from other sources. He shall also designate by item the sum paid to teachers of each race respectively, for school-houses, school-sites in the several districts, and for all other purposes specifically, and in detail, by item, and on the same date he shall file a duplicate of said report in the office of the County Board of Education. He shall make such other reports as the County of Board of Education of the county may require from time to time.

Treasurer's report to State Superintendent of Public Instruction.  
When made.  
Contents.

SEC. 52. The treasurer of the county school fund shall keep a book in which shall be entered a full and detailed account of all public school moneys received by him, the name of each person paying him school money, the source from which the same may have been derived, and the date of such payment. In his settlement with the Sheriff or other collecting officer of public school funds the said treasurer shall receive money only.

Duplicate report to be filed with County Board of Education.  
Other reports.

Treasurer's account of receipts.

SEC. 53. Any treasurer of the county school fund failing to make reports required of him at the time and in the manner prescribed, or to perform any other duties required of him in this act shall be guilty of a misdemeanor and be fined not less than fifty dollars and not more than two hundred dollars, or imprisoned not less than thirty days, nor more than six months, in the discretion of the Court.

To receive money only from Sheriff or other collecting officer.

Misdemeanor for Treasurer to fail to do any duty required in this act.

Penalty.

SEC. 54. The Sheriff of each county shall pay annually in money to the treasurer of the county school fund on or before the thirty-first day of December of each year, the whole amount levied, less such sum or sums as may be allowed on account of insolvents for the current year, by both State and county, for school purposes, and on failing to do so shall be guilty of a misdemeanor and fined not less than two hundred dollars, and be liable to an action on his official bond for his default in such sum as will cover such default, said action to be brought to the next ensuing term of the Superior Court, and upon the relation of the County Commissioners for and in behalf of the State.

Sheriff to settle school funds in money with Treasurer on or before December 1 in each year.

Failure a misdemeanor.  
Penalties.

Action on bond, how brought.

SEC. 55. The Sheriff or other collecting officer shall take duplicate receipt of the treasurer of the county school fund for such payment as he may make under this act, one copy of which shall be transmitted to the Auditor of the State and one to the chairman of the County Board of Education, and upon his failure to do so he shall be guilty of a misdemeanor and fined or imprisoned as in section 53 of this act.

Sheriff to take from Treasurer duplicate receipts.

To whom transmitted.  
Failure a misdemeanor.  
Penalty.



Items to be designated in payments and receipts.

SEC. 56. Whenever the Sheriff or other collecting officer pays over money to the treasurer of the school fund he shall designate the items as indicated in section 51 of this act, and these items shall be stated in the receipts given by the treasurer.

When office of Treasurer expires.

SEC. 57. If the term of office of any treasurer shall expire on the thirtieth day of November during any fiscal school year, or if for any reason he shall hold office beyond the thirtieth day of November, and not for the whole of the current fiscal school

When he vacates his office during fiscal school year, to file report.

year, he shall, at the time he goes out of office, file with the County Board of Education and with his successor a report, itemized, as required by section 51 of this act, covering the receipts and disbursements for that part of the fiscal school year from the thirtieth of June preceeding to the time at which he turns over the office to his successor, and his successor shall include in his report to the State Superintendent the receipts and disbursements for the current fiscal year.

What to contain.

This report to be included in his successor's report.

Retiring Treasurer to deposit books, records and blanks, where.

SEC. 58. Each treasurer of the county school fund in going out of office, shall deposit in the office of the Board of Education of his county his books, in which are kept his school accounts, and all records and blanks pertaining to his office. The treasurer of the county school fund shall, on the last Saturday of each month, attend at his office for the purpose of paying school orders; but this shall not be construed to prevent the payment of orders at other times; and he shall be allowed for compensation as treasurer of the school fund such sum as the Board of Education may allow him, not to exceed two per centum of his vouchers paid on orders of School Committees.

When school orders paid.

Compensation of Treasurer.

Annual settlement of school business.

SEC. 59. On the second Monday of July, the County Board of Education, County Superintendent of Schools and Treasurer shall meet at the office of the board and settle all the business of the preceding fiscal year. The board shall on that day examine the reports of Treasurer and County Superintendent, and if found correct shall direct them to be forwarded.

Examination and forwarding books of Treasurer and County Superintendent.

Revised form of blanks for tax lists to be sent out by Auditor.

SEC. 60. The Auditor of the State shall include on the form which he furnishes to the Board of County Commissioners and on which the tax lists are to be made out, separate columns for school poll tax and school property tax, in one of which column the total poll tax levied by the General Assembly and the county authorities for schools due by each tax-payer and in the other the total property tax levied by the General Assembly on the county authorities for schools due by each tax-payer.

Register of Deeds to furnish County Boards of Education abstract of tax lists.

SEC. 61. The Register of Deeds shall furnish to the County Board of Education, as soon as the tax lists are made out, an abstract of said lists, showing in separate columns the total amount of poll tax borne on said lists, and also the total amount of property tax borne on the same, and shall furnish such other in-

What to show.



formation from his office as the County Board of Education may require.

SEC. 62. The Clerks of all Criminal, Superior and Municipal Courts, shall furnish to the County Board of Education of the county on the first Monday of July and January of each year a detailed statement of fines, forfeitures and penalties which go to the school fund that have been imposed, or which have accrued. Any Clerk failing to comply with the duties herein prescribed shall be guilty of a misdemeanor, and shall, upon conviction, be fined or imprisoned in the discretion of the Court.

SEC. 63. It shall be the duty of all teachers of free public schools; to maintain good order and discipline in their respective schools; to encourage morality, industry and neatness in all of their pupils, and to teach thoroughly all branches which they are required to teach. Pupils who wilfully and persistently violate the rules of the school and any of immoral life and character shall be dismissed by the teacher.

SEC. 64. Every teacher or principal of a school to which aid shall be given under this act shall keep a daily record of the attendance of pupils. At the end of every term every principal or teacher of a public school shall report to the County Superintendent of Schools the length of term of school, the race for which it was taught, the number, the sex, and average daily attendance of the pupils, and the number of the district in which the school is taught, the number of children on census blank not attending any school this year, number of children under seventeen years of age not attending any school; state some causes why they do not attend, how many families having children of school age did not send any of their children to school, how many families did; state what personal effort you have made to get these children to attend school; number of children studying primary arithmetic, number studying intermediate arithmetic, number studying advanced arithmetic, number studying primary geography, number studying intermediate geography, number studying language lessons, number studying elementary English grammar, number studying higher English grammar, number studying elementary history of North Carolina, number studying advanced history of North Carolina, number studying elementary history of United States, number studying higher history of United States, number studying elementary physiology and hygiene, number studying advanced physiology and hygiene, number studying civil government, number studying Latin, number studying algebra, number studying higher English. Teachers shall file with their Registers at the end of the school term an accurate record of the promotion, advancement, and classification of every child attending the school just closed.

Other information

Clerks of courts to furnish County Boards statement of fines, penalties and forfeitures going to school fund, when.

Failure a misdemeanor. Penalty.

Duties of teachers in schools.

Dismissal of pupils.

Teachers to keep daily record.

Report of teachers to County Superintendent, what to contain.

Teachers to file record at end of school. Contents.

What constitutes public school.

Children of school age admitted free.

Pay students.

Principal or Superintendent of school supported wholly or partly by public funds to report to State Supl. Fiscal school year.

Section 1810 of Code to govern right of child to attend school.

Restriction on purchase of school supplies.

On recommendation, etc., of school supplies.

Violation a misdemeanor. To be removed from office.

State Board of Examiners and by whom elected. Of whom to consist.

Powers and duties.

One member to visit Colored Normal School and report.

Reports printed and submitted to General Assembly. Meetings of Board of Examiners, when held. Compensation.

Itemized statement to be kept.

SEC. 65. Every school to which aid shall be given under this act shall be a public school to which all children living within the district between the ages of six and twenty-one years shall be admitted free of charge for tuition. The committee may admit pay students over twenty-one years of age.

SEC. 66. The principal or superintendent of every school or institution of learning supported in whole or in part by public funds shall report to the State Superintendent at such time and in such form as he may direct.

SEC. 67. The fiscal school year shall begin on the first day of July and close on the thirtieth day of June next succeeding.

SEC. 68. In determining the right of any child to attend the schools of either race, the rule laid down in section 1810 of The Code, regulating marriages, shall be followed.

SEC. 69. It shall be unlawful for any County Board of Education or School Committee to buy school supplies in which any member has a pecuniary interest. Nor shall any school officers or teachers receive any gift, emolument, reward or promise of reward for influence in recommending or procuring the use of any school supplies for the schools with which they are connected. Any person violating the provisions of this act shall be removed from his position in the public service and shall, upon conviction, be deemed guilty of a misdemeanor.

SEC. 70. The State Board of Education shall elect biennially a State Board of Examiners, which shall consist of three professional teachers and the State Superintendent of Public Instruction, who shall be *ex officio* the chairman of said board. The said Board of Examiners shall have the entire management and control of the Colored Normal Schools of the State, shall prepare a course of study for the same, elect teachers therein, fix all salaries and provide for Summer School of not less than two weeks' duration, which all teachers in said Normal School shall be required to attend. One member of said Board of Examiners shall visit each of said Colored Normal Schools annually, inspect the work and report in writing to the State Superintendent of Public Instruction, who shall have the reports printed and submitted to the General Assembly on or before January twentieth, 1903. Meetings of the State Boards of Examiners shall be held at the call of the State Superintendent of Public Instruction, and the members shall receive no compensation other than travelling expenses and board while attending upon their official duties, an itemized statement of which shall be kept in the books of the State Superintendent of Public Instruction.

SEC. 71. In every incorporated city or town in which there is not now levied a special tax for schools, upon a petition signed by one-fourth of the freeholders therein, the Board of Aldermen or Town Commissioners of said city or town shall, at the date of

municipal or general election next ensuing upon the presentation of said petition order an election to be held to ascertain the will of the people whether there shall be levied in such city or town a special annual tax of not more than thirty cents on the one hundred dollars' valuation of property and ninety cents on the poll to supplement the Public School Fund in such city or town. Said election shall be held in the different election precincts or wards under the law governing municipal or general elections in said cities or towns. At said election those who are in favor of the levy and collection of said tax shall vote a ticket on which shall be printed or written the words, "For Special Tax," and those who are opposed shall vote a ticket on which shall be printed or written the words, "Against Special Tax." In case a majority of the qualified voters at said election is in favor of said tax the same shall be annually levied and collected in such town or city in the manner prescribed for the levy and collection of other city taxes. All moneys levied under the provisions of this section shall, upon collection, be placed to the credit of the Town School Committee, composed of not less than five nor more than seven members, appointed by the Board of Aldermen for said city or town, and shall be, by said committee, expended exclusively upon the public schools in said city or town, and there shall be but one school district in the said city or town in which there may be established one or more schools for each race, and the School Committee shall apportion the money among said schools in such manner as in their judgment will equalize school facilities.

SEC. 72. (Special school tax districts may be formed by the County Board of Education in any county without regard to township lines under the following conditions: Upon a petition of one-fourth of the freeholders within the proposed special school districts, endorsed by the County Board of Education, the Board of County Commissioners, after thirty days' notice at the court-house door and three other public places in the proposed district, shall hold an election to ascertain the will of the people within the proposed special school district whether there shall be levied in said district a special annual tax of not more than thirty cents on the one hundred dollars' valuation of property and ninety cents on the poll to supplement the Public School Fund, which may be apportioned to said district by the County Board of Education in case such special tax is voted. Said election shall be held in the said district under the law governing general elections as near as may be. At said election those who are in favor of the levy and collection of said tax shall vote a ticket on which shall be printed or written the words, "For Special Tax," and those who are opposed shall vote a ticket on which

Power of Commissioners of incorporated towns and cities to order an election on question of special tax for schools, on petition of one-fourth of freeholders.

When held.  
Maximum amount of tax.  
Election, how held.

Form of ballots.

If authorized by majority of qualified voters, tax to be levied and collected.  
Moneys so collected, how disposed of.

Town or city to comprise only one school district.

Apportionment of moneys.

Formation of special school tax districts.

Notice of election.

Election.

Amount of tax.

Election, how held.

Form of ballots.

If majority of qualified voters favor tax, same to be levied and collected.

Disposition of moneys so collected.

Restrictions on application of this act.

Vacancies in certain special school districts, how filled.

Where districts comprise a township, regulations relative thereto.

Section 47, chapter 199, Laws 1889, amended.

Conflicting laws repealed.

shall be printed or written the words, "Against Special Tax." In case a majority of the qualified voters at said election is in favor of said tax the same shall be annually levied and collected in the manner prescribed for the levy and collection of other taxes. All money levied under the provisions of this act shall, upon collection, be placed to the credit of the School Committee in said district, which committee shall be appointed by the County Board of Education; and the said School Committee shall apportion the money among the schools in said districts in such manner as in their judgment shall equalize school facilities.

SEC. 73. The provisions of this act shall not apply to any township, city or town now levying a special tax for schools and operating under special laws or charters, or to schools operating under section 47, chapter 199, Laws of 1889, school districts in any city or town now operating under section 47, chapter 199, Laws of 1889, are hereby continued and all vacancies in the School Committee therein shall be filled by the County Board of Education, and if said districts comprise a township, there shall not be appointed township school committeemen for said township, and all apportionment shall be made directly to the committee of said districts.

SEC. 74. Section 47, chapter 199, Laws of 1889, is hereby amended by striking out the words, "By and with the consent of the County Board of Education."

SEC. 75. That all laws and clauses of laws in conflict with the provisions of this act shall be and the same is hereby repealed.

SEC. 76. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

## CHAPTER 5.

### An Act Relating to Service of Process on Corporations.

*The General Assembly of North Carolina do enact:*

SECTION 1. That every corporation having property and doing business in this State, whether incorporated under its laws or not, shall have an officer or agent in this State, upon whom process in all actions or proceedings against it can be served.

SEC. 2. It shall be the duty of any corporation having no officer or agent in this State upon whom process can be served, to appoint a resident of this State for the purpose of receiving service of such process, the appointment to be made in writing, under the seal of the corporation, and filed with the Corporation Commission; and if any corporation shall fail to comply with the provisions of this act within sixty days after its ratification, then, and in that case, process in any action or proceeding

Corporations to have officer or agent in this State upon whom process can be served.

Corporations having no resident officer or agent, to appoint.

Appointment, how made.

To be filed.

Failure to appoint, process, how served.

against such corporation may be served upon the Secretary of the Corporation Commission, by leaving a true copy thereof with him, and the secretary of said commission shall mail the said copy to the president, secretary or other officer of the corporation, upon whom, if residing in this State, service could be made; and for the service to be performed by the said secretary, he shall receive a fee of fifty cents, to be paid by the party at whose instance the service is made.

Fees of Secretary of Corporation Commission for service.

SEC. 3. That any corporation failing to comply with the provisions of this act shall be liable to a forfeiture or repeal of its charter, or to the revocation of license to do business in this State, as the case may be, and the Corporation Commission shall report to the General Assembly the name of such delinquent corporation.

Penalty for failure to comply with provisions of this act.

Report to General Assembly.

SEC. 4. The Corporation Commission shall keep a record of appointments of agents by corporations, under this act, which record shall be open to the inspection and examination of any and all persons.

Record of appointment of agents.

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

In the General Assembly read three times, and ratified this the 15th day of March, A. D. 1901.

## CHAPTER 6.

### An Act to Authorize the Incorporation of Street Railway Companies under the General Law.

*The General Assembly of North Carolina do enact:*

SECTION 1. That street railway companies may be organized under chapter sixteen of The Code. But no such railway shall be operated in any city or town without the consent of the municipal authorities thereof.

Street railways may organize under chapter 16 of Code. Not operated in city or town without consent.

SEC. 2. That the proceedings for the condemnation of lands, or any easement or interest therein, for the use of street railway companies, the appraisal of lands, or interest therein, the duties of the commissioners of appraisal, the right of either party to file exceptions, the report of commissioners, the manner of appeal, the power and authority of the Court or Judge, the final judgment and the manner of its entry and enforcement, and the rights of the company pending the appeal, shall be as prescribed in chapter forty-nine of The Code for condemning lands for the use of railroads.

Chapter 49 of The Code to apply to street railways.

SEC. 3. That section 1952 of The Code shall not apply to street railway companies.

Section 1952 of Code shall not apply to street railways.

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. 1901.



## CHAPTER 7.

**An Act to Provide for the Assessment of Property and the Collection of Taxes.***The General Assembly of North Carolina do enact:*

## ARTICLE I.

## BOARD OF STATE TAX COMMISSIONERS.

**SECTION 1. *Board of Corporation Commissioners created Board of State Tax Commissioners.***

Board of Corporation Commissioners created a 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.

**SEC. 2. *Board may employ clerks, etc.***

Board may employ necessary 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.

Term of office.

Records to be kept.

Clerk of Board of Corporation Commissioners custodian of records, and to supervise clerical force of State Tax Commissioner.  
\$1,500 appropriated for salaries, etc.

**SEC. 3. *Members of board to take oath of office—Compensation of members of board.***

Members of board to take oath of office.

Compensation.

Shall devote whole time to discharge of official duties.  
To be paid necessary expenses.

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.

**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.  
Sessions to be held in Raleigh.

Regular sessions of said board shall be held at the office of said board in the city of Raleigh. The said board, and the mem-



bers 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 Prison for a period not exceeding two years, or both, such fine and imprisonment in the discretion of the Court.

Shall have access to books, papers, etc., in any State department.

Like access to books, papers, etc., in counties, etc.

May subpoena witnesses.

Subpoena, how signed and served.

Attendance of witnesses, how compelled.

Fees for serving subpoenas.

May administer oaths. Right to examine books, etc., of corporations, firms, etc.

Misdemeanor to refuse to submit books for examination, etc.

Penalty.

#### SEC. 5. *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.

Time for holding regular meetings.

Chairman may call special meetings.

#### 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,

Duties of board.  
1. To exercise general supervision over tax-listers and assessing officers.

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 actual cash value.

2. To confer with and advise assessing officers as to their duties, etc.  
To institute proceedings for enforcement of penalties, etc.  
To prefer charges, etc.

May have assistance of Attorney-General, etc.

3. To receive and investigate complaints as to fraudulent assessments, etc.

4. To visit the several counties of the State annually by one or more members and hear complaints, etc.

To enforce compliance with law and punish violations.

5. To require necessary annual reports, etc., from State and county officials.

6. To make investigation and inquiry concerning revenue laws and systems of other States, etc.

To recommend to Legislature such changes and modifications of State revenue laws as may seem proper, etc.

To report to Legislature amount of taxes collected for all purposes.

(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 assessment 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 members of the board as often as once each 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 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.

(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 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.

Report, what to contain, etc.

*Board to make annual report to the Governor.*

SEC. 7. 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.

To make annual report to Governor on or before November 1st of each year. Report, what to contain.

Auditor to have 2,000 copies printed.

How distributed.

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 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, 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

County tax-list to be subject to inspection of Board of State Tax Commissioners.

Duties in case tax-lister has failed to make proper assessments.

Lister to appear at time and place stated in order.

Places.

Notice to lister, how published, etc.

Personal notice to be given by mail.

Copy of order to be served on tax officer having list in possession. Board or any member thereof to appear at time and place mentioned.

Assessing officer to appear with list.	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
Board or member thereof to hear and determine as to proper assessment.	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 member 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 hand 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.
Persons interested to be heard.	
True assessment, how determined and stated.	
Property not on tax-list, how placed on and described.	
Member to certify officially on tax-list day and date of review and changes made.	
Compensation of tax officer.	
How paid.	
Action of board or member final.	
Board may order general review of tax-list	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 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
When general review may be ordered.	
Time and place to be stated in order.	
Assessor complained of to appear with tax-list.	
Place.	
Notice of time and place to be published.	
What notice to contain.	
In what paper publish	

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 aforesaid shall 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 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 and the assessments of property therein, and he or they shall have power to determine in accordance with law, the amount at which said assessments shall be placed, and to change the same so that said assessments may comply with the law. Also to place upon said 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.

SEC. 10. If it shall be made to 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 Commissioners 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 the 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.

Copy of order to be served on assessor.

Board or any member thereof to appear.

Board, or member, and chairman of county commissioners to review list and determine amount of assessment.

To place on list property omitted.

Determination of board to be placed in column on list provided for that purpose.  
How board to proceed.

Unassessed property to be ordered placed on tax-lists.

How valued.

Board to certify such property to county commissioners at October meeting.

Commissioners to ascertain rate of taxation for years missed and order said taxes assessed against property for current year.

Proviso as to time prior to this act.

Proviso as to change of ownership.



## ARTICLE II.

SECTION 11. *Commissioners shall have power to exempt—Sheriff to garnishee if taxes are not paid in sixty days—Form of attachment.*

Board of county commissioners may exempt from payment of poll tax.  
 Person exempted not required to renew application

Clerk of commissioners to furnish certificate of exemption.  
 Duty of list-taker as to exempted polls.

Sheriff may attach debt, etc., for poll taxes

Liability of party owing debt, etc., on attachment.  
 Misdemeanor for corporation, firm or person to refuse to furnish list of employees to tax-collector.

Form of attachment.

Fees of sheriff and justice.

County commissioners to appoint board of list-takers, when.

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 him before the expiration of the calendar year, and the person owing such debt or having such property in possession shall be liable for said tax. Any corporation, firm or person who shall on demand or request made, refuse to give to the 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 delinquent by you during the present calendar year, and to show cause why judgment should not be rendered against you for said delinquent tax and costs of this proceeding. .... day of ....., 190...

A. B., Sheriff or Tax Collector.

For serving notice the Sheriff shall receive twenty-five cents, and if judgment is rendered the Justice shall receive twenty-five cents as costs.

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.*

The Board of Commissioners of each county shall at their ses-



sion 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 second 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 structures improved, erected or destroyed.

Duty of list-takers and assessors.

To meet and organize by electing chairman and secretary.

Duties of secretary

Board empowered to administer oaths.

Effect and force of assessment.

SEC. 13. *Real property to be assessed at value at private sale after actual view, if practicable.*

Real property shall be valued by the assessors either from actual view or from the best information that the assessors can practicably obtain, at the full value which could ordinarily be obtained therefor at private sale. 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.

Real property to be valued from actual view or on best information.

Value, how determined.

SEC. 14. *All articles of personal property to be assessed after personal view, if practicable, at true cash value.*

All articles of personal property shall, as far as practicable, be valued by the assessors upon actual view at their true cash value; 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.

Personal property to be assessed from actual view if practicable.

If person is believed to conceal personal property money, credits, etc., assessors to report same to county commissioners.

County commissioners to take necessary action

SEC. 15. *Defining "market value" or "true value."*

Market value<sup>13</sup>  
and "true value"  
defined.

The intent and purpose of the tax laws of this State is to have all property and subjects of taxation fairly assessed at the value which would be realized therefrom by cash sale, 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," when used in the tax laws shall be held and deemed to mean what the property and subjects would bring at cash sale when sold in such manner as such property and subjects are usually sold.

SEC. 16. *Board of Assessors shall advertise in five places.*

Board of township  
assessors and list-  
takers to advertise  
in five or more  
public places time  
of making returns.

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 Taker 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.

SEC. 17. *Tax Commissioners to prepare instructions for Assessors and Listers.*

Duty of tax com-  
missioners to pre-  
pare pamphlet of  
instructions for  
use of assessors,  
etc.

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, particularly calling their attention to the requirement that all property shall be assessed at its fair market value, and the penalties upon Assessors for failure to observe this provision. Copies of 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.

What to contain.

To advise assessors  
of working of laws,  
etc.

Copies to be sent  
register of deeds  
of each county for  
distribution.

SEC. 18. *Oath of Tax Listers and Assessors.*

List-takers and  
assessors to make  
complete returns  
to county com-  
missioners first  
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 first Monday in July, and annex the following affidavit, subscribed and sworn to before a Justice of the Peace, who shall certify the same:

Affidavit to be an-  
nexed to returns.

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."

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:

Assessors and list takers to take oath before entering on discharge of duties.

"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."

Form of oath.

#### SEC. 19. *Board of Equalization.*

The Board of County Commissioners and the Chairman of the Board of List Takers and Assessors of the several townships and wards of cities and towns, shall constitute a Board of Equalization for the county, and shall meet on the first Monday in July. The Chairman of the Board of County Commissioners shall be Chairman of 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.

Board of county commissioners and chairman of township board of assessors, etc., to constitute a board of equalization.

Meet first Monday in July. Chairman of board of county commissioners to be chairman.

Board to equalize valuation.

Rules of procedure.

#### SEC. 20. *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

Compensation of list-takers and assessors.

Per diem of board of equalization.

Mileage.

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.

SEC. 21. *List Takers and Assessors to make out their accounts—When entitled to compensation.*

List-takers and assessors to make detailed accounts. Account sworn to.

Not entitled to compensation until all lists, etc., have been made and filed.

Not entitled to pay unless they have strictly complied with the law. County commissioners to be judges as to amount of 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 the lists, schedules, statements and books appertaining to the assessment of property for such year, in the office of the Clerk of the Commissioners, the books to be accurately made 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.

SEC. 22. *Township List Takers.*

Township list-takers to make immediate advertisement.

Advertisement, what to contain.

Each Township List Taker appointed under the authority of section 12 of this Act shall advertise in five or more public places within the township immediately after his appointment, notifying all tax-payers to return to him all the real and personal property which each tax-payer shall own on the first day of June, and said returns shall be made to the List Taker during the month of June, under the pains and penalties 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.

List to state whether owner or held as parent, guardian, trustee, executor, etc. Proviso.

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-taxpaying securities, or surrenders any taxable property for non-taxable property, and after the date of listing property has passed takes said certificates or other taxable property back and gives up said non-taxpaying 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 imprisoned not less than one month, nor more than six months, or both.

Personal property in hands of guardian, executor, administrator, etc., to be listed where wards reside.  
Exception as to non-residents.

Guardians exempt from municipal taxation on ward's personal property, when.

Persons surrendering or exchanging property to evade payment of taxes guilty of a 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. Any List Taker receiving a tax list otherwise than as above provided shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of twenty dollars for every violation, one-half of which fine shall go to the person furnishing evidence sufficient to convict; and by imprisonment for not less than ten days, nor more than thirty days in the discretion of the court.

Owners to list property in June.

Agents may be appointed by females, non-residents, etc., to list their property.  
Property of corporations, how listed.

Misdemeanor for list-taker to receive lists otherwise than provided in this section.  
Penalty.

#### 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

Real property, live stock, farming utensils, etc., to be listed in township where situate.  
Live stock grazing in other counties to be listed in county where owner resides.



Fee of soil, etc., and mineral, quarry or timber rights to be valued and listed according to respective ownership.

Owner of mineral, quarry or timber interests to describe same in lists with separate value of each separate tract on which located.

Owner of separate timber interest to list same.

All polls and personal property to be listed in township where owner resides on first day of June.

Debts due tax-payers may be deducted. Every tax-payer to furnish statement of all property owned by him and a statement of his income subject to taxation. Tax-payer claiming exemption shall state ground of claim.

If claim allowed, amount allowed to be itemized and deducted by lister. Not allowed, question may be submitted to State Treasurer. Bona fide debts of tax-payer may be deducted from credits. Provided detailed statement is given thereof.

Improvements to be valued separately from lands on which same are. Valuation of lands and improvements to be entered in separate columns.

on the first day of June. When the fee of the soil of any tract, parcel or lot of land is in any person or persons, natural or artificial, and the right to any minerals, quarry or timber therein is in another or others, the same shall be valued and listed agreeably to such ownership in separate entries specifying 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.

*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.

*SEC. 27. Debts owing to tax-payer may be deducted after giving list of same to List Taker.*

At the time and place appointed by the List Taker, the tax-payer in person, except as provided in section twenty-four 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. Should the tax-payer claim that any portion of the property shown on his list is exempt from taxation, he shall make it known to the Tax Lister, stating the ground of his claim for exemption, and if the claim is allowed by the Tax Lister, the amount so allowed shall be itemized and deducted on the face of the tax list. Should the Tax Lister not allow the deduction claimed, the list shall stand for the full amount, until the question is submitted to the State Treasurer for his decision. All bona fide indebtedness owing by any person may be deducted by the Tax Lister from the amount of said person's credits: *Provided*, he shall give an itemized statement in detail of how said debts are secured, to whom owing, the residence of such creditors and the amount due each.

*SEC. 28. Improvements and lands valued separately.*

It shall be the duty of the Tax Listers and Assessors to place a valuation upon improvements upon lands separately from the lands themselves. The valuation on lands and on improvements shall be entered in separate columns on the tax list, and on the tax duplicate and the sum of the two columns shall be carried



to a third column, if the land and the improvements are both owned by the same person. The State Auditor shall prepare all blanks with proper columns, so that the separate valuation can be clearly made.

Sum total to be carried to third column.  
And for to prepare proper blanks.

#### SEC. 29. *Penalty for not listing personal property.*

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 to 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.

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.

Forfeitures to be paid into county treasury.

#### SEC. 30. *Tax Lister shall administer oath.*

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.

Duty of tax-lister to administer oath to every tax-payer listing property.

Failure to administer oath a misdemeanor.

Penalty.

#### SEC. 31. *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 solemnly swear (or affirm), that the list furnished by me contains a true and accurate list of all my prop-

Tax-payer's oath.

Form.

erty 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."

*Sec. 32. Property held in trust listed separately.*

Property held in trust, etc., to be returned on separate list.

Sheriff liable for failure to report false returns.

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.

*Sec. 33. What shall be specified on tax list.*

Tax-list, what to contain:

1. Quantity of land, etc.
2. Number and kinds of live stock.
3. Farming tools, furniture, provisions, etc.
4. Money on hand.
5. Solvent credits, etc., amounts and character of.

Value of cotton, tobacco and other property in hands of commission merchants, etc.

Credit not entirely solvent, claim for deduction to be made.

6. Certificate of deposit, etc.

7. Money, investments, stocks, etc.

8. All other personal property.

9. Income.

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, firearms, 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, claim for deduction may be made, and, if allowed by the Tax Lister, shall be deducted from the total amount listed in the same manner as provided for the deduction of property exempt from taxation. (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 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, or 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, with a statement of the source or sources from which it was derived. (10) If the party be a non-resident of the county and owns land therein, the list shall state his address, and may name any 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.

10. Address of non-resident land-owner, etc.

11. Persons failing to give in to assessors bonds, notes, etc., same not to be recoverable by action until listed and tax paid thereon.

#### SEC. 34. *Foreign building and loan associations.*

All foreign building and loan associations doing business in this State shall list for taxation 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 moneyed 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 of stock owned by citizens of this State for taxation shall be barred from doing business in this State; and any local officer or person who shall collect dues, assessments, premiums, fines or 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 association listing said stock.

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.

#### SEC. 35. *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 or face value of each share. Third. Its principal place of business. Fourth. The market value of said

Telegraph company, what constitutes.

To make annual statement to Board of Corporation Commissioners. Statement to be verified by officer or agent of company.

Statement to show: 1st. Total capital stock.

2d. Number of shares and par value.

3d. Principal place of business.

4th. Market value of shares on 31st of May preceding.  
5th. Real estate, etc., owned by company.

6th. Specific real estate and permanent improvements thereon situated outside the State and not directly used in its business.

7th. Mortgages on its property.

8th. (a) Total length of lines.  
(b) Total length outside of State.  
(c) Length of line in each county and township.

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.

### SEC. 36. *Telephone Companies.*

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. Specific real estate with permanent improvements owned out of North Carolina and not used directly in the business.

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 Auditor of this State a statement, verified by the oath of the officer or agent of such company making such statement, with reference to the thirty-first day of 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. Seventh. All mortgages upon the whole or any of its property, together with the dates and amounts thereof. Eighth. (a) The total length of the lines of said association or company; (b) the total length of so much of their lines as is outside the State of North Carolina; (c) the length of the lines within each of the counties, and townships within the State of North Carolina.

### SEC. 37. *Express Companies.*

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. *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 Auditor of this State a statement verified by the oath of the officer or agent of such association, company, copartnership or corporation making such statement, with reference to the thirty-first day of May next preceding, showing:

First. The total capital stock or capital of said association, copartnership or corporation.

Second. The number of shares of capital stock issued and outstanding and the par or face value of each share, and in case no shares of capital stock are issued, in what manner the capital stock thereof is divided, and in what manner such holdings are evidenced.

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.

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.

Sixth. The specific real estate together with the improvements thereon, owned by the association, company, copartnership or corporation situated outside the State of North Carolina, and not

Specific description required as to location, purposes for which used, etc. Sum at which assessed.

7. All mortgages on its property.

8. (a) Total length of lines.

(b) Total length of lines outside of State.

(c) Length of lines in each county and township in the State.

Express companies—Definition of.

To make annual statement to Auditor, when.

Statement to be verified.

What to show:

1. Total capital stock.

2. Number of shares of capital stock.

Par value of shares. How capital stock is divided and held.

3. Principal place of business.

4. Market value of shares 31st of May preceding.

In case no stock issued, market value of capital and manner in which divided.

5. Real estate, structures, machinery, fixtures, etc., owned and subject to local taxation within the State, with location and assessed value in each county.

6. Specific real estate and improvements outside of State and not directly used



in its business, with location, purpose for which used and sum at which assessed.

7. All mortgages on its property.

8. Total length of lines over which company operates

(b) Total length of such lines outside the State.

(c) Length of such lines or routes in each county and township in the State.

Sleeping-car companies defined for purposes of this act.

Companies to make annual statement to Corporation Commission.

Statement must be verified by oath of officer or agent. Must show with reference to 31st of May preceding:

1. Total capital stock invested in business.

2. Number of shares of such capital stock.

3. Under laws of what State incorporated.

4. Principal place of business.

5. Name and P. O. of president and secretary.

6. Actual cash value of shares of capital stock.

7. Real estate, structures, fixtures and appliances owned by company and subject to local taxation in State. Location and value.

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 lines or routes over which such association, company, copartnership or corporation transports such merchandise, freight or express matter; (b) the total length of such lines or routes as are outside the State of North Carolina; (c) the length of such lines or routes within each of the counties or townships within the State of North Carolina.

### SEC. 38. *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 appliances owned by said sleeping-car company, and subject to local taxation within this State, and the location and value thereof in each county within this State where the same is assessed for local taxation.



Eighth. All mortgages upon the whole or any part of its property and the amounts thereof, devoted to its sleeping-car business.

Ninth. (a) The total length of the main lines of railroad over which cars are run; (b) the total length of so much of the main line of the railroad over which 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: *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 forty-three 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 thirty days within which to appear and make objections, if any it shall have, to said assessment. If no objections be made within said thirty days, the amount shall be certified to the State Treasurer, who shall thereupon send by registered letter to the officer attesting such report a bill for the State taxes upon said assessment, and such sleeping-car company shall have thirty days within which to pay said taxes. And the Secretary of the Railroad Commission shall certify to the County Commissioners of the several counties through which such cars are used, the value of the property of such sleeping-car company within such county in the proportion that the number of miles of railroad over which such cars are used in said county bears to the number of miles of railroad over which such cars are used within the State, together with the name and post-office address of the officer attesting such report of such sleeping-car company, with the information that tax bills, when assessed, are to be sent him by mail, and such value so certified shall be assessed and taxed the same as other property within said county. And when the assessment shall have been made in such county the Sheriff or County Tax Collector shall send to the address given by the Secretary of the Railroad Commission to the County Commissioners, by registered mail, a bill for the total amount of all taxes due to such county, and such Sheriff or County Tax Collector shall add to such tax bills the postage and registration fee, and such sleeping-car company shall have sixty days thereafter within which to pay said taxes; and upon failure 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.

8. All mortgages on its property.

9. (a) Total length of lines of roads over which cars are run.

(b) Total length, or so much of main line, operated on outside of N. C.

(c) Length of lines over which cars are run in N. C. *Provided* as to double tracks, etc.

When assessments are made under sec. 43, clerk of commission to notify officer attesting such report, by registered letter, of amount assessed, etc.

Company to have 30 days to appear and make objections to assessment.

No objections made in 30 days, assessment to be certified to State Treasurer. Treasurer to send bill for taxes to officer, etc., by registered letter. Company to have 30 days in which to pay taxes.

Secretary of railroad commission to certify value to county commissioners.

How proportioned to counties.

Name and address of officer attesting report to be given commissioner.

Information as to tax bills.

How assessed and taxed in county.

Duty of sheriff or county tax-collector.

Sheriff to add postage and registration fee to amount of tax bills.

Company to have 60 days in which to pay.

How collected on failure or refusal of company to pay.

Parties owning refrigerator and freight cars to be taxed in same manner as sleeping car companies and taxes to be collected in same manner.

### SEC. 39. *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 is provided in section 38 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.

Annual verified statement to be made to Corporation Commission by street railway, water-works, electric light and power, gas, ferry, bridge and canal companies. When made,

Statement to be verified.

To have reference to 31st day of May next preceding showing:

1. Total capital stock.
2. Number of shares.
3. Principal place of business.
4. Market value of shares on 31st of May preceding.
5. Real estate, structures, machinery, etc., owned and subject to local taxation, with location and assessed value in each county.
6. Specific real estate with improvements situated out of State not directly used for purposes of company.

7. All mortgages, etc., on its property.

8. (a) Total length of lines.
- (b) Total length outside of State.
- (c) Length of line in each county and township in the State.

Board of Corporation Commissioners to examine statements.

May require officer to make additional statements.

SEC. 40. 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: (1) The total capital stock of such association, company, copartnership or corporation. (2) The number of shares of capital stock issued and outstanding and the par or face value of each share. (3) Its principal place of business. (4) The market value of said shares of stock on the 31st day of May next preceding, and if such shares have no market value, then the actual value thereof. (5) The real estate, structures, machinery, fixtures and appliances owned by said association, company, copartnership or corporation, and subject to local taxation within the State, and the location and assessed value thereof in each county where the same is assessed for local taxation. (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) All mortgages upon the whole, or any part of its property, together with the date and amounts thereof. (8) (a) The total length of the lines of said association or company; (b) the total length of so much of their lines as is outside 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. 41. *Board of Corporation Commissioners may require additional information.*

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 any statement or statements required by this act such association, company, copartnership or corporation shall forfeit and pay to the State of North Carolina one hundred dollars (\$100) for each additional day such report is delayed beyond the twentieth day of 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.

Corporation or company failing or refusing to make statements required by this act to forfeit and pay \$100 for each day such report is delayed beyond 20th day of June.

How sued for and recovered.  
Penalties to be paid into general fund of State.

#### SEC. 42. *Corporation Commissioners shall examine statements.*

Upon the meeting of the Corporation Commissioners for the purpose of assessing railroad and other property, they 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 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.

Duty of commissioners to assess property of all companies making statements as hereafter set forth.

May require officers, agents, etc., to appear before them with books and papers.

May compel attendance of witnesses.

#### SEC. 43. *Manner of assessment.*

Said State Board of Corporation Commissioners 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 said shares have a market value, and in case they have none taking the actual value thereof or of the capital of said association, company, copartnership or corporation, in whatever manner the same is divided, in case no shares of capital stock have been issued: *Provided, however,* that in case the whole or any portion of the property of such 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,

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.

True cash value of property located in the State, how ascertained.

Proportionate value, how ascertained.

Assessed value for taxation of all real estate, structures, machinery and appliances within the State subject to local taxation to be deducted from entire value of property in the State.

Residue to be assessed by board

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 values 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 the 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 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 35, 36, 37, 38, 39 and 40 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. 44. *Value per mile.*

Commission to ascertain value per mile.

How ascertained.

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

SEC. 45. *Total value for each county.*

Said State Board of Corporation Commissioners shall thereupon for the purpose of determining what amount shall be assessed by it to said association, company, copartnership or corporation, in each county in the State, through, across 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.

Total value for each county, how ascertained.

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. 46. *Companies failing to pay tax.*

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 prosecution of such action, which action may be prosecuted in any county into, through, over or across which the line or routes of any association, 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 State Board of Corporation Commissioners, or in case such association, company, copartnership or corporation shall have refused to pay the taxes or any portion thereof assessed to it in any particular county or counties, such action may include the whole or any portion of the taxes so unpaid in any county or counties, but the Attorney-General may at his option unite in one action the entire amount of the tax due, or may bring separate actions in each separate county or 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

On failure or refusal of companies to pay taxes, solicitors may prosecute action in name of State on relation of the county commissioners of the different counties.

Penalty of fifty per cent. of taxes to be included in judgment, with reasonable attorney fees. Where action may be prosecuted.

Attorney-General may unite several causes of action for failure to pay taxes, or may bring separate actions for each failure or refusal of a company to pay.



Board to account to respective counties for collections made in such suits at next ensuing settlement with such county. Penalty to be credited to general State fund. Duty of county treasurers as to such settlements.

Proviso.

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 State Board of Corporation Commissioners and apportioned to such county, shall not be controverted.

#### SEC. 47. Railroads.

Corporation Commissioners to be a board of appraisors and assessors for railroad, telegraph and other companies exercising the right of eminent domain.

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.

#### SEC. 48. Railroads.

Return of the principal accounting officers of certain companies to the commissioners.

The president, secretary, superintendent, or other principal accounting officers within this State of every railroad, telegraph, telephone, street railway companies, 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 Commissioners for assessment and taxation, verified by the oath or affirmation of the officer making the return, all the following-described property belonging to such corporation 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 owned by them or operated over their lines: *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. It shall be the duty of the list-takers, if required so to do by the said Commissioners, to

Proviso.

For listing certain property in county where located.



certify and send to the Commissioners a statement giving a description of the property mentioned in the foregoing proviso, and showing the assessed valuation thereof; the list-taker shall also on or before the same day send to the Auditor of the State a like certificate of the assessed valuation and character of said property. The list-takers and assessors shall also certify to the Commissioners the local rate of taxation for county purposes as soon as the same shall be determined, and such other information obtained in the course of the performance of the duties of their office as the said Commissioners shall require of them, and the Mayor of each city or town shall cause to be sent to the said Commissioners the local rate of taxation for municipal purposes.

Duties of county and township list-takers to make report to Corporation Commission. Like report to be sent to Auditor.

Local rate of taxation for county purposes to be certified to Commission by list-takers.

Mayors, etc., to certify local rate for municipal purposes.

#### SEC. 49. *Railroads.*

The movable property belonging to a railroad company shall be denominated for the purpose of taxation, "rolling stock." Every person, company or corporation, owning, constructing or operating a railroad in this State, shall (in the month of June, annually) return a list or schedule to the Commissioners, which shall contain a correct detailed inventory of all the rolling stock belonging to such company, and which shall distinctly set forth the number of locomotives of all classes, passenger cars of all classes, sleeping and dining cars, express cars, horse cars, cattle cars, coal cars, platform cars, wrecking cars, pay cars, hand cars, and all other 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 Commissioners and with reference to amounts and values, on the first day of June of the year for which the return is made.

Movable property denominated as rolling stock.

List or schedule of all rolling stock to be made to Commissioners in June annually. What list to contain and set forth.

Company to render statement of:

1. Amount of capital stock.
2. Amount of capital stock paid up.
3. Market value, or actual value if no market value.
4. Length of line in each county.
5. Total annual value.
6. All information heretofore required under section 1959 of The Code.

#### SEC. 50. *Tangible and intangible property assessed separately.*

(a) The said Commissioners 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 de-

Value of tangible property of each division or branch road to be first determined.

How value determined.

Value of franchises terminated 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 Commissioners 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 Commissioners 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 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.

How determined.

Aggregate value of tangible property and franchises to constitute true value.

How apportioned to the several counties.

Commissioners to certify to chairman of county commissioners and mayor of each city or incorporated town their respective apportionments.

Like certificate to be furnished Auditor.

All taxes imposed on railroads except school taxes to be paid direct to State Treasurer within thirty days after July 1st.

Treasurer to institute action in Wake county or other county to enforce payment. Twenty-five per cent. to be added to tax.

County commissioners to assess taxes imposed for school purposes. How assessed when part of road is in this State and part in another State.

#### SEC. 51. *Railroads.*

When any railroad has part of its road in this State and part thereof in any other State, the Commissioners shall ascertain the value of railroad track, rolling stock, and 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.

#### SEC. 52. *Railroads.*

Railroads claiming exemption from taxation by reason of contract with State, how returns to be made.

Any railroad company claiming exemption from taxation under this act by reason of any contract with the State, shall, together with and in addition to the return required by the last section, make a further return, specifying the act or acts of the General Assembly by which such contract is claimed to have been created, and also specifying what portion of the property of said railroad company is claimed to be exempted from taxa-

tion under this act, and the particulars as to character, location and value of property, if any admitted to be liable under this act. Such returns shall be in no manner conclusive as to any of the facts therein stated, but said Commissioners shall investigate and determine whether, any, and if any, what portion of the property of such company is beyond the power of the State to tax under this act. The residue of said property, after deduction of that which is exempt, shall be taxed pursuant to the provisions of this act. On or after the first Monday in July the Commissioners shall give a hearing to all the companies interested touching the valuation and assessment of their property. The Commissioners may, if they see fit, require all arguments and communications to be presented in writing.

Returns not to be conclusive.

Commission to investigate.

Residue after deduction, how taxed.

Commission to give hearing to all companies interested.

May require arguments, etc., to be in writing.

#### SEC. 53. *Railroads.*

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.

Leased railroad property, how taxed.

Foreign companies owning property or operating in State assessed as domestic companies are.

#### SEC. 54. *Railroads.*

The Commissioners shall have power to summon and examine witnesses and require that books and papers shall be presented to them for the purpose of obtaining such information as may be necessary to aid in determining the valuation of any railroad 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 Commissioners when required to do so, or refuse to submit to the inspection of said Commissioners any books or papers of such railroad company in his possession, custody or control, or shall refuse to answer such questions as may be put to him by said Commissioners or order, touching the business or property, moneys and credits and the value thereof of said railroad company, shall be guilty of a misdemeanor, and on conviction thereof before any Court of competent jurisdiction, shall be confined in the jail of the county not exceeding thirty days and 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 Commissioners and may be confined by order of said Commissioners

Commission empowered to summon witnesses and inspect books and papers.

Officer of railroad and other companies refusing to attend and testify when summoned, or produce books and papers, etc., guilty of a misdemeanor.

Penalty on conviction.

Also to be deemed guilty of contempt.

How punished.

in the jail of the proper county until he shall comply with such order and pay the cost of his imprisonment.

Property of canal and steamboat companies to be assessed as provided for railroads. Officers failing to make returns, commissioners to make assessment.

SEC. 55. *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 Commissioners shall ascertain the length of such property in this State and shall assess the same in proportion to length at the highest rate at which property of that kind is assessed by them.

SEC. 56. *Private Banks and Bankers.*

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 property pertaining to business other than real estate, etc.

7. Amount of deposits.

8. Amount of all accounts payable.

9. Bonds and other securities exempt from taxation.

What listed as moneys.

Amount of sixth item listed as similar personal property.

Aggregate of 7th and 8th items deducted from aggregate of 4th item.

Aggregate of 9th item to be deducted from aggregate of 5th item.

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 receivable and interest accrued, but not due, and interest due and unpaid; (5) the amount of bonds and stocks of every kind, State and county warrants and other municipal securities and shares of capital stock or joint stock of other companies or corporations held as an investment or any ways 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 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. 57. *Stock Brokers and Private Bankers.*

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 negotiates 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 negotiable 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 on 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 the provision of this section shall pay a fine of not less than one hundred dollars, nor more than five thousand dollars for each offence.

No person, bank or corporation to act as a stock broker without license.

Who deemed to be stock brokers.

Rights of stock brokers defined.

When stock brokers deemed private bankers.

To pay tax as private bankers in addition to broker's tax.

Penalty for violation of this section.

SEC. 58. *Tax-payer refusing to answer guilty of misdemeanor—*

*List-Taker and Chairman Board Commissioners may examine witnesses.*

If any person liable to be charged with taxes shall 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 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.

Tax-payer refusing to answer questions, or refusing to sign, fill and swear to return guilty of a misdemeanor.

Penalty.

Duty of list-taker to prosecute.

Power of list-taker and chairman of county commissioners to send for persons and papers, etc.

SEC. 59. *Structures over \$100 if erected or destroyed shall be noted.*

Every list-taker shall correct any parcel of real property on which any structure of over one hundred dollars value may have been erected, or on which any structure of the like value shall have been destroyed, agreeably to the returns made in accordance with the provisions of this act.

List-taker to correct real property when structures have been erected or destroyed.



SEC. 60. *What property exempt.*

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. (2) The property set apart and belonging to and exclusively used for the university, colleges and institutions of learning. (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. (4) Personal property owned by any religious, scientific, literary or benevolent association, used exclusively for the purposes of such association, and the real property, if not leased or otherwise used for pecuniary profit, 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 of which, shall be used or invested for the purpose of such association. (5) The property of Indians who are not citizens, except lands held by them by purchase. (6) Wearing apparel, private libraries, kitchen and other household furniture not exceeding in value twenty-five dollars, and also growing crops. (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 tax-payer's property.

1. Property belonging to United States.

2. Property set apart for educational purposes.

3. Grave-yards, etc.

Exception.

4. Personal property owned by religious, scientific, literary, etc., associations.

Real property of such, if not leased or otherwise used for pecuniary profit.

Endowment funds, etc., of any public library association.

5. Property of Indians.

6. Wearing apparel, etc., to amount of \$25.

7. Armories of State Guard.

No property exempt to be omitted from tax-list.

To be listed and exemption deducted.

SEC. 61. *Forms for assessing and listing property.*

Auditor to prepare forms for assessing and listing taxes.

The Auditor of the State shall prepare forms to be used in assessing and listing property for taxation by the assessors and list-takers. He shall transmit said forms to the clerk of the Board of Commissioners of each county by the fifteenth day of May and the clerk shall deliver to each Board of List-Takers and Assessors the necessary number of forms for their respective use. The assessors' forms shall be furnished every fourth year and the list-takers' forms annually.

Forms to be sent to clerk of board of commissioners for delivery to list-taker.

Assessors' forms to be furnished every fourth year.



SEC. 62. *Lists shall be completed by the first Monday in August—Shall make a list of exempt polls.*

The list-takers shall on or before the first Monday in July in each year return the tax list to the clerk of the Board of County Commissioners. He shall also return a list of the taxable polls of the township not given in for taxation. The returns so made shall be open to the inspection of all persons interested, and the clerk shall give to any person desiring it a copy of so much thereof as relates to his property on paying a fee of ten cents.

List-takers to return lists to clerk of board by first Monday in July.  
List of polls not given in for taxation to be returned.  
Lists to be open to inspection.

SEC. 63. *Oath of List-Takers.*

The list-taker upon making return to the Board of Commissioners of the lists 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:

List-taker to make oath.

"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 any person, of whom by law I was required to receive, a statement of the description and value of real and personal property or of the amount of moneys, credits, investments in bonds, stocks, joint stock companies or otherwise which he was required to list or in any way connived at any violation or evasion of any of the requirements prescribed by law in relation to the listing or valuation of property, moneys, credits, investments in bonds, stocks, joint stock companies or otherwise of any kind 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 perjury.

Form of oath.

Perjury to make false return.

SEC. 64. *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

Each assessor to make correct return of property then exempt from taxation.

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 Secretary of State and file the originals in his office.

*SEC. 65. Equalization of values.*

The Board of County Commissioners of each county, after notice in one newspapers 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 by each person and affixing the same opposite his name. The Board of County 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.

*SEC. 66. Tax-payers may complain to Board of County Commissioners.*

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 shall 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

List to be delivered to register of deeds.

Register to transmit duplicate to Secretary of State.

Board of county commissioners to meet second Monday in July to revise tax-lists.

Register of deeds to complete lists.

Board to sit one day or longer.

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 after second Monday in July.

Applicant to pay fee.

How valuation ascertained.

May add five per cent. to regular amount of tax.

Person complaining of assessment to present claim in writing.

Board to hear evidence.

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 over-charge in his settlement for the year.

Board finding cause for complaint to take account of same and transmit to Auditor, who shall credit sheriff with.

SEC. 67. *Commissioners may give certificate of relief granted.*

If the applicant for relief be made to the Board of Commissioners after the Sheriff shall have settled the accounts with the State and county, the Commissioners shall carefully examine the case, and if in their opinion the applicant is entitled to relief shall direct the clerk to record on the record book the cause of the complaint, and the amount which, in the opinion of the Commissioners, should be refunded to the applicant. The clerk shall make out a copy of such record, certify the same under the seal of the Commissioners and deliver it to the applicant, who shall pay the clerk a fee of twenty-five cents. Such copy shall be transmitted to the Auditor of the State who on finding the proceedings in conformity with the 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.

Application for relief made after sheriff settles accounts to be heard by commissioners.

Cause of complaint to be recorded.

Clerk to make copy for applicant.

Clerk's fee.

Copy to be transmitted to Auditor. Auditor to issue warrant.

Treasurer to pay.

SEC. 68. *Sheriff may recover over-payment by error.*

If a Sheriff or Tax Collector shall in consequence of an error in the abstract of taxes sent to the Auditor, or otherwise, be charged with more than the true amount with which he should be chargeable and pay the amount so charged in excess to the Treasurer of the State, the Auditor shall upon the certificate of the Board of County Commissioners, setting forth the nature of such error, give his warrant upon the Treasurer of the State for the amount so paid in excess and the Treasurer shall pay the—

If sheriff is over-charged in abstract and pays amount overcharged to Treasurer, Auditor on certificate of county commissioners to give warrant on Treasurer for excess so paid.

SEC. 69. *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, as far back as the said lands have escaped taxation; and the Corporation Commission shall have like power to list

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.

Duty of commissioners when no assessment was made in years when property escaped taxation.

Duty of commissioners in regard to personal property escaping taxation.

May examine witnesses and call for papers as to such property.

Provisions of this section applicable to cities, towns, etc.

Same powers and duties conferred on boards of aldermen.

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 each 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, town or other municipal corporation.

SEC. 70. *Chairman County Commissioners shall insert omitted property.*

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.

Chairman to present to grand jury.

List-taker to report changes.

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 County 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, and it shall be the duty of the chairman of the Board of County Commissioners to present to the grand jury the names of all such persons. The list-takers shall report to the chairman of the Board of County Commissioners any change he may make to the tax list as to real estate and the chairman shall note such changes in a book to be kept for that purpose.

SEC. 71. *Register of Deeds to make out tax duplicates.*

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 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 Commissioners which have been perfected by the giving of a bond. Said order shall be in the following or similar form:

Register of deeds to make two copies of tax-lists.

Auditor to furnish form or blanks.  
Form, what to show.

One copy to remain in office of clerk, the other to be delivered to the sheriff or tax-collector.

Sheriff to receipt for same.

Clerk to endorse order to collect taxes on sheriffs' copy.  
Effect of order.

Clerk to note appeals which have been perfected.

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.. .....

Form of order.

*Clerk Board of Commissioners.*

The 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. But the sum allowed for all such service 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. The Board of County Commissioners shall also cause the Register of Deeds to make out duplicate of the tax list to be made in stub books with blank receipts for the use of the Sheriff or Tax Collector of their respective counties.

Commissioners to make order for payment of register for making lists.

Sum not to exceed five cents per name.  
How paid.

Duplicates of tax-lists to be made in stub books.

SEC. 72. *Agent paying taxes shall have lien.*

When property is assessed to any person as agent for another or in a respective 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,

Person paying taxes of another as agent, etc., to have lien on property for repayment.



or if he has paid the tax, until he is reimbursed for such payment.

*SEC. 73. Register of Deeds shall make report to Auditor.*

Register of deeds to make return of tax-list abstract to Auditor, when.

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The clerk of the Commissioners shall on or before the first Monday in November after the lists are deposited with him by the 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, Indian 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 property for each purpose, and also the gross amount of taxes of every kind levied for county purposes.

*SEC. 74. Penalty for Register of Deeds failing to make report.*

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.

If any clerk shall make a default of any of the duties prescribed in the preceding section, or shall fail to deliver to the Auditor a copy of the Sheriff's return of taxes received under schedules B and C, of an act to raise revenue, and a copy of the settlement of State tax account between the Board of County Commissioners and the Sheriff or Tax Collector, made, sworn to and subscribed, he shall forfeit and pay to the State one thousand dollars to be recovered against him and the sureties of his bond in the Superior Court of Wake County, before the Clerk thereof, on motion of the State Solicitor, and it shall be the duty of the Auditor to inform the Solicitor of such default and at the same time furnish him with a certified copy of the official bond of said clerk. The Clerk of the Superior Court shall transmit to the Auditor on or before the second Monday in October in each year a certified copy of the official bond of the Register of Deeds and his sureties, under the same penalties for default as are prescribed in section 98, of this act. The Register of Deeds shall transmit to the Auditor annually a copy of the bond of the Clerk of the Superior Court.

*SEC. 75. Property may be divided upon sale.*

Property divided after valuation; parts re-assessed proportionally.

Commissioners to order amendment.

In case within the interval between the regular periods of the valuation of lands or real property any piece of land or real property shall become divided in ownership, either by partition or sale of a portion thereof or otherwise, either of the part owners may at any time, upon five days' notice to the other part owner, apply to the Commissioners for an apportionment of valuation. The Commissioners shall allow such amendment of 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 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 effect that tax. Proviso.

SEC. 76. *Taxes due first Monday in September.*

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 nonestly to account for the same with a Sheriff or other person authorized to receive the same. Said oath shall be filed with the Clerk and kept in the office of the Board of Commissioners; and for failure of any Deputy Sheriff to pay over such taxes as he may collect he shall be guilty of a misdemeanor. Taxes, when due.  
Duties of sheriff when paid.  
Failure to perform a misdemeanor.  
Penalty.  
Sheriff not to collect till settlement and bond given.  
Solvency of bond.  
Sheriff to exhibit State and county receipts before receiving tax duplicates.  
Failure, tax-collector appointed.  
Deputies collecting to take oath.  
Failure of deputy to pay over taxes a misdemeanor.

SEC. 77. *Sheriff shall attend to receive taxes.*

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 Sheriff shall attend his office during September and November.  
To attend townships during November.  
Notice.  
Proviso.

May sell, when.	this section shall be construed to prevent the collecting officer from levying and selling after the first day of November, but he shall not sell before that day. The Sheriff or Tax Collector
Fee for levy, sale or advertisement	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
Proviso.	made on real or personal property: <i>Provided</i> , 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
Shall not levy or sell under execution in certain counties till after March 15th.	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,
To attend each township in said counties one day in March.	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
Notice.	one be published in the county. No costs shall accrue or fees be collected by the Sheriffs of said counties except in cases of actual levy or advertisement and sale of property as prescribed in this proviso.
No costs to accrue till actual levy.	

Sec. 78. *Clerks of cities and towns shall furnish information.*

Clerks of cities and towns to transmit to register of deeds annual statement	The Clerk of each city and town shall annually make out and transmit to the Register of Deeds of each county on blanks furnished by the Auditor, 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 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.
Contents.	

Register of deeds to distribute blanks to town and city officers.	SEC. 79. The Register of Deeds of each county shall immediately upon the receipt from the Auditor of the blanks and instructions necessary for the carrying out of the provisions of this act by town and city officers, distribute the same to such officers at the expense of the county and shall annually, between the first day of January and the third Monday thereof, make out and transmit to the Secretary of State on blanks furnished by him, a tabular statement of the statistics of valuation, taxes and indebtedness reported by the town and city Clerk, and also separately the assessed valuation of all the taxable property in his county as last fixed by the County Board, the amount of all county taxes levied thereon during the preceding year, and the purposes for which the same were levied and expended;
To annually transmit to Secretary of State statement relative to town and county property indebtedness, etc.	

and also a detailed statement of the bonded and other indebtedness of his county, of the accrued interest thereon, if any, remaining unpaid, and the purposes for which such indebtedness was incurred.

SEC. 80. Any such Clerk failing to make the statement herein provided for shall forfeit twenty-five dollars. Penalty for failure.

SEC. 80½. The Auditor within thirty days after this act shall take effect, shall call for, and such Clerks shall within sixty days thereafter make such a statement for the year 1900. Statements for 1900.

SEC. 81. *Assessor to make list of deaf and dumb, etc.*

Each assessor shall, when making the annual assessment for the year one thousand nine hundred and three and for every fourth year thereafter, ascertain and enter upon a blank prepared for that purpose and furnished by the Auditor, the name and surname in full of each deaf and dumb, blind and insane (and idiotic) person in his assessment district, the age, color, sex, occupation and place of birth of such persons, whether such persons are educated or not, the names in full of their parents, and what the relation of blood, if any existed, between such parents, and the number of deaf and dumb, blind and insane children of such parents, and return the same to the Register of Deeds at the time of completing the assessment roll for said district. The Register of Deeds shall on or before the first day of September of said years transmit the same to the Auditor who shall compile and tabulate such returns and include a summary statement thereof in his report for said years. Assessor to prepare statements relative to each deaf, dumb, blind or insane person in his district.  
Contents.  
To return same to register of deeds.  
Register to transmit to Auditor.

SEC. 82. If any town or city Clerk shall have failed or neglected to transmit to the Register of Deeds the statement required by section 78, or if any assessor shall have failed or neglected to return the complete lists of exempt property, as required by section 64, or the schedule of the deaf, dumb and blind, and insane persons, as required by section 81 for ten days after the time he is required by law to transmit or make the same, the Register of Deeds shall in either case send a messenger to such Clerk or Assessor who has so failed or neglected to procure the same, and such messenger shall be entitled to three dollars per day and ten cents per mile for each mile necessarily traveled in the discharge of his duty, to be paid out of the County Treasury on the order of the chairman of the Board of County Commissioners and the Register of Deeds. The amount so paid shall be deducted from the compensation of such delinquent Clerk or Assessor and ordered back into the Treasury of the county. On failure of town clerks or assessors to transmit statements, lists or schedules, register to send messenger for same.  
Compensation of messenger.  
How paid, etc.

SEC. 83. *City or county indebtedness shall be reported.*

Each Register of Deeds, city or town Clerk shall whenever required by the Auditor furnish to him a full and complete state-

Registers of deeds or city or town clerks to furnish Auditor statement of county or town indebtedness when called upon.

ment showing the bonded 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. 84. *City Clerk or Assessor failing to carry out provisions of nine preceding sections.*

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 the nine preceding sections of this act shall, for every such neglect or failure, forfeit not less than twenty nor more than fifty dollars, and it shall be the duty of the Register of Deeds to cause every such forfeiture to be prosecuted for. 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 to cause every such forfeiture to be prosecuted for.

Penalty, how prosecuted for.

Penalty for failure of clerk of court or register to perform duties.

How prosecuted for.

SEC. 85. *All taxes received shall be paid to State Treasurer within ten days after 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, 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.

Failure, Treasurer to notify Auditor.

In case of doubt as to license fee, highest to be charged.

SEC. 86. 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. 87. *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.

Bank, banker, broker, stock-jobber.

(1) Bank, banker, broker, stock jobber—whoever has money employed in the business of dealing in coin, notes or bills of exchange or in any business of dealing in or buying or selling any kind of bills of exchange, checks, drafts, bank notes, promissory notes, bonds, warrants or other writing obligatory, or

stocks of any kind or description whatsoever, or receiving money on deposit.

(2) Collector or Collectors—County and Deputy Collectors, Collectors, including Sheriffs.

(3) List-Takers and Assessors—Have all authority conferred upon List-Takers in this act. List-takers and assessors.

(4) Credits—Every claim or demand for money, labor, interest of valuable things due or to become due, including money on deposit. Credits.

(5) He—Male, female, company, corporation, firm, society, He, singular or plural number.

(6) Real property, real estate, land, tract, lot—not only the land itself, whether laid out in town or city lots or otherwise, with all things 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. Real property, real estate, land, tract, lot.

(7) Shares of stock, shares of capital stock—the shares into which the capital stock of every incorporated company or association may be divided. Shares of stock, shares of capital stock.

(8) Tax, taxes—Any taxes, special assessments or costs, interest or penalty imposed upon property. Tax, taxes.

#### SEC. 88. *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 County Commissioners, or such error may be corrected or the omission supplied by the County Commissioners upon satisfactory evidence of such error or omission at a regular meeting of the board; and the board may make an order requiring the person 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 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. Procedure for correction of mistakes in assessments.

Time limit in which error, etc., may be corrected.



SEC. 89. *Taxes on railroads shall be a lien on property of the same.*

Tax lien on railroad property, etc.

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. 90. *Property mentioned in the preceding section personal property.*

Railroad property declared personal property.

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

Penalty for removing personal property to avoid listment.

SEC. 91. Any person who shall remove personal property or cause the same to be removed from the precinct of his or her residence or usual place of use or business, or place of keeping, or deposit of the same for the purpose of avoiding listment of said personal property for taxation, or any person who shall fail or refuse to list such personal property as required by law when the same shall be temporarily removed from the precinct place of residence of the owner or other place where the same shall usually be kept or used, said owner or agent of said owner, or either of them, or in case of a corporation, the manager or other person in charge or possession of such property, shall, on conviction, be fined not exceeding fifty dollars, or imprisoned not exceeding thirty days.

SEC. 92. *"Person" and "his or her" to refer to all corporations.*

"Person," "his" or "her" in preceding section includes corporations.

The word "person" and "his or her," where they occur in foregoing section, shall be construed, where the same is applicable, to mean any and all corporations who have personal property liable to taxation.

SEC. 93. *Sheriff to keep the records of settlement of taxes.*

Sheriff to keep record of certain taxes collected.

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, and all forfeitures, arrears, from insolvents double taxes and taxes on unlisted subjects; and on the first Monday in December in each year shall deliver, on oath, to the Board of Commissioners a statement setting forth all sums received to that date not previously accounted for, the date of such receipts, the person from whom received, the amount received from each person, the subjects on which received and the aggregate amounts, accompanied by

Auditor to provide suitable record book.

Sheriff to deliver to commissioners statement on oath.

Contents.

an affidavit taken and subscribed before the clerk of the Commissioners and attested by him, that the statement is correct and that no receipts have been omitted; and the clerk shall record the same in a book to be kept for that purpose and shall, by the second Monday in December, send an abstract of such statement, with the affidavit to the Auditor of State on a blank to be furnished by the Auditor, register the same in a book kept in his office for the purpose, and keep a copy of the same in a conspicuous place in the court-house until the first of January next ensuing.

Contents of affidavit.

Clerk to record affidavit and send with abstract to Auditor.

To register and conspicuously display copy.

SEC. 94. The Sheriff or other accounting officer, shall, on or before the second Monday in January in each year, settle his State tax account with the Commissioners of his county and pay the amount for which said Sheriff or Collector is liable to the Treasurer of the State, in such a manner or at such 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 section 93 of this act. In such settlement the Sheriff or other officers shall be charged with the amount of public tax as the same appears by the abstract of the taxables transmitted to the Auditor; also, with all double tax and taxes on unlisted property by him received, and with other tax which he may have collected or for which he is chargeable. The Auditor shall give to each Sheriff or Tax Collector a certified statement embracing the subjects of taxation contained in both lists and the amount of tax on each subject, which the Sheriff or Tax Collector shall deposit with the clerk of the Commissioners of his county for public inspection.

When sheriff to settle and pay State tax.

Extension of time. Commissioners to report to Auditor. Contents.

Treasurer's account with sheriff.

Sheriff to file duplicate list. What sheriff, in such settlement, chargeable with.

Auditor to give sheriff certified statement. Contents.

List to be deposited.

SEC. 95. 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 uncollectible.

(2) All over-payments made in former settlements by reason of any error in the clerk's abstract of taxables.

(3) Five per centum of commission on the amount collected.

SEC. 96. For his settlement with the State Treasurer, the Sheriff or Tax Collector shall be paid three dollars for each

Compensation of sheriff or tax-collector for settlement with State Treasurer.	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 courthouse 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.
Failure by collecting officer to make settlement within time prescribed, procedure.	SEC. 97. In every case of failure by the Sheriff or other accounting officer to settle his account within the time prescribed by this act for such 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 nothing for commission or insolvents, but adding thereto one thousand dollars and ten per centum of the amount of taxes with which said Sheriff is charged for the amount of taxes supposed not to appear in the list transmitted by the clerk, and furnish him with a copy of the official bond of said officer and his sureties, and if the whole amount be not paid the Treasurer, on motion of the Solicitor of the Fourth Judicial District, in the Superior Court of Wake County, before the Clerk thereof, within twenty days after default shall have occurred, shall recover judgment against him and his sureties without notice than is given by the delinquency of the officer. And to the end that the obligations and names may be known, the Clerk of the Superior Court shall, on or before the second Monday in 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.
Penalties.	
After twenty days' default, judgment to be recovered.	
Clerk to transmit to Auditor copy of sheriff's bond.	
Failure, penalty	
County taxes, to whom paid.	SEC. 98. 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 hundred dollars for a longer time than ten days, under a penalty of two per centum per month to the county upon all sums so unlawfully retained, and shall, on oath, render a statement to the Commissioners at their monthly meeting of the amount in his hands. On or before the first Monday of February in each year the Sheriff shall account 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: <i>Provided</i> , 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: <i>Provided</i> , the County Commissioners may
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.	

extend the time of settlement of the Sheriff of the county to the first Monday in May.

Extension of time for settlement.

SEC. 99. 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.

Power of State Treasurer to grant indulgence, relinquish penalties and bid for property.

SEC. 100. 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 uncollectible poll taxes, and also the amount of county tax on the lands bid off by the county, and costs and fees which shall be: For making a deed, fifty cents, for registering twenty-five cents, and such other necessary sums as were actually paid by the Sheriff: *Provided*, a majority of any Board of County Commissioners may extend the time for collection and settlement of the county taxes in the respective counties to such time as they may deem expedient, not to extend beyond the first of May in the year following in which taxes were levied: *Provided*, that it shall be unlawful for any Sheriff or Tax Collector in accounting with the Board of County Commissioners for either the State or county taxes, to exhibit or present in said county any money not actually derived from the collection of taxes; and any such Sheriff or Tax Collector so offending shall forfeit a penalty of five hundred dollars, one-half of which shall belong to any person who shall sue for the same, and the other half to the county in which the Sheriff resides: *Provided further*, that any Sheriff, Tax Collector or County Treasurer who shall use any part of the county or State taxes otherwise than 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.

Sheriff chargeable for sums due county by tax-lists.  
Deductions.

Costs 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.

SEC. 101. 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

Commissioners to appoint one or more of their number to be present at settlement, etc.

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.

Compensation of committee

Failure of sheriff to account with treasurer and committee. Penalty.

Action for penalty.

Liability on corrupt and fraudulent failure.

Notice to county officers (except sheriff) to appear in January at court-house and present vouchers.

Failure to attend a misdemeanor.

Accounts when audited shall be reported, filed and recorded.

Tax-collector appointed, certain duties incumbent upon him, etc.

Power of sureties to collect taxes on death of sheriff.

SEC. 102. In case the Sheriff of a county shall fail, neglect or refuse to account with the County Treasurer and assistant committee, as above required, or to pay what may 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, 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 98 of this act.

SEC. 103. 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.

SEC. 104. 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 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.

SEC. 105. 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 settlement of the taxes on their bond or otherwise as might have been had against the Sheriff if he had lived.

SEC. 106. The Sheriff (and in case of his death the sureties) shall have one year and no longer for 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.

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

SEC. 107. The Secretary of State shall have printed five thousand copies of "An Act to raise revenue," and "An Act to provide for the assessment of property and the collection of taxes," and distribute the said acts among the officers whose duty it is to execute or carry into effect any portion thereof.

5,000 copies of "Revenue" and "Machinery" acts to be printed for distribution.

SEC. 108. 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 by mail.

Ten copies to be printed for and sent to each member of General Assembly. Auditor to prepare and furnish commissioners suitable blanks, etc.

SEC. 109. 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.

Conflicting laws repealed.

SEC. 110. 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.

Rights heretofore acquired, etc., not affected.

SEC. 111. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 15th day of March, A. D. 1901.

## CHAPTER 8.

**An act to amend section three thousand seven hundred and twenty of The Code of North Carolina.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That section three thousand seven hundred and twenty of The Code of North Carolina, be, and the same is hereby amended by striking out the word "three" therein, and inserting the word "four" instead thereof.

Section 3720 of The Code amended.

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

Ratified this 14th day of January, A. D. 1901.

## CHAPTER 9.

## An act to raise revenue.

*The General Assembly of North Carolina do enact:*

## SCHEDULE A.

SECTION 1. *Objects for which taxes are levied.*

Taxes payable in  
national  
currency.  
Application.

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.

SEC. 2. *Poll tax.*

Poll-tax \$1.29.

How applied.

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.

SEC. 3. *Rate.*

Ad valorem tax  
43 cents on real  
and personal  
property.

Subject to  
exemptions.  
Municipal  
corporations,  
maximum levy.

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.

SEC. 4. *Bank taxation.*

State taxes on  
shares paid to  
Treasurer.

When.

Proceeding on  
failure.

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, bank-

ing 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 associations 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

County Commissioners shall assess for county and school purposes

Where real estate listed.

All shares of bank stock to be listed in June annually with Auditor, at market or actual value.

Property listed for county taxation deducted.

Actual value, how ascertained.

Deduction of insolvent debts.

Procedure for Auditor to ascertain actual value.

Reviewable by Superior Court.

No action lies till tax is paid or tendered.	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
Bank to file statement with Auditor. Contents.	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
To be in writing, subscribed and sworn to.	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 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
Names of stockholders residing in any county to be furnished commissioners of said county; also number and value of shares.	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. 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. 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 list their respective shares 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.
Auditor to certify to board of commissioners names, etc., of resident shareholders.	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 prop-
Resident shareholders, where to list.	
Non-resident shareholders, where to list.	
When listed.	
Powers of commissioners, list-takers and municipal officers to enforce listing.	

erty. The taxation of shares in any such bank, banking association or savings instituton 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.

Rate of taxation  
for bank stock.

#### SEC. 5. *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 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 each 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. 6 *Reports from corporations.*

Hereafter, except in the case of such corporations as are specially mentioned by name in other sections of this or the Machinery 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 in the month of June, 1901, and annually thereafter, stating specifically:

Officer of corpora-  
tion, joint stock  
association, or  
limited partner-  
ship, to make  
annual report to  
Auditor.

First. Total authorized capital stock .

Contents.

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. Amount of surplus.



Eleventh. 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.

In every case any two of the following-named officers of such corporation, limited partnership or joint stock association, namely, the president, chairman, secretary or treasurer, after being duly sworn or affirmed to do and perform the same with fidelity and according to the best of their knowledge and belief, shall, between the first and fifteenth days of July of each year, 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, and 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: *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 the 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 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 Su-

Certain officers of corporation, etc., to estimate and appraise value of capital stock for taxation, when.

Method.

Sworn certificate of appraisement to be forwarded to Auditor.

Auditor or Treasurer dissatisfied with appraisement to make valuation.

Notice to corporation.

Appeal.

Exceptions may be filed and heard before appeal.

If exception overruled, appeal lies.

Notice.

perior Court a record of said settlement, with the exceptions of the company thereto, and all decisions thereon, and all papers and evidence 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 Statè 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 appraisalment 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.

SEC. 7. *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.

SEC. 8. *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 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.

Record transmitted to Superior Court.

Procedure.

Cause, how entitled.

Appeal to Supreme Court.

Procedure.

Failure of corporation officers to make appraisalment, procedure.

Certain corporations, etc., excepted from operation of this section.

Property of foreign corporations liable to taxation.

Certificate of Auditor to Register of Deeds. To what counties made. Contents.

Corporation, etc., to pay taxes on certified valuation.

*Sec. 9. Corporation taxes payable to State Treasurer.*

Corporation taxes payable to State Treasurer.

Annual tax on each \$100 actual value of stock.

Treasurer of corporation to transmit amount to Secretary in 30 days.

Interests in limited partnerships, capital stock.

Not to pay any other tax on such stock.

Individual stockholders not required to list and pay tax on stock.

Every corporation, joint stock association, limited partnership or company whatsoever from which a report is required under the sixth section hereof, 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 in section six, 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: *Provided*, 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: *Provided, also*, 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.

*Sec. 10. Penalty for failure to furnish reports.*

Penalty for neglect or refusal to furnish Auditor with report, etc.

Penalty 5 percent.

How collected.

Failure to comply with section 6 for 3 years a misdemeanor.

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 sixth 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 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 sixth 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. Penalty.

#### SEC. 11. *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: *Provided*, that no property whatever held or used for investment, speculation or rent shall be exempt.

Tax exemptions repealed.

All corporation property, etc., liable to taxation.

Exceptions as to State and municipal property, and property held for religious purposes.

Proviso.

### INHERITANCE TAX.

#### SCHEDULE AA.

#### SEC. 12. *Rate of 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 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, and shall not exceed in value five thousand dollars, the tax shall be:

Inheritance tax prescribed.

L  
value of \$2,000  
and \$5,000.

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 to the person who died possessed of such property as aforesaid, at the rate of seventy-five cents for each and every hundred dollars of the clear value of such interest in such property.

Lineal issue, etc., to pay 75 cents on each \$100.

Rate \$1.50, when.

Second. Where the person or persons entitled to any beneficial interest in such property shall be the descendant 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 \$3 on each \$100, 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 descendant 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 \$1, 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 descendant 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 \$5, when.

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, 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.

Proviso as to devises, etc., for religious, charitable and educational purposes.

Tax rate between \$5,000 and \$10,000.

Rate between \$10,000 and \$25,000.

Between \$25,000 and \$50,000.

Rate when value exceeds \$50,000.

SEC. 13. *When all heirs, legatees, etc., are discharged from liability.*

Liability of heirs, etc., for taxes, how discharged

All heirs, legatees, devisee, 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. 14. 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.

Penalty for non-payment in two years.

SEC. 15. *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.

Duty of executor, etc., to pay tax, and deduct on settlement of estate.

What to do in case legacy or shares in estate does not consist in money.

Executor, etc., not compelled to pay or deliver specific legacy until legatee settles taxes.

Legatee refusing or neglecting to pay taxes, property may be sold.

Balance in hands of executor, etc., how distributed.

SEC. 16. *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 to be retained on whole amount.

SEC. 17. *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

Legacy charged upon real estate, heir or devisee to deduct and pay to executor, etc.

Proviso as to lien  
of taxes.

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.

SEC. 18. *Executor or administrator to take duplicate receipts from the Clerk of the Court.*

Executor, admin-  
istrator, etc., to  
take duplicate  
receipts from  
Clerk.

Duty of Auditor  
to charge Clerk.

When a proper  
voucher in hands  
of executor, etc.

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 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 State.

SEC. 19. *Foreign executor or administrator, transferring stock shall pay the tax on such transfer.*

Foreign executor  
or administrator  
transferring  
stock to pay tax.

To whom paid.

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.

SEC. 20. *Proportion of tax to be repaid upon certain conditions.*

Proportion of tax  
to be repaid upon  
certain  
conditions.

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. 21. *Appraiser to be appointed by the Clerk, etc.*

Clerk of Superior  
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 rate of three dollars per day for each day necessarily employed in making the appraisement, together with such necessary traveling expenses as may be incurred, a statement of which shall be properly itemized and sworn to, subject to the final approval of the Auditor of State before payment is made by the Clerk of the Court.

Duty of  
appraiser.

Proviso as to  
right of appeal.

Compensation of  
appraisers.

SEC. 22. *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 appraisement 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.

Appraiser taking  
fee or reward  
from executor,  
etc., guilty of a  
misdemeanor.

Penalty, dis-  
missal and fine  
or imprisonment.

SEC. 23. *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,

Duty of Clerk to  
keep a record of  
returns made by  
appraisers, etc.

How kept.

Statement to  
make to Auditor  
monthly.

Auditor to record statement.

Tax unpaid for one year, duty of Clerk.

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.

*Sec. 24. Court may order executor, etc., to file account, etc.*

Court may order executor, etc., to file accounts.

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 appear 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.

Notice, how given when personal service can not be had.

Auditor to employ attorney.

*Sec. 25. Clerk to be agent of the State for collection of said tax.*

Clerks of Superior Courts agents of State to collect 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.

Compensation.

*Sec. 26. Clerk to be liable on his official bond.*

Clerk liable on 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. 27. Clerk to make returns and payment to the State Treasurer.*

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.

Clerks to make returns and payment of taxes to State Treasurer monthly.

Penalty for not paying.

### INCOME TAX.

#### SEC. 28. *Tax-payer to show his income on list.*

The tax-payer shall show on his list the source of his income, and the Tax-Lister shall see that specific answers are made to each question in regard to income.

Taxpayer to list income.

#### SEC. 29. *What question blank shall contain in regard to income.*

The blank for listing taxes shall contain the following questions in regard to income:

Questions in regard to income.

What was your gross income during the twelve months ending June first:

- (1) From State or United States bonds .....
- (2) From salary and fees .....
- (3) From annuities .....
- (4) From trade or profession .....
- (5) From any other source except from property taxed

	\$
Subject to the following deduction:	.
From exemption .....	\$ 1,000.00
Income for taxation .....	\$

Should the tax-lister fail to require a specific answer to each question in regard to income, he shall be subject to a penalty of five dollars for each question unanswered, and the Board of County Commissioners shall deduct the amount of the penalty from the compensation due the tax-lister, or the amount may be sued for by any individual, one-half of the amount recovered to go to the person bringing the suit and one-half to the State.

Tax-lister liable for not requiring specific answer to each question.

Penalty, how collected.

#### SEC. 30. *Rate of income tax.*

On all gross incomes as provided in the preceding section hereof a tax shall be levied as follows:

Rate of income tax.

On the excess over the amount legally exempted one per cent.

The above tax shall not be levied upon the income derived from property already taxed, nor upon incomes 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 private; from annuities; from trades or professions; and from any other sources the incomes from which are not specifically exempted from taxation by law.

Not to be levied on incomes from property already taxed, nor incomes less than \$1,000.

On what incomes levied.



No city, etc., to  
levy inheritance  
or income tax.

SEC. 31. No city, town, township or county shall levy any inheritance or income tax.

#### SCHEDULE B.

##### SEC. 32. *Defining taxes under this schedule.*

Taxes under  
Schedule B  
defined.  
License tax.  
Not to be con-  
strued to relieve  
any person from  
taxes required in  
previous  
schedule.  
Licenses to be for  
twelve months.  
Proviso.

Taxes in this schedule shall be imposed as license tax for the privilege of carrying on the business or doing the act named, and nothing in 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: *Provided*, that persons becoming liable for any license payable to the State Treasurer at any time after May thirty-first of any year, shall pay the pro rata part of the year ending May thirty-first of the year counting from the first day of the month in which said license becomes due, unless otherwise specially provided in any section imposing a tax.

##### SEC. 33. *Theaters.*

Theatres.

Town of more  
than 10,000 inhab-  
itants, \$200.  
Less than 10,000  
and over 5,000,  
\$100.  
Less than 5,000  
and over 2,500, \$50.  
Less than 2,500  
and over 1,000, \$25.  
Less than 1,000  
inhabitants, \$15.  
License issued by  
sheriff.

Not liable to  
other taxes.

Companies  
performing not  
required to pay  
another State and  
county tax.

On each room or hall, used as a theater or opera house where public exhibitions or performances are given for profit, in a city or town having more than ten thousand inhabitants, two hundred dollars per annum; less than ten thousand and over five thousand inhabitants, one hundred dollars per annum; less than five thousand and over two thousand five hundred inhabitants, fifty dollars 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 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.

##### SEC. 34. *Traveling theatrical companies.*

Traveling theatri-  
cal companies  
performing in  
hall not licensed  
to pay \$10 on each  
exhibition.  
Owner of hall  
liable for tax.

On every traveling theatrical company giving exhibitions or performances in any hall not licensed as provided 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 shall be responsible for said tax.

SEC. 35. *Circuses, menageries, etc.*

On every exhibition of a circus, or circus and menagerie combined, to both of which only one admission fee is charged, for each day or part of a day, two hundred dollars, and on each side show, fifty dollars. On every other show given under canvas 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 the State tax provided in this section.

Circuses, menageries, etc., \$200.

Side-show, \$50.

Other shows, \$50.

Counties have power to fix county tax.

Proviso.

SEC. 36. *Certain entertainments exempt from license tax.*

All exhibitions or entertainments given for the sole benefit of religious, charitable or educational objects shall be exempt from taxation.

Entertainments exempt from tax.

SEC. 37. *Attorneys, Physicians and Dentists.*

On each and every practicing lawyer, practicing physician, dentist, oculist, or optician, 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.

Attorneys, physicians and dentists, \$5.

Proviso.

SEC. 38. *Auctioneers.*

On every auctioneer of goods, wares, or merchandise, and tobacco auctioneers, whether by ascending or descending bids at public outcry, who make a charge for service, an annual license tax as follows: In cities or towns of fifteen thousand inhabitants or over, twenty dollars; in cities or towns with more than ten and less than fifteen thousand inhabitants, fifteen dollars; in cities or towns with more than five and less than ten thousand inhabitants, ten dollars; in towns with less than five thousand inhabitants, and more than one thousand, five dollars.

Auctioneers.

Annual tax according to population of towns.

SEC. 39. *Real Estate and Rent Collecting Agents.*

On every individual or firm, or his or their agents, acting as agent for collecting rents or as agent in buying and selling real estate of any and every description, for compensation, and all persons who draw deeds and contracts or assume to attend to other legal business for compensation, an annual license tax the same as levied upon auctioneers under section thirty-eight.

Real estate and rent-collecting agents same tax as levied on auctioneers.

SEC. 40. *Dealers in fresh meats.*

On every individual or firm engaged in the business of buying and selling fresh meats from offices, stores, stalls, or vehicles, an

Dealers in fresh meats tax same as levied on auctioneers.

Proviso.

annual license tax for each place of business, whether the same is conducted in connection with any other business or not, the same as levied upon auctioneers under section thirty-eight: *Provided*, that nothing in this section shall apply to farmers vending their own products, and without a regular place of business.

#### SEC. 41. *Wood and Coal Dealers.*

Wood and coal dealers.

Proviso.

On every individual, firm, or association of persons engaged in and conducting the business of selling coal and wood at wholesale or retail, an annual license tax the same as levied upon auctioneers under section thirty-eight: *Provided*, that this license tax shall not apply to persons selling less than one hundred cords of woods a year, or to persons who cut and haul their own timber.

#### SEC. 42. *Photographers, Lumber Dealers, Undertakers, etc.*

Photographers, lumber dealers, undertakers, laundries, etc.

Steam laundry.

An annual license tax of one-half the amount levied upon auctioneers under section thirty-eight, shall be collected from every person or firm carrying on or conducting either of the following trades, business or professions: On every photographer; on every laundry (except steam laundry); on every lumber dealer; on every undertaker. An annual license tax, the same as levied upon auctioneers under section thirty-eight shall be collected from every steam laundry. 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 regularly organized collection agency; on every dealer in second-hand clothing.

#### SEC. 43. *Junk dealers.*

Junk dealers.

On every junk dealer an annual license tax the same as levied upon auctioneers under section thirty-eight.

#### SEC. 44. *Horse dealers.*

Horse dealers.

On all persons, firms or corporations who buy and sell horses or mules as a business for profit, an annual tax of twenty-five dollars to the State and no tax to the county.

#### SEC. 45. *Peddlers of clocks, stoves and ranges.*

Peddlers of clocks, stoves and ranges.

License issued by sheriff.

On every itinerant person or company peddling clocks, stoves or ranges, fifty dollars per annum for each county in which he or they may peddle the same. And on every itinerant person or company peddling eye-glasses or spectacles, ten dollars. 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.

SEC. 46. *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.

Amount of taxes.

SEC. 47. *Dealers in theatre tickets.*

On all dealers in theatre tickets, an annual license tax of five dollars; *Provided*, that nothing in this section shall apply to any dealer in theatre tickets in towns of less than two thousand inhabitants.

Dealers in theatre tickets.

SEC. 48. *Merchandise brokers.*

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.

Commission merchants, brokers, etc.

Not to be listed, when.

SEC. 49. *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.

Ship brokers.

SEC. 50. *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. Any person making a pledge of property as aforesaid, for money loaned or advanced who shall not pay or return the money so loaned or advanced within sixty days after the date fixed for the return or payment of the same, shall forfeit his right to redeem the property pledged. After such person shall have forfeited his right to redeem the property, the pawnbroker may cause said property to be sold at public auction by any licensed auctioneer. The expenses attending the sale shall be paid out of the proceeds of sale, and if any surplus arise from

No person to lend money as pawnbroker without license.

Pawnbroker defined.

Person pawning property to lose right of redemption, when.

After right of redemption forfeited pawnbroker may sell property.

Expenses of sale, how paid.

Surplus,  
disposition of.  
Penalty for doing  
business as  
pawnbroker  
without license.  
Annual license  
tax of  
pawnbroker.

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.

#### SEC. 51. *Livery stables.*

Livery stable.

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.

#### SEC. 52. *Sewing machines.*

Manufacturers of  
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 any one who has obtained license as provided in this section, and the payment of a fee of fifty cents, issue a certified duplicate copy of said license to any agent designated by the license. Every one to whom license shall be issued as provided in this section shall have power to employ an unlimited number of agents to sell the machines named in his license. The parties obtaining license issued under this section, shall not be taxed 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 other taxes. In addition to the said fine or imprisonment, any person violating the provisions of this section shall pay a penalty to the

Annual license  
tax.

Licenses counter-  
signed by State  
Auditor.

Separate tax for  
each class of  
machines.

Name of machine  
to be in applica-  
tion and license.

License paid  
and obtained  
certified,  
duplicate copies  
to be furnished  
agents.

Parties obtain-  
ing license here-  
under not to be  
taxed for county,  
city or town  
license.

Violation of this  
section a  
misdemeanor.  
Penalty for  
violation.

Additional  
penalty to be  
paid officer mak-  
ing arrest.



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.

How applied

Duty of officers to prosecute for penalties under this section.

Not to apply to merchants buying and selling machines when tax has been paid, and machines are kept in stock, etc.

Treasurer to have this section printed on face of license.

Provide as to second-hand machines.

#### SEC. 53. *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.

Feather renovators, license tax \$10 for each county operated in.

#### SEC. 54. *Peddlers.*

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 barbers 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, ice, fuel, fish, vegetables, fruits or any articles of the farm or dairy, or articles of their own individual manufacture, except drugs, medicines and nostrums. It shall be the duty of every person receiving a license under this section to ex-

Peddlers, who deemed to be.

Peddler's license taxes.

Tax on itinerant salesman offering or exposing goods, etc., for sale \$100 in each county.

Every person mentioned in this section to apply to County Commissioners for license.

Discretion of commissioners.

Exceptions. Person receiving license to exhibit same to officers on demand.

Failure to exhibit on demand, party may be arrested.

How discharged on production of license.

Duty of constables to arrest persons peddling without license. Party convicted, how punished.

Penalty for transferring license. Power of County Commissioners to exempt from license.

Who considered a peddler. *Provido*.

Not applicable to drummers.

hibit the same upon demand of any constable or justice of the peace of any township in which he may vend or offer to vend any of the articles taxed in this section, and upon failure to do so, every such person shall be presumed to be peddling without license, and shall be arrested and held to answer the charge; and if after arrest he shall produce his license, he shall be discharged upon the payment of all costs; and it shall be the duty of any constable or justice of the peace to arrest all persons peddling without license required by law and hold them to answer the charge of misdemeanor, and upon conviction they shall be punished as provided in section one hundred and three (103) of this act, and any person who shall transfer or assign a license shall be subject to like punishment. The Board of County Commissioners shall have power, at their discretion, to exempt from tax under this section any poor and infirm person. Any person carrying a wagon, cart or buggy for the purpose of exhibiting or delivering any wares or merchandise, shall be considered a peddler: *Provided*, that this section shall not apply to persons or their agents engaged in exchanging woolen goods for wool: *Provided further*, that this section shall not apply to drummers selling by wholesale.

#### Sec. 55. *Mercantile agencies.*

Mercantile agencies, license tax \$200.

How paid.

No additional tax.

Misdemeanor to represent agency that has failed to pay tax.

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.

#### Sec. 56. *Gypsies or fortune-tellers.*

Gypsies and other strolling bands, trading horses, or pretending to tell fortunes, \$150 in each county. How collected.

Not exempt from indictment, etc.

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.

#### Sec. 57. *Lightning-rod agents.*

Lightning-rod agents, tax \$20 in each county.

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

SEC. 58. *Hotels.*

On each hotel charging for transient custom 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 charging less than \$2 a day, 25 cents on each room.  
Charging \$2 or more per day, 50 cents on each room.  
Exceptions.

SEC. 59. *Cotton compresses.*

Every individual, firm, corporation or association of persons engaged in the business of compressing cotton shall pay an annual license tax of fifty dollars for each compress owned and operated.

Annual tax on cotton compresses, \$50.

SEC. 60. *Billiard and pool tables, 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, fifty dollars, whether kept under the same roof or otherwise; and on all other billiard or pool tables, bowling alleys or alleys of like kind, kept for public use, twenty dollars each.

Billiard tables, etc., in connection with saloon, \$50 for each table.  
All others \$20 each.

SEC. 61. *Gift enterprise; prize photographs; slot machines.*

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; on each slot machine where the return is certain to be of a value equal to the amount deposited, but may be of a greater value, ten dollars. 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. Each slot machine taxed under this section shall have the Sheriff's license conspicuously posted upon it: *Provided*, that this 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. It shall be unlawful for any firm, corporation or person to operate a slot machine when the return is uncertain and sometimes nothing; and any one violating this provision shall be guilty of a misdemeanor and punished in discretion of the Court: *Provided further*, that owners or operators of such slot machines shall be repaid taxes already paid by them proportionate to the time for which they shall not operate such machines by virtue of this act.

Gift enterprises, stores offering gifts, etc., tax \$20.

Itinerant dealer in prize photographs, etc., \$100 in each county.  
Slot machines, where returns are certain, \$10.  
Taxes in this section to whom paid.

Payment of taxes not construed as giving license or relieving from penalty for violation of law. License to be conspicuously posted on machine.  
Provido as to merchants, etc., who offer gifts and rebates.  
Unlawful to operate a slot machine where return is uncertain or nothing.  
Violation a misdemeanor.  
Penalty.  
Provido as to repayment of unexpired license taxes.

SEC. 62. *Slot machines with fixed returns.*

Slot machines  
with fixed  
returns.

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 or 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 device, 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.

License tax, \$2.50  
annually.

*Provided*,

SEC. 63. *Skating rinks, etc.*

Skating rinks,  
merry-go-rounds,  
etc., \$20 in each  
county.

On each skating rink, 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. 64. *Stock brokers.*

Dealers in stocks,  
bonds, etc.,  
privilege taxes.  
In towns of less  
than 5,000  
inhabitants, \$25.  
In towns of be-  
tween 5,000 and  
10,000 inhabitants,  
\$50.  
Over 10,000  
inhabitants \$75 for  
each place of  
business.

Every dealer in stocks, bonds, or other securities shall pay for the privilege of transacting business a license tax as follows: In towns of less than five thousand inhabitants, twenty-five dollars; in towns of more than five and less than ten thousand inhabitants, fifty dollars; and in towns in excess of ten thousand inhabitants, he shall pay seventy-five dollars for each place of business kept for that purpose.

SEC. 65. *State banks, private bankers, etc.*

State banks, pri-  
vate bankers, etc.,  
annual tax \$100 in  
each \$1,000  
employed capital.  
No county, city  
or town taxes to  
be collected under  
this section.

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.

SEC. 66. *Agents of packing houses.*

Agents of packing  
houses \$100 in  
each county  
where business is  
conducted.  
Who not required  
to pay tax  
imposed by this  
section.

Upon all agents of packing houses doing business in this State, one hundred dollars in each county where said business is carried on. Any person paying a tax as provided in section forty-eight of this act shall not be required to pay the tax imposed in this section.

SEC. 67. *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, 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 and agencies of breweries, Each brewery \$200.  
Agencies \$50 for each place of business.

SEC. 68. *Oil tanks.*

On each tank exceeding five hundred gallons capacity kept for storing oil for distribution or sale in the State, twenty dollars. This section shall not apply to the tanks of cotton seed oil mills.

Oil tanks exceeding 500 gallons \$20.  
Not applicable to cotton-seed oil tanks.

SEC. 69. *Dealers in futures.*

Upon every individual or firm or his or their agents, engaged in the business of selling or buying farm products, sugar, coffee, and salt and meat, railroad stocks and bonds, and stocks and bonds of other kinds not intended for bona fide sale and delivery, but for future 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, fifty dollars; in towns of more than five and less than ten thousand inhabitants, one hundred dollars; in towns of more than ten and less than fifteen thousand inhabitants, two hundred dollars; and in towns in excess of fifteen thousand inhabitants, three hundred 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.

Dealers in futures.

Annual license taxes.  
In towns of less than 5,000 inhabitants, \$50.  
In towns more than 5,000 and less than 10,000 inhabitants, \$100.  
More than 10,000 and less than 15,000 inhabitants, \$200.  
In towns of more than 15,000 inhabitants, \$300.  
*Provido*.

SEC. 70. *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 five gallons or less, fifty dollars for each six months; second, for selling in quantities of five gallons or

Liquor dealers.

License tax to be paid semi-annually in advance.



\$50 semi-annually for selling in quantities of 5 gallons or less.  
 \$100 semi-annually for selling in quantities of 5 gallons or more.  
 \$25 semi-annually for selling malt liquors exclusively.

more, one hundred dollars for each six months; third, for selling malt liquors exclusively, twenty-five dollars for each six months. 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 wines of his own manufacture at the place of manufacture, or within one hundred yards thereof, in quantities of not less than one quart, nor spirits in quantities of not less than one gallon.

SEC. 71. *Dealers in rice beer, medicated bitters, etc.*

Dealers in rice beer, medical beverages, etc., failing to comply with liquor license laws, guilty of misdemeanor.

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.

Penalty, fine or imprisonment at discretion of Court.

SEC. 72. *Druggist selling liquors.*

Druggists selling liquors, etc, to pay annual license tax of \$50.

Druggist 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 fifty dollars to the Sheriff or tax collector. But any druggist who allows liquor to be drunk within his place of business, or who 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 in towns of less than five hundred inhabitants, and in towns where the sale of liquor is otherwise restricted by law, the license shall be twenty-five dollars: *Provided further*, 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 allowing liquors to be drunk in their place of business or selling without prescription subject to liquor dealer's taxes. Shall be guilty of misdemeanor. Proviso. Nothing in this section to modify or repeal chapter 215 Public Laws 1887, or chapter 375 Public Laws 1889.

SEC. 73. *Grain distilleries.*

Each grain distiller, where liquor is sold in quantities of one to four gallons, shall pay \$25 to State and \$25 to county annually.

Each grain distillery operated at any time during the year where liquor is sold in quantities of from one to four gallons, inclusive, at the place of manufacture or within one hundred yards thereof, shall pay an annual license tax of twenty-five dollars to the State and twenty-five dollars to the county.

#### SEC. 74. *Social clubs.*

Any organization chartered or organized as a social club which desires to keep on hand at their club house or other place of meeting, spirituous, vinous or malt liquors, or any mixture thereof, to be sold or given away to the members of such organization, shall, on the first day of January and July of each year, pay a semi-annual license tax of one dollar for every person who has been a member of such organization during the preceding year; but the tax shall be one-half of said amount when malt liquors only are sold or given away at such club. Unless and until the said tax has been paid, any person concerned in keeping such liquors, or any mixture thereof, and selling, directly or indirectly, or giving away the same, shall be guilty of a misdemeanor, and on conviction thereof, shall be fined not less than fifty dollars, or in the discretion of the Court imprisoned not more than six months, or both. No organization chartered or organized as a social club shall be deemed to be such and entitled to the privilege of this section unless at the time application is made for license, the president and secretary of such club shall exhibit to the board granting such license a list of the active members of such club on that day, and shall satisfy said board that such membership exceeds thirty bona fide members, and that such organization is a bona fide social club, and not an organization created and conducted for the purpose of violating or evading the laws of the State regulating the licensing and sale of liquors. The word members whenever used in this section shall not apply to any person under the age of twenty-one years. No social club for the dispensing of liquors shall hereafter be permitted or chartered in any county where the granting of liquor licenses is prohibited by law.

Social clubs who keep liquors on hand to be sold or given away to members to pay a semi-annual license tax of \$1 for each member of said club in preceding year.

If malt liquors only are sold, etc., tax to be one-half of above amount.

Misdemeanor to keep or sell directly or indirectly before taxes are paid. Penalty. No organization entitled to privileges of this section unless President and Secretary at time of applying for license exhibit list of active members thereof on that day. Membership to exceed 30 bona fide members and association to be bona fide as claimed. "Members" construed. No club for dispensing liquors permitted in any county where granting liquor license is prohibited.

#### SEC. 75. *Taxes under the preceding sections for liquor licenses, how applied.*

The taxes levied either by the State or county, paid for liquor licenses under the preceding sections shall be paid to the Treasurer of County Board of Education for the benefit of the school fund of the schools of such county.

Liquor license taxes to be applied to county school fund.

#### SEC. 76. *How liquor license may be procured.*

Every person, company or firm wishing to sell liquors under section seventy 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 courthouse for thirty

License, how procured. Notice of intention to apply for license to be published.

How published.

County Commissioners not to consider application till satisfied law as to notice has been fully complied with.

Granting of license may be contested.

Application to be in writing, signed by applicant, accompanied by affidavit of six freeholders.

Freeholders to make oaths as to applicant being proper person to sell liquors, and building specified as suitable place, etc.

Licenses may be granted on filing of application, etc.

Exception. Commissioners may refuse license, when.

License to be granted by town and city authorities. County Commissioners may revoke license on complaint made of violation of law, etc.

Upon complaint made Board of Commissioners to summon party complained of to show cause.

License to be posted in place of business.

Form of license, etc.

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 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 taxpayers 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 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 pre-

scribe 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. No county shall levy more than as much tax as the State for license to sell liquors, and the payment and collection of the tax of the county shall be subject to the same provisions as the payment of the tax to the State: *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.

Penalty for failure to post license.

License issued after first day of July, whole amount of tax to be paid.

No license to issue unless applicant is a bona-fide citizen and legal voter.

No county to levy greater license tax than the State.

Proviso as to notice in incorporated towns where license has been granted.

Where qualified voters of any town or city shall hereafter vote for license, County Commissioners to order sheriff to issue, etc.

#### SEC. 77. *Merchants' tax.*

Each vendor of or dealer in goods, wares, merchandise, commodities or effects of whatsoever kind or nature, either retail or 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 an annual license tax of one dollar; and all persons so engaged shall pay annually on the whole volume of gross sales, according to the following schedule:

Dealers in goods, wares, merchandise, etc., to pay an annual license tax of \$1.

Merchants, etc., to pay annually on gross sales.

On sales less than.....	\$ 500.00.....	.50
On sales over \$ 500.00, less than	1,000.00.....	\$ 1.00
On sales over 1,000.00, less than	2,000.00.....	1.50
On sales over 2,000.00, less than	5,000.00.....	2.50
On sales over 5,000.00, less than	10,000.00.....	4.00
On sales over 10,000.00, less than	20,000.00.....	8.00
On sales over 20,000.00, less than	40,000.00.....	12.00
On sales over 40,000.00, less than	60,000.00.....	16.00
On sales over 60,000.00, less than	80,000.00.....	20.00
On sales over 80,000.00, less than	100,000.00.....	24.00
On sales over 100,000.00, less than	150,000.00.....	28.00
On sales over 150,000.00, less than	200,000.00.....	30.00
On sales over 200,000.00, less than	300,000.00.....	35.00
On sales over 300,000.00, less than	500,000.00.....	40.00
On sales over 500,000.00, less than	750,000.00.....	50.00
On sales over 750,000.00, less than	1,000,000.00.....	60.00
On sales over 1,000,000.00 .....		70.00

Schedule of taxes on gross sales.

Persons mentioned to render annual schedules of gross sales to clerk of Board of County Commissioners by June 10th each year for preceding year.  
To state class of sales.  
Clerk to keep record of lists.  
Sheriff to have copy.  
Duty of sheriff to collect.

County Commissioners empowered to require dealers to submit books for examination.  
Misdemeanor to fail to return lists or submit books.

Chairman of Board to prosecute merchant or dealer for refusing to submit lists or books.

Fee of clerk to Board of Commissioners.

Insurance companies; officer authorized to collect tax on insurance companies, etc., to pay same into State Treasury.  
Life insurance company's license \$250.  
Fire insurance company's, etc., license \$200.  
Accident insurance company's license \$200.  
Marine insurance company's license \$200.  
Surety insurance company, license \$200.  
Plate-glass insurance company, license \$100.

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 his sales comes. 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 are 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 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 paid by the County Treasurer.

#### SEC. 78. *Insurance companies.*

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 \$250.00; 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, \$200.00; for each license issued to an accident insurance company or association, \$200.00; for each license issued to a marine insurance company or association, \$200.00; for each license issued to a surety insurance company or association, \$100.00; for each license issued to a plate glass insurance company or association, \$100.00; for each license issued to a boiler insurance company or association, \$100.00; for each license issued to a domestic mutual insurance company, \$50.00; for license issued to a domestic mutual insurance company, operating in not more



than two counties, \$10.00; for license issued to a fraternal order, \$25.00; for license issued to a bond, investment, dividend, guarantee, registry, title guarantee or debenture company, \$100.00; for each license issued to all other insurance companies or associations, \$100.00. All of said companies shall pay a tax of 2 1-2 (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 situated 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-half 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.

#### SEC. 79. *Dealers in pistols, etc.*

Every merchant, storekeeper or dealer who shall keep in stock, sell or offer for sale, any pistol, bowie knife, dirk, dagger, slung-shot, loaded cane or brass, iron or metallic knuckles, shall pay an annual license tax of ten dollars.

#### SEC. 80. *Pianos and organs.*

Every person, company or manufacturer who shall engage in the business of selling pianos or organs by sample, list or otherwise in this State, shall, before selling or offering for sale, any such instrument, pay to the Sheriff or tax collector, a tax of ten dollars on each brand and obtain a license which shall operate one year from its date, and all licenses provided for in this section shall be countersigned by the Register of Deeds, and shall not be valid unless so countersigned. It shall be the duty of the Sheriff or tax collector to have this section printed on the face of each license issued under this act for the information and protection of parties to whom the same may be issued. A separate tax shall be paid by each person, company or manufacturer for every class or style of instrument having a separate or distinct name, sold by him or them. The parties obtaining license under this section shall not be taxed by any county, city or

Boiler insurance company, license \$100.  
Domestic mutual insurance company, license \$50.  
Operating in not more than two counties \$10.  
Fraternal order \$25.  
Bond, investment, dividend, guaranty, etc., company, \$100.  
All other companies \$100.  
All companies to pay a tax of 2 1-2 per cent on gross receipts in State. *Provided* as to companies having assets invested in State, tax to be 1 per cent.  
License fee 1 1-2 named above.  
Taxes when 3/4 of total assets invested in State. Companies paying license taxes not liable for tax on capital stock. No other taxes to be imposed.  
License fees to be paid to Insurance Commissioner. Commissioner to pay into State Treasury.

Dealers in pistols, etc., license tax \$10.

Pianos and organs, each company, manufacturer or agent to pay a license tax of \$10 to sheriff, etc., on each brand sold.

Licenses, how issued and countersigned.

Sheriff, etc., to have this section printed on face of license.

Separate tax for every class or style of instrument.

No other taxes allowed.

Misdemeanor to sell or attempt to sell without license.  
Penalty.  
Additional penalty.

Penalty, how applied.  
Duty of officers to prosecute.

town government. Any person required to take out license under this section, who shall sell or attempt to sell any instrument without having obtained license, shall be deemed guilty of a misdemeanor and upon conviction shall be fined one hundred dollars or imprisoned not exceeding thirty days, the fine to be paid to the Sheriff or tax collector as other taxes. In addition to the said fine or imprisonment any person violating the provisions of this section shall pay a penalty to the officer making the arrest of two hundred dollars, one hundred dollars thereof to be paid into the Treasury as other taxes, and one hundred dollars to the officer making the arrest. It shall be the duty of all county, town and township bonded officers to prosecute for penalties under this section.

*Sec. 81. Cigarette dealers and manufacturers of cigarettes.*

Annual output less than 250,000,000 tax \$250.  
Output between 250,000,000 and 500,000,000 tax \$500.  
Exceeding 500,000,000 \$1,000.  
No county, etc., to collect any tax except ad valorem.  
License tax for retailing cigarettes \$5.  
No county, etc., to levy tax.

On every manufacturer of cigarettes the following tax: Where the annual output of cigarettes by such manufacturer is less than 250 millions, \$250.00; where such annual output exceeds 250 millions, but does not exceed 500 millions, \$500.00; where such output exceeds 500 millions, \$1,000.00; *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. 82. Public ferries, bridges, etc.*

Public ferries, bridges, etc., to pay a tax of 1 per cent of gross receipts.  
Returns of receipts to be made to Register of Deeds under oath.

When made.

On every public ferry, bridge and toll-gate across highways, one per centum of gross receipts; and any person or company operating any such ferry, bridge or toll-gate shall make returns on oath of such receipts to the Register of Deeds of the county in which such public ferry, bridge or toll-gate 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.

*Sec. 83. Purchase tax; liquor dealers.*

Liquor dealer to pay purchase tax in addition to ad valorem tax.

Purchase tax 2 per cent of total purchases in or out of State, etc.  
Sworn statement of purchases to be made to clerk of Board of County Commissioners semi-annually, in January and July.

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 section seventy and seventy-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 preceeding six months, ending

on the thirty-first day of December and on the thirtieth day of June.

SEC. 84. *Emigrant agents.*

On every emigrant agent or person engaged in procuring laborers to accept employment in another State a tax of twenty-five dollars.

Tax on emigrant agents \$25.

SEC. 85. *Itinerant oculists.*

Upon every itinerant oculist or optician an annual license tax of twenty-five dollars for each county in which he may practice.

Tax on itinerant oculists or opticians \$5 annually.

SEC. 86. *Trading stamps.*

Upon every person, firm or corporation who issues or sells to merchants or manufactures any trading stamps or other devices to be redeemed by the person issuing or selling the same, an annual license tax of fifty dollars for each county in which they engage in business.

Persons issuing or selling to merchants annual tax of \$50 for each county.

SCHEDULE C.

SEC. 87. *Defining taxes embraced in this schedule.*

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 thirty-five under Schedule B.

Taxes to be paid as herein provided for and subject to regulations in section 35, Schedule B.

SEC. 88. *Privilege tax on railroads.*

Every steam railroad company and every person operating a steam railroad in this State shall, on or before the tenth day of July in each year, make and return to the State Treasurer, 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.

Every railroad company or person operating same shall make statement to State Treasurer on or before July 10th each year of gross earnings for year ending June 30th previous. Shall return number of miles operated, and number of miles in State and gross earnings per mile per annum.

SEC. 89. *Rate of taxation.*

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

Annual license tax.

Schedule of annual taxes on gross earnings.

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 eighty-eight. No county, city or town shall be allowed to collect any tax under this section.

Sec. 90. *Express Companies, Telegraph Companies, etc.*

Express and telegraph companies, tax on, 2 per cent on gross receipts. Provide when 1/4 of assets are invested in N. C. State, county or other bonds, tax to be 1 1/2 per cent on gross receipts.

If half of assets invested in State securities, etc., tax to be 1 per cent on gross earnings.

Amount invested three-fourths of total assets, tax to be one-half of one per cent. Superintendent, etc., to make return under oath to State Treasurer quarterly. To pay tax to State Treasurer at time of making return. Sheriff to report to Treasurer company doing business in his county. Penalty in case of default. How collected. Provide.

Every express company, telegraph company and telephone company shall pay a license tax of two per centum on its gross receipts within the State: *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*, no county or corporation shall be allowed to impose any additional tax, license or fee except the ad valorem tax.

SEC. 91. *Tax on corporations.*

Tax on corporations. Exceptions.

Annual franchise tax, graduated.

On each and every corporation organized under the laws of this State or doing business in this State (railroads, banks, building and loan associations, insurance companies, telegraph companies, express companies and telephone companies excepted), 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 sub-

scribed 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. When the capital stock of any land company or corporation shall not amount in actual value to more than ten thousand dollars, the tax imposed by this section shall be twenty-five dollars and no more: *Provided*, that 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 in the county of this State where it has its principal office.

Failure to pay franchise tax for three years works forfeiture of charter.

Tax on land company when capital stock does not exceed \$10,000 to be \$25.

Proviso as to license tax.

Provisos to when taxes to be paid.

#### SEC. 92. *On each marriage license one dollar.*

The tax on marriage licenses shall be paid to the Register of Deeds. It shall be the duty of the Register of Deeds to render annually to the Sheriff 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.

Marriage license tax \$1, paid to Register of Deeds. Register of Deeds to render annual statement to Sheriff of taxes received under this section and turn over same to Sheriff. Sheriff to file statement with Clerk of Superior Court. Tax to be paid to State Treasurer by Sheriff.

#### SEC. 93. *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

Tax on official seals.

To be paid by party applying for same. On any commission \$1 except Magistrates.



Reciprocal fee on warrants of extradition.

Private Secretary of Governor to pay fees into Treasury quarterly.

Seal of State Department 50 cents.

Seal of State Treasurer 50c.

State officers to keep account of times seals used, and make sworn statement.

When scroll is used, tax to be on scroll.

Certain seals exempt from taxation.

Compensation of officers collecting above-named taxes and fees.

Exception. Misdemeanor for persons receiving taxes under this section to neglect or refuse to pay same as required. Penalty.

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 Treasurer quarterly; for the seal of the State Department fifty cents, to be collected by the Secretary of State and paid by him into the Treasury, for the seal of the State Treasurer, to be collected by him and accounted for as other public money, fifty cents. Said officers shall keep an account of the number of times their seals may be used, and shall deliver to the proper officer a sworn statement thereof. Whenever a scroll is used in the absence of a seal by any of said officers, the said tax shall be on the scroll. Seals affixed for the use of any county or the State, or used on the commissions of officers of the militia, Justices of the Peace, or any other public officer not having a salary or under the pension law, or upon any process of Court, shall be exempt from taxation. The officers collecting the said taxes and fees may retain as compensation five per centum, except in 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.

#### SEC. 94. *Licenses to be countersigned and recorded by the Register of Deeds.*

Licenses, except those issued by State Treasurer, not valid until countersigned by Register of Deeds. Record to be kept. Register's fee for recording.

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 twenty-five cents for each license recorded by him, to be paid by the person applying for the license.

#### SEC. 95. *State Treasurer to sue for taxes.*

State Treasurer to sue for all taxes not paid in 30 days after same becomes due. Suit, where brought.

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.

#### SEC. 96. *Last United States census shall determine population.*

Population to be determined by last U. S. census.

For all cases in this act where population controls the price or amount of tax, the last census report of the Federal Government shall govern.

SEC. 97. *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 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.

Officers collecting fines, penalties or forfeitures on behalf of the State shall pay same to County Treasurer in 30 days for benefit of public school fund.

Fine or penalty imposed to be docketed, and not to be remitted except for good reasons.

SEC. 98. *Misappropriation of taxes deemed embezzlement.*

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.

Officer violating preceding section, or misappropriating State, county, school, city or town taxes, guilty of embezzlement. Penalty on conviction.

SEC. 99. *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.

All laws contrary to this act repealed. Proviso.

SEC. 100. *Auditor shall reject incomplete returns.*

The Auditor of State is hereby required to reject the annual returns of any Sheriff when he has good reasons to believe said returns are not entirely correct and contain material omissions in Schedules B and C in any of the subjects of taxation therein provided, and may make investigations as to such omissions and for this purpose may send for persons and papers.

State Auditor authorized to reject annual returns when same are incorrect or contain material omissions in Schedules B and C.

SEC. 101. *Duty of Sheriff in case of violations of the provisions of this act.*

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

Duty of Sheriff in violation of this act.

Sheriff to make diligent enquiry as to whether all license taxes are paid.

Misdemeanor not to pay tax, when demanded by the Sheriff. Penalty.

Duty of Sheriff to swear out warrant for persons failing to pay.  
Justice's finding on hearing case probable cause to bind over to Superior Court.  
Proviso.

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 Justices 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.

Power of Sheriff to levy on failure to pay.

SEC. 102. *Unless prohibited, county may levy same license tax as State.*

County may levy same license taxes as State unless prohibited by this act.

In any 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.

SEC. 103. *Penalty for not securing license.*

Persons not paying license tax guilty of a misdemeanor.

Every person who shall practice any trade or profession, or use any franchise taxed by the laws of North Carolina without having paid the tax and obtained a license as required in this act, shall be deemed guilty of a misdemeanor and punished by fine or imprisonment, and shall also forfeit and pay a penalty of fifty dollars, which penalty the Sheriff of the county in which it has occurred, shall cause to be recovered before any Justice of the Peace of the county for the benefit of the school fund of the county.

How punished.

Penalty, how recovered.

SEC. 104. *License for each location.*

License tax required for each separate location of business.

Every individual or firm carrying on or conducting either of the trades or business upon which a specific amount of license tax is levied, shall pay the required license tax for every separate location in which the trade or business is conducted, unless otherwise herein provided.

SEC. 105. *Appropriation for Auditor and Treasurer.*

\$2,500 appropriated for use of Treasurer, to be used in enforcing collection of taxes.

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. Nothing in this section shall be so construed as to permit either the State Treasurer or the State Auditor to use a greater amount than hitherto used by these officials to defray the expenses of their offices.

Like amount appropriated to use of Auditor for proper enforcement of Machinery Act. Act not to be so construed as to permit Treasurer and Auditor to use greater amount than formerly to pay expenses of their offices.

SEC. 106. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 15th day of March, A. D. 1901.

#### CHAPTER 10.

**An act supplemental to an act entitled an act to Raise Revenue, ratified March 15, 1901.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That section seventy-seven (77) of an act ratified on the 15th day of March, 1901, entitled "An Act to Raise Revenue" be amended by striking out all after the word "paid" in said section at the end thereof and insert the following, "by the person making the return."

Section 77 of Revenue Act of 1901 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 15th day of March, A. D. 1901.

#### CHAPTER 11.

**An act to amend Chapter 593 of the Public Laws of 1899.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That section two, chapter 593, of the Public Laws of 1899, be amended by striking out all of said section from the word "Mitchell" in line seven down to and including the word "pending" in line twelve of said section.

Chapter 593, Public Laws 1899, 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 18th day of January, A. D. 1901.

## CHAPTER 12.

**An act to repeal Chapter 254, Public Laws of 1899, relating to the Greensboro Dispensary.***The General Assembly of North Carolina do enact:*Chapter 254,  
Public Laws 1899,  
repealed.Liability of  
Dispensary  
Treasurer and  
Manager and  
rights of the city  
of Greensboro  
not affected.Time for and  
method of dis-  
posing of stock on  
hand and disposi-  
tion of proceeds.Books, accounts,  
bills, records and  
memoranda to be  
turned over to  
Aldermen of city  
of Greensboro.

SECTION 1. That the provisions of chapter 254 of the Public Laws of North Carolina passed at the session of 1899, shall be null and of no effect from and after the 31st day of January, 1901: *Provided*, the liability of the Treasurer and Manager therein provided for, on their respective bonds and otherwise, and the rights of the city of Greensboro thereunder to enforce and sue on said bonds, shall in no way be effected by this act: *Provided further*, that the Dispensary Board then in existence shall have till July, 1901, in which to sell and dispose of all liquors on hand February 1, 1901, through their Manager or other agent, which liquor shall be sold in quantities of not less than two gallons and all money on hand on February 1st, next, and all arising from the sale of the stock as heretofore provided, shall be paid over and accounted for as in said chapter provided.

SEC. 2. That on or before July 1, 1901, the Treasurer of said Dispensary Board shall account for and turn over the proceeds of sales as herein and in said chapter provided and turn over to the Board of Aldermen of the city of Greensboro all books, book of account, bills for liquors and all other records and memoranda kept and used by said Dispensary Board and their Manager in connection with the business of operating said dispensary.

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

In the General Assembly read three times, and ratified this the 17th day of January, A. D. 1901.

## CHAPTER 13.

**An act to appoint Justices of the Peace for Harnett County, N. C.***The General Assembly of North Carolina do enact:*Justices of the  
Peace for Harnett  
County ap-  
pointed.

Term of office.

SECTION 1. That the following Justices of the Peace be and the same are hereby appointed for the county of Harnett, for the several townships herein named, whose term of office shall be two years from the ratification of this act:

For Anderson Creek Township: D. P. McDonald, M. M. Black, Niven Ray.



For Averagesboro Township: John A. Oates, H. V. Moulton, Jonas Reaves, D. F. Hodges, J. N. Creel, J. F. Phillips, Julius M. Lee, Joseph B. Tart, George W. Stewart, Sr.

For Barbecue Township: John Darroch, Alex D. Waddell, Arch A. Clark.

For Black River Township: J. A. Hockaday, Solomon Stevenson, J. A. Williams, S. G. Collins, D. D. Johnson.

For Buckhorn Township: L. T. Mann, J. A. Champion, A. V. Denver.

For Grove Township: S. R. Wilson, L. L. Turlington, C. L. Bailey, Claud Stewart, Thos. D. Stewart.

For Lillington Township: B. F. Shaw, Jas. P. Byrd, E. B. Reid.

For Neill's Creek Township: C. H. Biggs, W. M. Sexton, J. T. Johnson.

For Stewart's Creek Township: Joseph Williams, J. T. Dollox, D. J. Parker.

For Upper Little River Township: T. P. Ragland, Hugh McLean, Peter McLean.

SEC. 2. That immediately after the passage of this act, the Secretary of State shall certify a copy of said act and send same to the Clerk of the Superior Court of Harnett County.

Certified copy to be sent Clerk Superior Court.

SEC. 3. That it shall be the duty of said Clerk upon receiving the copy mentioned in section 2 of this act, to immediately notify the Justices of the Peace for the several townships herein named of their appointment and command them to qualify.

Clerk to notify appointees.

SEC. 4. 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. 1901.

## CHAPTER 14.

### **An act to allow Alamance County to elect five County Commissioners, and elect two new members for the term ending December 1, 1902.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That at the general election to be held in the year nineteen hundred and two, and every two years thereafter for the election of State and county officers, there shall be elected in Alamance County by the duly qualified electors thereof, five County Commissioners instead of three County Commissioners, as now provided by section 4, chapter 135, of the Public Laws of

Number of Commissioners for Alamance County increased.

Time and method of election.

Term of office.	1895, who shall hold their offices until their successors are duly elected and qualified.
Number of present board increased.	SEC. 2. That the number of Commissioners for the county of Alamance is hereby increased to five for the term ending on the first Monday in December, 1902.
S. E. Tate and J. H. Watson appointed.	SEC. 3. S. E. Tate and J. H. Watson are hereby appointed additional Commissioners for the said term, which shall begin upon the ratification of this act.
Appointees made members of Board of County Commissioners.	SEC. 4. That the said additional Commissioners shall, as early as practicable, after the passage of this act, meet with the present Commissioners for said county, and with them shall constitute the Board of Commissioners of Alamance County.
To qualify as soon as practicable.	SEC. 5. That on the ratification of this act, or as soon as practicable, they shall qualify by taking the oath of office now prescribed by law for County Commissioners.
Vacancy; how filled.	SEC. 6. That should there occur a vacancy of the new members, the Board of County Commissioners is hereby empowered to fill it.
Certified copy of act, to be sent to Clerk Superior Court.	SEC. 7. The Secretary of the State is hereby directed to send a copy of this act, certified under the Great Seal of the State immediately after its ratification, to the Clerk of the Superior Court of said county, who shall immediately notify the Commissioners appointed by this act, and the present Board of Commissioners of its provisions.
Board may reorganize.	SEC. 8. That said Commissioners may reorganize and elect their Chairman if they so decide.
	SEC. 9. That this act shall be in force from and after its ratification.
	In the General Assembly read three times, and ratified this the 18th day of January, A. D. 1901.

## CHAPTER 15.

### **An act to allow the Commissioners of Iredell County to levy a special tax to pay the indebtedness incurred in erecting a new court-house.**

*The General Assembly of North Carolina do enact:*

Commissioners of Iredell County authorized to levy special tax.  
 Amount.  
 Purpose.

SECTION 1. That the Commissioners of Iredell County be and they are hereby authorized and empowered to levy a special tax not to exceed ten cents on the \$100 valuation of property and thirty cents on the poll for the purpose of paying off the indebtedness of said county incurred in the erection of a new court-house.

How long to be levied.

SEC. 2. That said tax shall be levied for each and every year hereafter until said debt is paid.

SEC. 3. That no part of the funds arising from the tax afore- Application of said shall be applied to any other purpose. funds.

SEC. 4. This act shall take effect from its ratification.

In the General Assembly read three times, and ratified this the 18th day of January, A. D. 1901.

## CHAPTER 16.

### An act for the relief of the dangerous insane department of the State Hospital at Raleigh.

*The General Assembly of North Carolina do enact:*

SECTION 1. That six thousand dollars (\$6,000.00) be appropriated for the payment of the debt arising from money borrowed from the State Treasurer, by the advice of the Governor and his counsel, for the maintenance of the criminal insane. \$6,000 appropriated to pay debt against Criminal Insane Department.

SEC. 2. That seven hundred dollars be appropriated to meet the immediate necessary expenditures of the Dangerous Insane Department. \$700 appropriated for immediate expenses.

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

In the General Assembly read three times, and ratified this 18th day of January, A. D 1901.

## CHAPTER 17.

### An act to give consent by the State of North Carolina to the acquisition by the United States of such lands as may be needed for the establishment of a national forest reserve in said State.

WHEREAS, it is proposed that the Federal Government purchase lands in the high mountain regions of Western North Carolina and adjacent States, for the purpose of establishing there a National Forest Reserve which will perpetuate these forests and forever preserve the headwaters of many important streams, and which will thus prove of great and permanent benefit to the people of this State; and Preamble.

WHEREAS, a bill has been introduced in the Federal Congress providing for the purchase of such lands for said purpose; therefore,

*The General Assembly of North Carolina do enact:*

SECTION 1. That the consent of the General Assembly of North Carolina be and is hereby given to the acquisition by the United States by purchase, or by condemnation with adequate Consent of State given United States to acquire lands for National Forest Reserve.

State to retain  
concurrent criminal  
and civil  
jurisdiction.

compensation, except as hereinafter provided, of such lands in Western North Carolina as in the opinion of the Federal Government may be needed for the establishment of such a national forest reserve in that region: *Provided*, that the State of North Carolina shall retain a concurrent jurisdiction with the United States in and over such lands so far that civil process in all cases, and such criminal process as may issue under the authority of the State of North Carolina against any person charged with the commission of any crime without or within said jurisdiction, may be executed thereon in like manner as if this act had not been passed.

Congress given  
power to pass  
laws necessary  
for acquisition of  
lands needed.

SEC. 2. That power is hereby conferred upon Congress to pass such laws as it may deem necessary to the acquisition as hereinbefore provided, for incorporation in said national forest reserve, such forest covered lands lying in Western North Carolina as in the opinion of the Federal Government may be needed for this purpose: *Provided*, that as much as two hundred acres of any tract of land occupied as a home by *bona fide* residents in this State at the date of the ratification of this act shall be exempt from the provisions of this section.

Exemption.

Power given Congress to pass laws  
for management,  
control and protection  
of lands  
so acquired.

SEC. 3. Power is hereby conferred upon Congress to pass such laws and to make or provide for the making of such rules and regulations, of both civil and criminal nature and provide punishment therefor, as in its judgment may be necessary for the management, control, and protection of such lands as may be from time to time acquired by the United States under the provisions 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 the 18th day of January, A. D. 1901.

## CHAPTER 18.

### An act to change time of holding McDowell Superior Court.

*The General Assembly of North Carolina do enact:*

Chapter 593,  
Public Laws 1899,  
amended.

SECTION 1. That chapter 593 of the Public Laws of 1899 be and the same is hereby amended by striking out in line 3 of section 2 the word "fourteenth" and inserting in lieu thereof the word "sixth."

Process return-  
able, when.

SEC. 2. That all papers, writs, bonds and process of every kind returnable to the Spring Term, 1901, of McDowell Superior Court are hereby made returnable to the said term at the time as fixed by this act.

SEC. 3. That it shall be the duty of the Secretary of State, at once, upon the ratification of this act to certify a copy thereof to the Judge holding the Courts in the Tenth Judicial District.

Certified copy sent Judge presiding, by Secretary of State.

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 18th day of January, A. D. 1901.

## CHAPTER 19.

### **An act for the protection of live stock in Clay County.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That for the protection of live stock, all persons are hereby prohibited from felling wild cherry trees in Clay County from the fifteenth day of April to the fifteenth day of October in each year.

Time for felling wild cherry trees in Clay County.

SEC. 2. That all persons violating the provisions of this act shall be guilty of a misdemeanor and fined not less than twenty-five dollars nor more than fifty dollars or imprisoned not less than fifteen nor more than thirty days.

Violation of provisions 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 the 21st day of January, A. D. 1901.

## CHAPTER 20.

### **An act to amend Chapter 581, Public Laws 1899, so far as it relates to Franklin County.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That section 8 of chapter 581, Public Laws of 1899, be and the same is hereby amended by adding at the end thereof the following words: *Provided*, that this section shall be operative only when the Board of County Commissioners shall by order apply to the Courts for the use of the convicts and prisoners herein mentioned.

Chapter 581, Public Laws 1899, amended.

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

Apply to Franklin 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 the 22d day of January, A. D. 1901



## CHAPTER 21.

**An act to repeal Chapter 154, Laws of 1899, entitled an act to encourage the killing of wild animals in Graham County.***The General Assembly of North Carolina do enact:*Chapter 154,  
Public Laws 1899,  
repealed.

SECTION 1. That chapter 154, Laws of one thousand eight hundred and ninety-nine (1899), 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 the 21st day of January, A. D. 1901.

## CHAPTER 22.

**An act to appoint Algernon S. Barbee a Justice of the Peace for Chapel Hill Township in Orange County.***The General Assembly of North Carolina do enact:*Algernon S. Bar-  
bee appointed  
Justice of the  
Peace.

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

SEC. 2. 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 the 22d day of January, A. D. 1901.

## CHAPTER 23.

**An act to prohibit shooting guns and pistols in the town of Roper in Washington County.***The General Assembly of North Carolina do enact:*Unlawful to shoot  
in Roper.

SECTION 1. That it shall be unlawful for any person wantonly, or in sport to shoot or discharge any gun or pistol in, or within two hundred yards of any street in, or any public road leading out of the town of Roper, in the county of Washington, for a distance of one-half mile from the place where the post-office in said town was located on the first day of January, 1901.

Violation a mis-  
demeanor.

SEC. 2. That any person violating section one of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not to exceed fifty dollars, or imprisoned not to exceed thirty days.

Penalty.

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

In the General Assembly read three times, and ratified this the 23d day of January, A. D. 1901.

## CHAPTER 24.

**An act to amend the Edgecombe County Stock Law.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter 345 of Public Laws of 1885, entitled Chapter 345, "An act supplemental to and amendatory of an act to prevent Public Laws 1885, live stock from running at large in Edgecombe County, ratified repealed, February 20, 1885," be and the same is hereby repealed.

SEC. 2. That it shall be unlawful for any live stock or geese Stock Law boundaries, to run at large within that part of Rocky Mount Township, Nash County, bounded by Edgecombe County; the Rocky Mount Stock Law District; the Dave Everett Stock Law District; and the John D. Robbins Stock Law District.

SEC. 3. That this act shall be in force from and after the first day of January, 1902.

In the General Assembly read three times, and ratified this the 23d day of January, A. D. 1901.

## CHAPTER 25.

**An act to make the first Monday in September a legal holiday.**

WHEREAS, It is desirable that the same date should be set aside Labor Day (first Monday in September) made legal holiday, by both State and Federal Statute for the observance of the same holiday;

AND, WHEREAS, the first Monday in September is designated by statutes in various States, and also by Federal Statute as Labor Day, while the first Thursday in September is designated as Labor Day by statute of this State, thereby causing confusion and annoyance in mercantile transactions; therefore,

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter 410 of the Public Laws of 1899 be and Chapter 410, the same is hereby repealed. Public Laws 1899, repealed.

SEC. 2. That section 3784 of The Code be amended by insert- Section 3784 of The Code amended, ing at the end of line four of said section the following words: "And the first Monday in September."

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 January, A. D. 1901.

## CHAPTER 26.

**An act to repeal Chapter 32 of the Public Laws of 1889, in so far as same applies to the county of Cumberland.**

*The General Assembly of North Carolina do enact:*

Chapter 32, Public Laws 1889, repealed as to Cumberland County.

SECTION 1. That chapter 32 of the Public Laws of 1889 be and the same is hereby repealed in so far as it applies to the county of Cumberland.

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

In the General Assembly read three times, and ratified this 26th day of January, A. D. 1901.

## CHAPTER 27.

**An act to provide for the indexing, side-notes and publication of the captions to laws and resolutions ratified by the General Assembly of 1901.**

*The General Assembly of North Carolina do enact:*

Secretary of State to appoint assistant to prepare indexes, side-notes and captions.

Compensation.  
How paid.

To publish and distribute captions.

Chapter 251, Laws of 1899, repealed.

SECTION 1. That the Secretary of State is hereby authorized and empowered to appoint an assistant to aid him in preparing indexes, side or marginal notes and captions, to the laws and resolutions, both private and public, ratified by the General Assembly, for publication, and said assistant [shall] receive the same compensation for said work, and shall be paid in like manner as was paid for preparing indexes, side notes and captions to laws and resolutions ratified by the General Assembly of eighteen hundred and ninety-seven, and the General Assembly of eighteen hundred and ninety-nine.

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

SEC. 3. That chapter 251 of the Laws of eighteen hundred and ninety-nine 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 the 26th day of January, A. D. 1901.

## CHAPTER 28.

**An act to provide for the division of the State into Judicial Districts.  
and for holding the Courts therein.**

*The General Assembly of North Carolina do enact:*

SECTION 1. A Superior Court shall be held by a Judge thereof at the court-house in each county. The State shall be divided into sixteen Judicial Districts, and the Superior Courts in the several counties shall be opened and held at the times herein-after set forth, and each Court shall continue in session one week, except as hereinafter provided, unless the business thereof shall be sooner disposed of, namely:

Superior Court to be held by a Judge of same at court-house in each county. State to be divided into sixteen Judicial Districts. Court to continue in session one week except as hereinafter provided.

## FIRST DISTRICT.

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

*Beaufort County*—Third Monday before the first Monday in March, to continue two weeks; sixth Monday after the first Monday in March, for the trial of civil cases exclusively; tenth Monday after the first Monday in March, for the trial of criminal cases exclusively; sixth Monday after the first Monday in September, to continue two weeks, the second week for the trial of civil cases exclusively; thirteenth Monday after the first Monday in September, to continue three weeks, the last two weeks for the trial of civil cases exclusively.

*Currituck County*—First Monday before the first Monday in March; first Monday in September.

*Camden County*—First Monday in March; first Monday after the first Monday in September.

*Pasquotank County*—First Monday after the first Monday in March, to continue two weeks; twelfth Monday after the first Monday in March, to continue two weeks, the last week for the trial of civil cases exclusively; second Monday after the first Monday in September, eleventh Monday after the first Monday in September.

*Perquimans County*—Third Monday after the first Monday in March and September.

*Chowan County*—Fourth Monday after the first Monday in March and September.

*Gates County*—Fifth Monday after the first Monday in March and September.

*Washington County*—Seventh Monday after the first Monday in March; eighth Monday after the first Monday in September.

- Tyrrell. *Tyrrell County*—Eighth Monday after the first Monday in March; ninth Monday after the first Monday in September.
- Hyde. *Hyde County*—Ninth Monday after the first Monday in March; twelfth Monday after the first Monday in September.
- Dare. *Dare County*—Eleventh Monday after the first Monday in March; tenth Monday after the first Monday in September.

## [SECOND DISTRICT.]

- Second District. The Second District shall be composed of the following counties, and the Superior Courts thereof shall be held at the following times, to-wit:
- Halifax. *Halifax County*—Sixth Monday before the fifth Monday in March; fifth Monday after the first Monday in March; second Monday before the first Monday in September; twelfth Monday after the first Monday in September; each to continue for two weeks.
- Northampton. *Northampton County*—Fourth Monday before the first Monday in March, to be for the trial of civil cases exclusively, except jail cases on the criminal docket; third Monday after the first Monday in March, to continue for two weeks; first Monday in September, to be for the trial of civil cases exclusively, except jail cases on the criminal docket; eighth Monday after the first Monday in September, to continue for two weeks.
- Warren. *Warren County*—Third Monday before the first Monday in March; tenth Monday after the first Monday in March; second Monday after the first Monday in September, to continue for two weeks.
- Bertie. *Bertie County*—Second Monday before the first Monday in March, and the first Monday in September, each to be for the trial of civil cases exclusively, except jail cases on the criminal docket; eighth Monday after the first Monday in March, to continue for two weeks; tenth Monday after the first Monday in September, to continue for two weeks.
- Hertford. *Hertford County*—Seventh Monday after the first Monday in March; seventh Monday after the first Monday in September; third Monday before the first Monday in September and first Monday before the first Monday in March, which last two terms shall be for the trial of criminal cases exclusively.

## [THIRD DISTRICT.]

- Third District. The Third District shall be composed of the following counties, and the Superior Courts thereof shall be held at the following times, to-wit:
- Pitt. *Pitt County*—Seventh Monday before the first Monday in March; seventh Monday after the first Monday in March and



first Monday in September, each to continue for two weeks; second Monday after the first Monday in March and sixth Monday after the first Monday in September, each to continue for two weeks, for the trial of civil cases exclusively.

*Craven County*—Third Monday before the first Monday in Craven. March and eleventh Monday after the first Monday in September, each for the trial of civil cases exclusively; ninth Monday after the first Monday in March and second Monday after the first Monday in September, each to continue for two weeks, for the trial of civil cases exclusively; fifth Monday after the first Monday in March, second Monday before the first Monday in September, and tenth Monday after the first Monday in September, each for the trial of criminal cases exclusively.

*Greene County*—First Monday before the first Monday in Greene. March; first Monday before the first Monday in September; thirteenth Monday after the first Monday in September, to continue for two weeks.

*Cartaret County*—First Monday after the first Monday in Carteret. March, and fourth Monday after the first Monday in September.

*Jones County*—Fourth Monday after the first Monday in Jones. March, and eighth Monday after the first Monday in September.

*Pamlico County*—Sixth Monday after the first Monday in Pamlico. March; fifth Monday after the first Monday in September.

#### FOURTH DISTRICT.

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

*Franklin County*—Sixth Monday before the first Monday in Franklin. March, to continue for two weeks, for the trial of civil cases exclusively, except jail cases on the criminal docket; sixth Monday after the first Monday in March and September, each to continue for two weeks.

*Wilson County*—Fourth Monday before the first Monday in Wilson. March, to continue for two weeks, the second week to be for the trial of civil cases exclusively; tenth Monday after the first Monday in September, to continue for two weeks, for the trial of civil cases exclusively; tenth Monday after the first Monday in March, for the trial of civil cases exclusively; first Monday in September and fourteenth Monday after the first Monday in September, each for the trial of criminal cases exclusively.

*Vance County*—Eleventh Monday after the first Monday in Vance. March; fourth Monday after the first Monday in September, to continue for two weeks; first Monday before the first Monday in March, to continue for two weeks.

- Edgecombe County*—First Monday in March, and first Monday after the first Monday in September, each for the trial of criminal cases exclusively; fourth Monday after the first Monday in March and eighth Monday after the first Monday in September, each to continue for two weeks, for the trial of civil cases exclusively.
- Martin County*—Second Monday after the first Monday in March and September, each to continue for two weeks.
- Nash County*—Eighth Monday after the first Monday in March and twelfth Monday after the first Monday in September, each to continue for two weeks; first Monday after the first Monday in March and first Monday before the first Monday in September.

## FIFTH DISTRICT.

- The Fifth District shall be composed of the following counties, and the Superior Courts thereof shall be held at the following times, to-wit:
- New Hanover County*—Eighth Monday before the first Monday in March, to continue for two weeks, for the trial of criminal cases exclusively; second Monday after the first Monday in March; twelfth Monday after the first Monday in March; eighth Monday before the first Monday in September; third Monday before the first Monday in September; ninth Monday after the first Monday in September, and the twelfth Monday after the first Monday in September, each for the trial of criminal cases exclusively; fifth Monday before the first Monday in March; fifth 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 cases exclusively.
- Duplin County*—Third Monday before the first Monday in March; ninth Monday after the first Monday in March; first Monday before the first Monday in September, to continue for one week; thirteenth Monday after the first Monday in September, to continue two weeks.
- Lenoir County*—First Monday in March and tenth Monday after the first Monday in September, each to continue for two weeks; eighth Monday after the first Monday in March.
- Sampson County*—Second Monday before the first Monday in March; tenth Monday after the first Monday in March; third Monday after the first Monday in September, each to continue for two weeks.
- Pender County*—First Monday in September, to continue for two weeks; third Monday after the first Monday in March.
- Onslow County*—Sixth Monday before the first Monday in March; fourth Monday after the first Monday in March; seventh

Monday after the first Monday in September, to continue two weeks.

#### SIXTH DISTRICT.

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

*Wake County*—Eighth Monday before the first Monday in Wake, 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 cases exclusively; first Monday before the first Monday in March; seventh Monday after the first Monday in March, each to continue for two 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.

*Wayne County*—Sixth Monday before the first Monday in Wayne, 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.

*Harnett County*—Third Monday before the first Monday in Harnett, March, to continue for two weeks; first Monday before the first Monday in September; tenth Monday after the first Monday in September, to continue for two weeks, for the trial of civil cases exclusively, except jail cases on the criminal docket.

*Johnston County*—First Monday after the first Monday in Johnston, March and thirteenth Monday after the first Monday in September, each to continue for two weeks; first Monday in September.

#### SEVENTH DISTRICT.

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

*Columbus County*—First Monday before the first Monday in Columbus, March; sixth Monday after the first Monday in March; first Monday in September; twelfth Monday after the first Monday in September.

*Cumberland County*—Seventh Monday before the first Monday in Cumberland, March; eighth Monday after the first Monday in March; first Monday before the first Monday in September; eleventh Monday after the first Monday in September, each for the trial of criminal cases exclusively; ninth Monday after the first Monday in March, and seventh Monday after the first Monday in September, each to continue for two weeks, for the trial of civil cases exclusively; second Monday before the first Monday in

March; third Monday after the first Monday in March, each for the trial of civil cases exclusively.

*Robeson.* *Robeson County*—Fourth Monday before the first Monday in March, to continue for two weeks, for the trial of criminal cases exclusively; sixth Monday before the first Monday in September, for the trial of criminal cases exclusively; ninth Monday after the first Monday in September, to continue for two weeks, for the trial of criminal cases exclusively; fourth Monday after the first Monday in March, and first Monday after the first Monday in September, each to continue for two weeks, for the trial of civil cases exclusively; eleventh Monday after the first Monday in March and thirteenth Monday after the first Monday in September, for the trial of civil cases exclusively.

*Bladen.* *Bladen County*—First Monday in March, and fifth Monday after first Monday in September, each to continue for two weeks.

*Brunswick.* *Brunswick County*—Second Monday after the first Monday in March, and third Monday after the first Monday in September.

#### EIGHTH DISTRICT.

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

*Chatham.* *Chatham County*—Fourth Monday before the first Monday in September, for the trial of civil cases exclusively; fourth Monday before the first Monday in March; ninth Monday after the first Monday in March; tenth Monday after the first Monday in September.

*Moore.* *Moore County*—Seventh Monday after the first Monday in March; third Monday before the first Monday in September; thirteenth Monday after the first Monday in September, each for the trial of criminal cases exclusively; sixth Monday before the first Monday in March, to continue for two weeks, for the trial of civil cases exclusively; tenth Monday after the first Monday in March, to continue for two weeks, for the trial of civil cases exclusively, and the second Monday after the first Monday in September, for the trial of civil cases exclusively.

*Scotland.* *Scotland County*—First Monday after the first Monday in March, and the eighth Monday after the first Monday in September, each for the trial of civil cases exclusively; eighth Monday after the first Monday in March, and eleventh Monday after the first Monday in September, each for the trial of criminal cases exclusively.

*Anson.* *Anson County*—Third Monday before the first Monday in March, and first Monday after the first Monday in September, each for the trial of criminal cases exclusively; sixth Monday

after the first Monday in March, and fifth Monday after the first Monday in September, each for the trial of civil cases exclusively

*Union County*—Second Monday before the first Monday in Union, March, to continue for two weeks, for the trial of criminal cases exclusively; fifth Monday before the first Monday in September, and twelfth Monday after the first Monday in September, each to continue for one week, and to be for the trial of criminal cases exclusively; second Monday after the first Monday in March; second Monday before the first Monday in September and sixth Monday after the first Monday in September, each to continue for two weeks, for the trial of civil cases exclusively, except as to the term beginning on the second Monday before the first Monday in September, and as to this term the first week shall be for the trial of criminal cases, and the second week for the trial of civil cases alone.

*Richmond County*—First Monday in March, and the first Monday in September, each for the trial of criminal cases exclusively; fourth Monday after the first Monday in March, to continue for two weeks, for the trial of civil cases exclusively; third Monday after the first Monday in September, to continue two weeks. Richmond.

#### NINTH DISTRICT.

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

*Durham County*—Eighth Monday before the first Monday in Durham, March; tenth Monday after the first Monday in March; the first Monday before the first Monday in September, and the thirteenth Monday after the first Monday in September, each for the trial of criminal cases exclusively; sixth Monday before the first Monday in March; second Monday after the first Monday in March; fourth Monday after the first Monday in September, each to continue for two weeks, for the trial of civil cases exclusively.

*Guilford County*—Seventh Monday before the first Monday in Guilford, March; ninth Monday after the first Monday in March; second Monday before the first Monday in September, and seventh Monday after the first in September, each for the trial of criminal cases exclusively; third Monday before the first Monday in March; fourteenth Monday after the first Monday in March; second Monday after the first Monday in September, and fourteenth Monday after the first Monday in September, each to continue for two weeks, for the trial of civil cases exclusively; eighth Monday after the first Monday in September and sixth Monday after the first Monday in March, each for the trial of civil cases exclusively.



- Granville.*      *Granville County*—Fourth Monday before the first Monday in March, to continue one week; seventh Monday after the first Monday in March, to continue for two weeks; fifth Monday before the first Monday in September, to continue one week; eleventh Monday after the first Monday in September, to continue for two weeks.
- Alamance.*      *Alamance County*—First Monday before the first Monday in March, to continue for two weeks; twelfth Monday after the first Monday in March, for the trial of civil cases exclusively; first Monday in September, to continue for two weeks, for the trial of civil cases exclusively; ninth Monday after the first Monday in September, for the trial of criminal cases exclusively.
- Orange.*      *Orange County*—First Monday after the first Monday in March; fourth Monday before the first in September, and sixth Monday after the first Monday in September; eleventh Monday after the first Monday in March, for the trial of civil cases exclusively.
- Person.*      *Person County*—Fifth Monday after the first Monday in March; third Monday before the first Monday in September, and tenth Monday after the first Monday in September.

## TENTH DISTRICT.

- Tenth District.*      The Tenth District shall be composed of the following counties, and the Superior Courts thereof shall be held at the following times, to-wit:
- Montgomery.*      *Montgomery County*—Sixth Monday before the first Monday in March, for the trial of criminal cases exclusively; sixth Monday after the first Monday in March, for the trial of civil cases exclusively; third Monday after the first Monday in September, to continue for two weeks.
- Fredell.*      *Fredell County*—Fifth Monday before first in March; eleventh Monday after the first Monday in March; fourth Monday before the first Monday in September; ninth Monday after the first Monday in September, each to continue for two weeks.
- Rowan.*      *Rowan County*—Third Monday before the first Monday in March; ninth Monday after the first Monday in March; first Monday in September, and eleventh Monday after the first Monday in September, each to continue for two weeks, the civil docket not to be called at the May and November Terms until the second week.
- Davidson.*      *Davidson County*—First Monday before the first Monday in March, and the second Monday before the first Monday in September, each to continue two weeks; seventh Monday after the first Monday in March, for the trial of civil cases exclusively.
- Stanly.*      *Stanly County*—First Monday after the first Monday in

March, and second Monday after the first Monday in September, each for the trial of criminal cases exclusively; seventh Monday before the first Monday in September, and fifteenth Monday after the first Monday in September, each for the trial of civil cases exclusively.

*Randolph County*—Second Monday after the first Monday in Randolph. March; sixth Monday before the first Monday in September, and thirteenth Monday after the first Monday in September, each to continue for two weeks.

*Davie County*—Fourth Monday after the first Monday in Davie. March, and fifth Monday after the first Monday in September, each to continue for two weeks.

*Yadkin County*—Eighth Monday after the first Monday in Yadkin. March; seventh Monday after the first Monday in September, to continue for two weeks.

#### ELEVENTH DISTRICT.

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

*Forsyth County*—Third Monday before the first Monday in Forsyth. March, to continue for two weeks, for the trial of criminal cases exclusively; sixth Monday before the first Monday in September, and fifth Monday after the first Monday in September, each for the trial of criminal cases exclusively; eleventh Monday after the first Monday in March, to continue for two weeks; first Monday after the first Monday in March; first Monday after the first Monday in September, and thirteenth Monday after the first Monday in September, each to continue for two weeks, for the trial of civil cases exclusively.

*Wilkes County*—Fifth Monday before the first Monday in Wilkes. March, and fourth Monday before the first Monday in September, each to continue for two weeks; seventh Monday after the first Monday in September, to continue for two weeks, for the trial of civil cases exclusively.

*Rockingham County*—First Monday before the first Monday in Rockingham. March, and the ninth Monday after the first Monday in September, each to continue for two weeks; fifth Monday before the first Monday in September.

*Alleghany County*—Third Monday after the first Monday in Alleghany. March, and second Monday before the first Monday in September.

*Caswell County*—Sixth Monday after the first Monday in Caswell. March and September.

*Surry County*—Seventh Monday after the first Monday in Surry.

March; first Monday before the first Monday in September, for trial of civil cases only, and eleventh Monday after the first Monday in September, each to continue for two weeks.

Stokes.

*Stokes County*—Ninth Monday after the first Monday in March, and third Monday after the first Monday in September, each to continue for two weeks.

[TWELFTH DISTRICT.]

Twelfth District.

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

Mecklenburg.

*Mecklenburg County*—Third Monday before the first Monday in March; seventh Monday after the first Monday in March; thirteenth Monday after the first Monday in March; third Monday before the first Monday in September; third Monday after the first Monday in September, and twelfth Monday after the first Monday in September, each to continue for two weeks, for the trial of criminal cases exclusively; seventh Monday before the first Monday in March; first Monday after the first Monday in March; seventh Monday before the first Monday in September, and the fifth Monday after the first Monday in September, each to continue for two weeks, for the trial of civil cases exclusively. There shall be drawn and charged a grand jury for the first Fall and Spring Term of Criminal Courts, which shall serve respectively during the remaining Fall and Spring Terms, for the trial of criminal cases exclusively.

Cleveland.

*Cleveland County*—Third Monday after the first Monday in March; fifth Monday before the first Monday in September and ninth Monday after the first Monday in September, each to continue for two weeks.

Gaston.

*Gaston County*—First Monday before the first Monday in March, and first Monday after the first Monday in September, each to continue for two weeks; eleventh Monday after the first Monday in March, and eleventh Monday after the first Monday in September.

There shall be drawn and charged a grand jury at the first term held in the spring and fall respectively, which shall serve at the succeeding Spring and Fall Terms.

Lincoln.

*Lincoln County*—Fifth Monday after the first Monday in March to continue for two weeks; first Monday in September, and fourteenth Monday after the first Monday in September.

Cabarrus.

*Cabarrus County*—Fifth Monday before the first Monday in March; ninth Monday after the first Monday in March, and seventh Monday after the first Monday in September, each to continue for two weeks; first Monday before the first Monday in September.

## THIRTEENTH DISTRICT.

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

*Catawba County*—Fourth Monday before the first Monday in Catawba. March; ninth Monday after the first Monday in March; eighth Monday before the first Monday in September, and seventh Monday after the first Monday in September, each to continue for two weeks.

*Alexander County*—Second Monday before the first Monday in Alexander March, and fourth Monday after the first Monday in September.

*Caldwell County*—First Monday before the first Monday in Caldwell. March; second Monday after the first Monday in September, for the trial of criminal cases only, and eleventh Monday after the first Monday in September, for the trial of civil cases exclusively, each to continue for two weeks.

*Mitchell County*—First Monday after the first Monday in Mitchell. March; first Monday in September, and ninth Monday after the first Monday in September, each to continue for two weeks; eleventh Monday after the first Monday in March, to continue two weeks, for the trial of civil cases exclusively.

*Watauga County*—Third Monday after the first Monday in Watauga. March, and fourth Monday before the first Monday in September, each to continue for two weeks; thirteenth Monday after the first Monday in September.

*Ashe County*—Seventh Monday after the first Monday in Ashe. March; sixth Monday before the first Monday in September, and fifth Monday after the first Monday in September, each to continue for two weeks.

## FOURTEENTH DISTRICT.

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

*Yancey County*—Seventh Monday after the first Monday in Yancey. March, to continue for three weeks; sixth Monday before the first Monday in September, to continue for two weeks.

*McDowell County*—Second Monday before the first Monday McDowell. in March; fourth Monday before the first Monday in September, and seventh Monday after the first Monday in September, each to continue for two weeks.

*Henderson County*—First Monday in March, for the trial of Henderson. criminal cases exclusively, one week; tenth Monday after the first Monday in March, and ninth Monday after the first Monday

in September, each to continue for two weeks, for the trial of civil cases exclusively, except jail cases on the criminal docket; second Monday after the first Monday in September, to continue for two weeks, for the trial of criminal cases exclusively.

*Rutherford.* *Rutherford County*—First Monday after the first Monday in March; first Monday in September, and eleventh Monday after the first Monday in September, each to continue for two weeks.

*Polk.* *Polk County*—Third Monday after the first Monday in March, to continue for two weeks; fourth Monday after the first Monday in September.

*Burke.* *Burke County*—Fifth Monday after the first Monday in March and September, each to continue for two weeks; thirteenth Monday after the first Monday in March, and second Monday before the first Monday in September, each to continue for two weeks, for the trial of civil cases exclusively, except jail cases on the criminal docket.

#### FIFTEENTH DISTRICT.

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

*Buncombe.* *Buncombe County*—Fourth Monday before the first Monday in March, to continue for three weeks, for the trial of criminal cases exclusively; seventh Monday after the first Monday in March; fifth Monday before the first Monday in September, and tenth Monday after the first Monday in September, each to continue for two weeks, for the trial of criminal cases exclusively; first Monday after the first Monday in March, to continue for four weeks, for the trial of civil cases exclusively; twelfth Monday after the first Monday in March, to continue for four weeks, for the trial of civil cases exclusively; first Monday after the first Monday in September, to continue for six weeks, for the trial of civil cases exclusively; thirteenth Monday after the first Monday in September, to continue for two weeks, for the trial of civil cases exclusively. The Board of Commissioners of Buncombe County may, for good cause, decline to draw a jury for the last two weeks of the six-weeks' Fall Term, and for the last week of the two four-week terms.

*Madison.* *Madison County*—First Monday before the first Monday in March, to continue for three weeks, the first week for the trial of jail cases exclusively, the second and third weeks for the trial of civil cases exclusively; ninth Monday after the first Monday in March, to continue for three weeks, the first week for the trial of jail cases exclusively, the second and third 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 criminal cases exclusively; third Monday before the first Monday in September, to continue for two weeks, for the trial of civil cases exclusively.

*Transylvania County*—Fifth Monday after the first Monday in March, and the first Monday before the first Monday in September, each to continue for two weeks; twelfth Monday after the first Monday in September.

#### SIXTEENTH DISTRICT.

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

*Haywood County*—Fourth Monday before the first Monday in March; ninth Monday after the first Monday in March, and third Monday after the first Monday in September, each to continue for two weeks.

*Jackson County*—Second Monday before the first Monday in March; eleventh Monday after the first Monday in March, and fifth Monday after the first Monday in September, each to continue for two weeks.

*Swain County*—First Monday in March, and seventh Monday after the first Monday in September, each to continue for two weeks.

*Graham County*—Second Monday after the first Monday in March, and first Monday in September, each to continue for two weeks.

*Cherokee County*—Fourth Monday after the first Monday in March; fourth Monday before the first Monday in September, and ninth Monday after the first Monday in September, each to continue for two weeks.

*Clay County*—Sixth Monday after the first Monday in March and second Monday after the first Monday in September.

*Macon County*—Seventh Monday after the first Monday in March; second Monday before the first Monday in September and eleventh Monday after the first Monday in September, each to continue for two weeks, the last Court for the trial of civil cases exclusively. The Board of Commissioners of Macon County may, for good cause, decline to draw a jury for more than one week for any term of Court provided for in this act.

SEC. 2. Civil process shall be returnable to, and pleadings filed at, all of 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: *Provided*, that this section shall not apply to Madison County.

Sixteenth District.

Haywood.

Jackson.

Swain.

Graham.

Cherokee.

Clay.

Macon.

Civil process returnable to, and certain civil proceedings may be heard at criminal terms.

Madison County excepted.

Grand juries not be drawn for civil terms. Solicitors not required to attend nor entitled to prove attendance upon civil terms unless cases are on civil docket in which they officially appear. Times and places of Judge of each district for holding courts prescribed as follows:

First District.

SEC. 3. That no grand juries shall be drawn for the terms of Court herein designated as being for the trial of civil cases exclusively, and the Solicitors shall [not] be required to attend nor entitled to their certificates for attendance upon any exclusively civil terms, unless there are cases on the civil docket in which they officially appear.

SEC. 4. That the Judges of the Superior Courts shall hold the Courts of the sixteen Judicial Districts of the State successively, commencing at the First District, according to the order and system prescribed by this act, viz.: The Judge of the First District shall ride the fall circuit for the year one thousand nine hundred and one, of the First Judicial District, and successively thereafter he shall ride the circuits and hold the Courts of the several districts in the order of their numbers in rotation.

Second District.

The Judge of the Second District shall ride the fall circuit for the year one thousand nine hundred and one of the Second Judicial District, and successively thereafter he shall ride the circuits, and hold the Courts of the several districts in the order of their numbers in rotation.

Third District.

The Judge of the Third District shall ride the fall circuit for the year one thousand nine hundred and one of the Third Judicial District, and successively thereafter he shall ride the circuits and hold the Courts of the several districts in the order of their numbers in rotation.

Fourth District.

The Judge of the Fourth District shall ride the fall circuit for the year one thousand nine hundred and one of the Fourth Judicial District, and successively thereafter he shall ride the circuits, and hold the Courts of the several districts in the order of their numbers in rotation.

Fifth District.

The Judge of the Fifth District shall ride the fall circuit for the year one thousand nine hundred and one, of the Fifth Judicial District, and successively thereafter he shall ride the circuits and hold the Courts of the several districts in the order of their numbers in rotation.

Sixth District.

The Judge of the Sixth District shall ride the fall circuit for the year one thousand nine hundred and one of the Sixth Judicial District, and successively thereafter he shall ride the circuits and hold the Courts of the several districts in the order of their numbers in rotation.

Seventh District.

The Judge of the Seventh District shall ride the fall circuit for the year one thousand nine hundred and one of the Seventh Judicial District, and successively thereafter he shall ride the circuits and hold the Courts of the several districts in the order of their numbers in rotation.

Eighth District.

The Judge of the Eighth District shall ride the fall circuit for the year one thousand nine hundred and one of the Eighth

District, and successively thereafter he shall ride the circuits and hold the Courts of the several districts in the order of their numbers in rotation.

The Judge of the Ninth District shall ride the fall circuit for the year one thousand nine hundred and one of the Ninth Judicial District, and successively thereafter he shall ride the circuits and hold the Courts of the several districts in the order of their numbers in rotation.

The Judge of the Tenth District shall ride the fall circuit for the year one thousand nine hundred and one of the Tenth Judicial District, and successively thereafter he shall ride the circuits and hold the Courts of the several districts in the order of their numbers in rotation.

The Judge of the Eleventh District shall ride the fall circuit for the year one thousand nine hundred and one of the Eleventh Judicial District, and successively thereafter he shall ride the circuits and hold the Courts of the several districts in the order of their numbers in rotation.

The Judge of the Twelfth District shall ride the fall circuit for the year one thousand nine hundred and one of the Twelfth Judicial District, and successively thereafter he shall ride the circuits and hold the Courts of the several districts in the order of their numbers in rotation.

The Judge of the Thirteenth District shall ride the fall circuit for the year one thousand nine hundred and one of the Thirteenth Judicial District, and successively thereafter he shall ride the circuits and hold the Courts of the several districts in the order of their numbers in rotation.

The Judge of the Fourteenth District shall ride the fall circuit for the year one thousand nine hundred and one of the Fourteenth Judicial District, and successively thereafter he shall ride the circuits and hold the Courts of the several districts in the order of their numbers in rotation.

The Judge of the Fifteenth District shall ride the fall circuit for the year one thousand nine hundred and one of the Fifteenth Judicial District, and successively thereafter he shall ride the circuits and hold the Courts of the several districts in the order of their numbers in rotation.

The Judge of the Sixteenth District shall ride the fall circuit for the year one thousand nine hundred and one of the Sixteenth Judicial District, and successively thereafter he shall ride the circuits and hold the Courts of the several districts in the order of their numbers in rotation.

SEC. 5. That of the districts created by this act, George H. Brown, Jr., and George W. Ward shall be respectively the Judge and the Solicitor of the First District; Walter E. Daniels shall

Names of  
resident judges  
and solicitors of  
certain districts.

be the Solicitor of the Second District; that Henry R. Bryan shall be the Judge of the Third District, and L. I. Moore shall be Solicitor of the Third District; E. W. Timberlake shall be the Judge of the Fourth District; Oliver H. Allen and Rodolph Duffy shall be respectively the Judge and the Solicitor of the Fifth District; W. S. O'B. Robinson and Armistead Jones shall be respectively the Judge and the Solicitor of the Sixth District; Thomas A. McNeill and Colin M. McLean shall be respectively the Judge and the Solicitor of the Seventh District; Thomas J. Shaw and Aubrey L. Brooks shall be respectively the Judge and the Solicitor of the Ninth District; that Albert L. Coble and Wiley Rush shall be respectively the Judge and the Solicitor of the Tenth District; that Henry R. Starbuck and M. L. Mott shall be respectively the Judge and the Solicitor of the Eleventh District; that William A. Hoke and James L. Webb shall be respectively the Judge and the Solicitor of the Twelfth District; W. B. Council and Moses N. Harshaw shall be respectively the Judge and the Solicitor of the Thirteenth District; that Frederick Moore shall be the Judge of the Fifteenth District; that James W. Ferguson shall be the Solicitor of the Sixteenth District.

Governor to  
appoint judges  
and solicitors  
in districts  
where none  
reside.

SEC. 6. That in the districts created by this act in which there does not reside a Judge and a Solicitor, either or both, there shall be appointed by the Governor a Judge and a Solicitor, either or both, as the case may be, to fill the original vacancies created by this act, that is to say, in the Second District a Judge; in the Third District a Solicitor; in the Eighth District a Judge and a Solicitor; in the Fourteenth District a Judge and a Solicitor; in the Fifteenth District a Solicitor, and in the Sixteenth District a Judge; which said officers shall hold office until their successors are elected and qualified, and their successors shall be elected at the general election to be held in 1902 for State officers.

All process  
returnable  
to Superior Court  
after July 1, 1901,  
to be returnable  
to courts estab-  
lished by this  
act.

SEC. 7. That all process, civil or criminal, original, mesne or final, returnable under the present law to any Superior Court after the first day of July, one thousand nine hundred and one, shall be returnable to the first term of the Superior Courts as established by this act, except that no criminal process shall be returnable to any term designated in this act for the trial of civil actions alone.

No criminal  
process return-  
able to civil terms.

Conflicting laws  
repealed.

SEC. 8. That all laws and clauses of laws in conflict with this act, and particularly all laws giving extra terms of the Superior Court to any county, be and the same are hereby repealed.

Courts constitu-  
ting Spring and  
Fall Circuits set  
out and  
prescribed.

SEC. 9. The Judge riding any spring circuit shall hold all the Courts which fall between January and June, both inclusive, and the Judge riding any fall circuit shall hold all the Courts which fall between July and December, both inclusive.

SEC. 10. This act shall take effect and be in force from and after the thirtieth day of June, one thousand nine hundred and one, except that to the Fifteenth District this act shall take effect from and after the twenty-fifth day of March, nineteen hundred and one, 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 twenty-fifth day of April, nineteen hundred and one.

Effective from and after June 30, 1901.  
Exception as to Fifteenth District.  
Courts of Fifteenth District to be held by Judge of Sixteenth when appointed.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

## CHAPTER 29.

An act supplemental to and amendatory of an act ratified on March 11, 1901, entitled An act to provide for the division of the State into Judicial Districts and for holding the courts therein.

*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 in this act provided:

Act to provide for division of State into judicial districts and provide for holding courts, amended.

SEC. 2. Amend section one by adding after the terms of Court provided to be held in Beaufort County the following: "The Board of Commissioners of the County of Beaufort is hereby authorized not to draw a jury for the second and third weeks, or for either, of the December Term of the Superior Court herein provided for, when in their opinion the business of the Court does not require it.

Section one, relative to Beaufort courts, amended.

SEC. 3. Amend so much of section one as prescribes the times for holding the Courts in Bertie County, so that the Court therein authorized to be held on the first Monday in September, shall be held on the first Monday after the first Monday in September.

Drawing jury for second and third weeks of December term discretionary with Commissioners.

Time for holding September term of Bertie Court changed.

SEC. 4. Amend so much of section one as prescribes the times for holding the Courts in Jones County by striking out the words "eighth Monday after the first Monday in September" and inserting in lieu thereof the words "ninth Monday after the first Monday in September."

Time for holding fall term of Jones County Court.

SEC. 5. Amend so much of section one as prescribes the times for holding the Courts in Vance County, so that the Court therein authorized to be held on the first Monday before the first

Time for holding February term of Vance County Court changed.



Monday in March, shall be held on the second Monday before the first Monday in March.

Amendment  
relative to  
Edgecombe  
County Court.

SEC. 6. Amend so much of section one as prescribes the times for holding the Courts in Edgecombe County by striking out after the words "first Monday after the first Monday in September" the words "each for the trial of criminal cases exclusively."

Time changed for  
holding March  
term of New  
Hanover County  
Court.

SEC. 7. Amend so much of section one as prescribes the times for holding the Courts in New Hanover County by striking out the words "second Monday after the first Monday in March" and inserting in lieu thereof the words "third Monday after the first Monday in March."

Time changed for  
March term of  
Lenoir County  
Court.

SEC. 8. Amend so much of section one as prescribes the times for holding the Courts of Lenoir County by striking out the words "first Monday in March" and inserting in lieu thereof the words "first Monday after the first Monday in March."

Time for  
holding courts in  
Pender County  
changed.

SEC. 9. Amend so much of section one as prescribes the times for holding the Courts in Pender County so that the Courts for the said county shall be held at the following times: First Monday in March and September and fifteenth Monday after the first Monday in September, each to continue one week.

Time changed for  
holding first  
annual Court in  
Iredell County.

SEC. 10. Amend that portion of section one that prescribes the times for holding the Courts in Iredell County by requiring the first Court therein provided for to be held on the fifth Monday before the first Monday in March.

Time of holding  
Court in Watauga  
County changed.

SEC. 11. Amend so much of section one as prescribes the times for holding the Courts in Watauga County by striking out the words "thirteenth Monday after the first Monday in September" and inserting in lieu thereof the words "thirteenth Monday after the first Monday in March."

Change in time of  
Ashe County  
courts.

SEC. 12. Amend so much of section one as prescribes the times for holding the Courts in Ashe County by striking out the words "fifth Monday after the first Monday in September" and by inserting in lieu thereof the words "sixth Monday after the first Monday in September."

Changes in time,  
etc., of holding  
courts in  
Catawba County.

SEC. 13. Amend so much of section one as prescribes the times for holding the Courts in Catawba County by striking out the words "seventh Monday after the first Monday in September" and inserting in lieu thereof the words "eighth Monday after the first Monday in September." Amend by further adding after the Courts to be held in Catawba County the words "that the Court therein provided to be held on the ninth Monday after the first Monday in March shall be for the trial of civil cases exclusively." "The Board of County Commissioners are authorized not to draw a jury for the second week of any term of Courts for Catawba County when in their opinion the business of the Court will not require it."

Drawing jury for  
second week  
discretionary.

SEC. 14. Amend so much of section one as prescribes the times for holding the Courts in Mitchell by striking out the words "ninth Monday after the first Monday in September" and inserting in lieu thereof the words "tenth Monday after the first Monday in September."

Time changed for holding fall term of Mitchell County Court.

SEC. 15. Amend as much of section one as prescribes the times for holding the Courts in Caldwell County by striking out the words "eleventh Monday after the first Monday in September" and inserting in lieu thereof the words "twelfth Monday after the first Monday in September."

Change in time of Caldwell County Court.

SEC. 16. Amend so much of section one as prescribes the times for holding the Courts in Madison County so that the first term of Court therein authorized shall be held as follows: "First Monday before the first Monday in March to continue for two weeks, for the trial of criminal cases exclusively."

Provides time for holding February term of Madison County courts and restricts it to trial of criminal cases.

SEC. 17. Amend section one by adding after the Courts to be held in Jackson County the following: The Board of Commissioners of Jackson County may, when the public interest require it decline to draw a grand jury for the term to be held on the thirteenth Monday after the first Monday in March.

Drawing jury for second week of one term of Jackson County Court discretionary.

SEC. 18. Amend so much of section one as prescribes the times for holding the Courts in Swain County by making the same read as follows: First Monday in March, sixth Monday before the first Monday in September, and seventh Monday after the first Monday in September, each to continue for two weeks: *Provided* that the July Term of Swain County Superior Court shall be devoted to the trial of civil cases exclusively."

Time changed for holding Swain County courts.

SEC. 19. Amend so much of section one as prescribes the times for holding the Courts in Yancey County by striking out the words "sixth Monday before the first Monday in September," and inserting the words "thirteenth Monday after the first Monday in September, to continue for two weeks."

July term for civil cases only.

Time changed for holding fall term of Yancey County Court.

SEC. 20. Amend so much of section one as prescribes the times for holding the Courts in Onslow County by striking out the words "fourth Monday after the first Monday in March" and inserting in lieu thereof the words "seventh Monday before the first Monday in September, for civil cases except jail cases." No grand jury to be drawn unless thought necessary by the County Commissioners.

Changes relative to Onslow County courts.

SEC. 21. Amend section two by striking out the following words: "*Provided*, that this act shall not apply to Madison County."

Section 2 amended.

SEC. 22. Amend section three by inserting between the words "shall" and "be" the word "not" so that the same shall read "and the Solicitors shall not be required to attend or entitled to their certificates for attendance upon any exclusively civil terms,

Section 3 amended, relative to Solicitors attending exclusively civil terms.

unless there are cases on the civil docket in which they officially appear."

Section 5 amended, Larry I. Moore Solicitor of Third District.

SEC. 23. Amend section five by prescribing that Larry I. Moore shall be the Solicitor of the Third District.

Section 6 amended.

Governor to appoint Solicitor for Fourth District.

SEC. 24. Amend section six by striking therefrom the requirement that there shall be appointed by the Governor a Solicitor for the third district and by inserting in lieu thereof the requirement that he shall appoint a Solicitor for the fourth district.

Cases pending in or returnable to Criminal Court transferred to Superior Court.

SEC. 25. That the cases now pending in or returnable to the criminal courts of any county are hereby transferred to the Superior Courts of the counties in which the respective cases are pending or to which they are returnable; and all recognizances, subpoenas, capiases or process issued and now in the hands of the Sheriff or of any other officer, and all papers, recognizances, subpoenas, capiases, process or obligation hereafter issued or taken by any officer of the law shall be issued, taken and made returnable to the next succeeding criminal term of the Superior Court of the respective counties.

All papers returnable to next term of Superior Courts.

Act, when effective.

SEC. 26. That this act shall be in force from and after June thirtieth, nineteen hundred and one, subject to the ratifying section of the said act of which this act is amendatory.

In the General Assembly read three times, and ratified this the 14th day of March, A. D. 1901.

## CHAPTER 30.

**An act supplemental to an act entitled "An act to provide for the division of the State into Judicial Districts and for holding the Courts therein."**

*The General Assembly of North Carolina do enact:*

Governor authorized to appoint after March 11.

SECTION 1. That an act entitled an act to provide for the division of the State into Judicial Districts and for holding the courts therein and ratified March 11th, A. D. 1901, be amended by adding to section 10 the following:

Appointments ratified.

And the Governor of the State is hereby authorized to appoint the Judges and Solicitors provided for in this act at any time after March 11, 1901, and all appointments made since that date are hereby ratified and confirmed.

SEC. 2. 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 April, A. D. 1901.

## CHAPTER 31.

**An act to increase the number of Superior Court Judges and Judicial Districts.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That the State shall be divided into sixteen judicial districts for each of which a Judge and a Solicitor shall be chosen in the manner now prescribed by law.

Number of Judicial Districts, Judges and Solicitors increased to sixteen.

SEC. 2. That all acts of the General Assembly of this State creating and providing for Criminal Courts and circuits are hereby repealed.

Criminal Courts and circuits abolished.

SEC. 3. That this act shall be in force from and after the first day of July, A. D. 1901.

In the General Assembly read three times, and ratified this 18th day of February, A. D. 1901.

## CHAPTER 32.

**An act to amend section 1, Chapter 7, Laws 1889.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That section 1 of chapter 7, Laws of 1889, be amended by inserting in line four after the words "Justice of the Peace," and before the word "in," the words "Notary Public or other persons authorized to administer oaths."

Chapter 7, Laws 1889, amended. Justification of sureties on official bonds before Notaries Public.

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 26th day of January, A. D. 1901.

## CHAPTER 33.

**An act to repeal Chapter 426, Public Laws of 1899.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter four hundred and twenty-six, Public Laws of eighteen hundred and ninety-nine, is hereby repealed.

SEC. 2. That this act shall be in force and effect from and after the first day of February, nineteen hundred and one.

Chapter 426, Public Laws 1899, relating to reward for hawk scalps in Davidson County, repealed.

In the General Assembly read three times, and ratified this the 26th day of January, A. D. 1901.

## CHAPTER 34.

**An act to prevent the erection of artificial islands or lumps in Myrtle Grove Sound.***The General Assembly of North Carolina do enact:*

Unlawful to erect artificial islands or lumps, or add to those previously erected, in certain parts of Myrtle Grove Sound.

SECTION 1. That it shall be unlawful for any person or persons to erect artificial islands or lumps, or add to any artificial islands or lumps erected prior to this act in any of the waters to the west of the main channel of Myrtle Grove Sound in the county of New Hanover from the mouth of Purvines Creek up the said channel to a place known as "Shell Point."

Violation a misdemeanor.

SEC. 2. That any person or persons violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding ten dollars or imprisoned not exceeding twenty days for each offence.

Penalty.

Application restricted.

SEC. 3. That this act shall apply to the sounds on the coast of New Hanover 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 26th day of January, A. D. 1901.

## CHAPTER 35.

**An act to authorize the Commissioners of Craven County to levy a special tax.***The General Assembly of North Carolina do enact:*

Craven County Commissioners authorized to levy special tax for next four years.

SECTION 1. That the Board of Commissioners of Craven County be and are hereby authorized and empowered to levy a special tax of fifteen cents on the one hundred dollars valuation of real and personal property in said county and forty-five cents on each poll in said county annually for four years, viz.: For the years nineteen hundred and one, nineteen hundred and two, nineteen hundred and three, and nineteen hundred and four to be expended and applied for the special purpose of paying the outstanding vouchers and indebtedness of said county for necessary expenses which the general tax levy of said county has been insufficient to pay.

How expended and applied.

SEC. 2. That the said tax shall be levied and collected as other public taxes are levied and collected in said county.

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. 1901.

How levied and collected.



## CHAPTER 36.

**An act to prevent persons from fishing and shooting from the bridges across the Neuse and Trent rivers in Craven County.***The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person or persons being upon the bridges or either of them which span the Neuse and Trent Rivers at the city of New Bern, N. C., to fish in the waters of said rivers while being on said bridges or to use fire or shoot any fire-arms while standing or being upon either of said bridges.

Unlawful to fish or shoot from bridges across Neuse and Trent rivers at New Bern, N. C.

SEC. 2. Any person violating the provisions of this act shall be fined not exceeding fifty dollars (\$50.00) or imprisoned not exceeding thirty (30) days.

Penalty.

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

In the General Assembly read three times, and ratified this 29th day of January, A. D. 1901.

## CHAPTER 37.

**An act to amend section 821 of The Code relating to the qualifications of Justices of the Peace and matters incident thereto.***The General Assembly of North Carolina do enact:*

SECTION 1. Section eight hundred and twenty-one of The Code shall be amended so as to read as follows: Every person elected or appointed a Justice of the Peace, before his term of office begins or within thirty days thereafter, shall take and subscribe the prescribed oath of office before the Clerk of the Superior Court, who shall file the same. All elections of Justices of the Peace by the General Assembly or by the people, shall be void unless the persons so elected shall qualify as herein directed. And any person presuming to exercise the office of the Justice of the Peace without so qualifying shall be guilty of a misdemeanor. All original vacancies in the office of Justice of the Peace occurring before qualification as provided in this section, shall be filled for the term by the Governor.

Section 821 of The Code amended.

Time for Justices of the Peace to qualify.

Failure to qualify, election or appointment void.

Exercising office without so qualifying, guilty of a misdemeanor.

Vacancies filled by Governor.

SEC. 2. The Clerk of the Superior Court of each county on the first Monday in January preceding each regular session of the General Assembly shall certify to the Secretary of State a correct list of all Justices of the Peace in office in his county, the township in which each resides, the term of office of each, time of

Clerk Superior Court to report to Secretary of State list of Justices, term of office, list of vacancies, etc.

election or appointment, and when the respective terms of office of each expires. He shall also report the names of those elected or appointed Justices of the Peace, but who have failed to qualify, and when their term of office began and the length thereof.

Election or  
appointment of  
Justices of the  
Peace confirmed.

SEC. 3. All persons heretofore elected or appointed Justices of the Peace and who have taken and subscribed the oath of office before the Clerk of the Superior Court, are declared to be duly authorized Justices of the Peace.

SEC. 4. 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. 1901.

## CHAPTER 38.

### An act to provide cotton weighers for the towns of Trenton, Pollocksville and Mayesville, Jones County.

*The General Assembly of North Carolina do enact:*

Appointment of  
cotton weighers  
in Jones County.

SECTION 1. That there shall be appointed by the Board of Commissioners of Jones County, on the first Monday in July, 1901, and annually thereafter, one cotton weigher for each of the towns of Trenton, Pollocksville, and Mayesville in said county, who shall hold their offices for one year, and until their successors are appointed and qualified.

Term of office.

Shall give bond.

SEC. 2. That every cotton weigher who shall be appointed under this act, shall give a good and justified bond in the penal sum of five hundred dollars payable to the State of North Carolina, for the faithful performance of his duty as cotton weigher, said bond to be approved by the County Commissioners on the first Monday in August, 1901, and annually thereafter in the same manner as bonds of the county officers, and, when so approved, shall be filed in the office of Register of Deeds of said county for safe keeping; and the said cotton weighers herein provided for shall, before entering upon the duties of their office, make and subscribe to the following oath, before some person entitled to administer oaths: "I, ....., cotton weigher for the town of ....., do solemnly swear that I will justly, impartially, without any deduction, except as may be allowed by law, weigh all cotton that may be brought to me for that purpose, and give a true account thereof to the parties concerned, if requested to do so. So help me God." Such oath when made shall be filed in the office of the Register of Deeds,

Penalty.

Conditions.

To be approved.

Deposited with  
Register of Deeds.

Weigher to take  
oath.

Form of oath.

Oath filed with  
Register of  
Deeds.

and such Register of Deeds shall keep a record of the same; and any other person than the aforesaid cotton weigher or his assistant, who shall weigh any baled cotton in said towns of Trenton, Pollocksville, and Mayesville, shall be guilty of a misdemeanor, and fined ten dollars for each and every bale so weighed.

Other person weighing cotton guilty of a misdemeanor. Penalty.

SEC. 3. Every cotton weigher appointed under this act shall keep a record open to the inspection of the public, showing the names of the seller and buyer, weight of cotton sold and date of sale, and shall receive a compensation of ten cents for each bale of cotton weighed, one-half to be paid by the buyer and one-half by the seller.

Weigher shall keep record.

Contents.

Compensation.

SEC. 4. In the event of any vacancy hereafter occurring in the office of cotton weigher by death, resignation, failure to give bond and qualify or other cause, the said vacancy shall be filled by the Board of Commissioners of Jones County, and the said cotton weigher so appointed, upon his qualification, shall hold his office until his successor is elected and qualified.

Vacancy, how filled.

Term of office.

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

Conflicting laws repealed.

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

In the General Assembly read three times, and ratified this the 29th day of January, A. D. 1901.

## CHAPTER 39.

### An act to validate certain probates and registrations.

*The General Assembly of North Carolina do enact.*

SECTION 1. That in all cases, where any deed concerning lands in this State, or any power of attorney for the conveyance of the same, or any other instrument whatever required or allowed to be registered, has been heretofore acknowledged by the grantor or grantors therein, or proven and the private examination of any married woman, who was a party thereto, taken according to law, before any Judge of a Supreme, Superior or Circuit Court, of any other State or Territory of the United States, where the parties to such instrument resided, and the certificate of such Judge as to such acknowledgment, probate or private examination and also the certificate of the *Secretary of State* of said State or Territory instead of the Governor thereof, (as required by the laws of this State then in force); that the Judge, before whom the acknowledgment or probate and private examination were taken, was at the time of taking the same a Judge as aforesaid,

Probates from other States certified by Secretary of said State instead of Governor thereof, and registration thereunder validated.

are attached to said deed, or other instrument, and the said deed or other instrument, having said certificates attached, has been exhibited before the former Judge of probate, or the Clerk of the Superior Court of the county in the county in this State, in which the property is situated and such acknowledgment, or probate and private examination have been adjudged by him to be sufficient and said deed, or other instrument, ordered to be registered and has been registered accordingly; that such probate and registration shall [be] as valid and sufficient in law to all intents and purposes, as if said certificate had been made by the *Governor* of such State or Territory, instead of the *Secretary of State* thereof and shall be received in evidence in all Courts of this State without further proof: *Provided*, that nothing herein contained shall affect the rights of third parties, who are purchasers for value, without notice from the grantor or grantors in such deed or other instrument.

Rights of third parties not affected.

Conflicting laws repealed.

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

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

In the General Assembly read three times, and ratified this 29th day of January, A. D. 1901.

#### CHAPTER 40.

**An act to appoint D. Worthington a Justice of the Peace and to allow him to practice law.**

*The General Assembly of North Carolina do enact:*

D. Worthington appointed Justice of the Peace for Wilson County.

SECTION 1. That D. Worthington be, and he is hereby appointed, a Justice of the Peace in Wilson Township, Wilson County, for the term of six years to begin upon the ratification of this act.

Allowed to practice law.

SEC. 2. That section 27 of The Code shall not apply to the said D. Worthington: *Provided*, the said Worthington shall be subject to the lawyer's license tax provided by law: *And provided further*, that the said Worthington 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 29th day of January, A. D. 1901.

## CHAPTER 41.

**An act to authorize the incorporation of street railway companies under the general law.***The General Assembly of North Carolina do enact:*

SECTION 1. That street railway companies may be organized under chapter sixteen of The Code. But no such railway shall be operated in any city or town without the consent of the municipal authorities thereof.

Street railways may organize under chap. 16, Code. Not operated in city or town without consent,

SEC. 2. That the proceedings for the condemnation of lands, or any easement or interest therein, for the use of street railway companies, the appraisal of lands, or interest therein, the duties of the commissioners of appraisal, the right of either party to file exceptions, the report of commissioners, the manner of appeal, the power and authority of the Court or Judge, the final judgment and the manner of its entry and enforcement, and the rights of the company pending the appeal, shall be as prescribed in chapter forty-nine of The Code for condemning lands for the use of railroads.

Chapter 49 of The Code to apply to street railways.

SEC. 3. That section 1952 of The Code shall not apply to street railway companies.

Section 1952 of The Code shall not apply to street railways.

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. 1901.

## CHAPTER 42.

**An act to amend section 616 of The Code, relating to the trial of actions to try the title to office.***The General Assembly of North Carolina do enact:*

SECTION 1. That section 616 of The Code be amended by striking out the word "ten" in line four and inserting in lieu thereof the word "thirty."

Section 616 of Code amended.

SEC. 2. That this act shall apply to all actions to try the title to office wherein the complaint has been filed since the first day of January, A. D. 1901.

Act to apply to actions where complaint filed since January 1, 1901.

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. 1901.



## CHAPTER 43.

## An act to abolish fences in Nash County.

*The General Assembly of North Carolina do enact:*

Unlawful for live stock to run at large in Nash County.

SECTION 1. That on and after the first day of April, nineteen hundred and one, it shall be unlawful for any live stock to run at large in the county of Nash.

Parties permitting it guilty of a misdemeanor.

SEC. 2. That on and after that date, any person who shall wilfully permit his live stock to run at large within said county shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars, or imprisoned not exceeding thirty days.

Penalty.

Sections 2818, 2819, 2820, 2827, 2828 and 2829 as amended by chapter 504, Public Laws, 1889, and chapter 100, Public Laws 1885, also sections 2816, 2817 and 2825 made a part of this act.

SEC. 3. That so much of chapter twenty, volume second, of The Code as is contained in section twenty-eight hundred and eighteen, section twenty-eight hundred and nineteen, section twenty-eight hundred and twenty, section twenty-eight hundred and twenty-seven, section twenty-eight hundred and twenty-eight, section twenty-eight hundred and twenty-nine. These six sections as amended by chapter five hundred and four of the public laws of eighteen hundred and eighty-nine, and section twenty-eight hundred and twenty-nine as also amended by chapter one hundred of the public laws of eighteen hundred and eighty-five, section twenty-eight hundred and sixteen, section twenty-eight hundred and seventeen, and section twenty-eight hundred and twenty-five, are hereby made a part of this act.

Persons damaged by live stock may recover damages.

SEC. 4. That any person who may suffer damages by reason of live stock running at large may recover the amount of damages sustained by an action against the owner of the stock.

Word "live stock" or "stock" construed.

SEC. 5. That the words "live stock" or "stock" in this act shall be construed to mean horses, mules, colts, cows, calves, sheep, goats, jennetts, and all neat cattle, and swine and geese.

Assessment and collection of damages provided for.

SEC. 6. That in the event of the failure or refusal by either the owner or impounder to select the freeholders, provided for in section twenty-eight hundred and sixteen of The Code, and if the said impounder shall make to any Justice of the Peace in his township a written application, under oath, stating that he has sustained damage by reason of stock running at large, then the said Justice of the Peace shall appoint three disinterested freeholders who shall estimate said damages, which shall be paid by the person claiming the stock, together with the cost of said proceedings, and the amount that may be demandable under said section twenty-eight hundred and sixteen, before the stock is delivered, and, in case of sale, before the owner shall be entitled to demand any part of the proceeds of sale.

SEC. 7. That J. M. Baines, N. B. Finch, J. T. Jones, A. H. Ricks and W. L. Thorps be and they are hereby appointed fence commissioners, with power to fill such vacancies as may occur in their body by death, resignation, or otherwise; and this body is hereby constituted a corporation under the name of "The Fence Commissioners of Nash County."

Fence Commissioners.

Power to fill vacancies.  
Created corporation.  
Corporate name.

SEC. 8. That it shall be the duty of said Fence Commissioners to erect a good and lawful fence where necessary on the border of said county, and to erect gates where necessary on all highways leading into Nash County, and to keep the fences and gates in good repair. Said Commissioners may appoint such inspectors of fences and gates as they may deem proper. In carrying out their duties under this section, they shall have the right to incur any and all obligations that may reasonably be deemed proper in the premises.

Duties of Commissioners to build fence, erect gates.

Appoint inspectors.

Incur obligations.

SEC. 9. That the various stock law territories now in existence as such in the county, are merged into the territory provided for by this act, and the several bodies of Fence Commissioners in the county are abolished, and their powers and duties are transferred to the Fence Commissioners created by this act, who shall have entire control of the fences and gates of the former territories, with power to dispose of such as may not be needed, or to use the same as they may deem fit, in erecting the gates and fences around the county.

Former stock law territories merged.

Former Commissioners abolished and powers and duties transferred.

Powers of Commissioners.

SEC. 10. That, for the purpose of building, repairing, and keeping said fences and gates, as required by this act, the Board of Commissioners of the county may levy and collect a special assessment upon all real property, taxable by the State and county, within the county of Nash, not exceeding one-fourth of one per cent, on the value of such property, and, in addition, on the said property, taxable by the State and county, within each district or territory in the county, subject to the stock law prior to the passage of this act, they may levy and collect a special assessment, not exceeding one-half of one per cent, on the value of such property, for so many years as may be necessary, for the purpose of laying *pro rata* the debts and obligations heretofore incurred, resting on such district or territory; the money in all cases to be collected, as the other taxes by the Sheriff and paid over to the Treasurer of the county, who shall keep separate accounts of the same, and pay out the same upon orders by the Fence Commissioners. For the faithful discharge of their respective duties under this act, the Sheriff and County Treasurer shall each give additional bond, in an amount to be fixed.

County Commissioners may levy tax to build and maintain fences and gates.

Amount of tax.

How collected and disposed of.

Sheriff and Treasurer to give additional bond.

Provisions of act to be carried out immediately.

Commissioners may borrow money.

Tearing down or interfering with gates or fences or with fence commissioners discharging duties, misdemeanor.

Penalty.

Leaving open gate, misdemeanor.

Penalty.

Conflicting laws repealed.

SEC. 11. That the Fence Commissioners shall proceed at once to carry out the directions of this act, and for that purpose, may borrow money to be repaid out of the taxes or assessments to be levied and collected as hereinbefore provided.

SEC. 12. That any person wilfully tearing down or in any manner breaking a fence or gate established or erected in pursuance of this act, or in process of construction, whether the entire fence has been completed or not, or in any way interfering with the Fence Commissioners in the performance of their duties under this act, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars or imprisoned not over thirty days.

SEC. 13. That any person who shall leave open any gate established or erected under the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not exceeding ten dollars, or imprisoned not exceeding six days.

SEC. 14. That all laws and parts of laws in conflict with this act are hereby repealed.

SEC. 15. That this act shall be in full force from and after its ratification.

In the General Assembly read three times, and ratified this the 29th day of January, A. D. 1901.

#### CHAPTER 44.

**An act to appoint H. Cabiness a Justice of the Peace, and allow him to practice law.**

*The General Assembly of North Carolina do enact:*

Appointed a Justice of the Peace.

Section 27 of The Code not to apply.

Subject to pay lawyer's license.

SECTION 1. That H. Cabiness be and he is hereby appointed a Justice of the Peace in No. 6 Township, Cleveland County, for the term of six years to begin upon the ratification of this act.

SEC. 2. That section 27 of The Code of North Carolina shall not apply to the said H. Cabiness: *Provided*, the said Cabiness shall be subject to the lawyers' license tax as provided by law: *And Provided*, the said Cabiness 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 30th day of January, A. D. 1901.

## CHAPTER 45.

**An act to elect a Justice of the Peace for Reynoldson Township in the county of Gates.***The General Assembly of North Carolina do enact:*

SECTION 1. That W. M. Daughtry be and he is hereby elected as a Justice of the Peace for Reynoldson Township in the county of Gates for a term of four years from the December 1, 1900.

W. M. Daughtry  
elected Justice of  
Peace for Gates  
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 29th day of January, A. D. 1901.

## CHAPTER 46.

**An act to amend Chapter one hundred and eighty of the Public Laws of one thousand eight hundred and ninety-one.***The General Assembly of North Carolina do enact:*

SECTION 1. That section one of chapter one hundred and eighty of the public laws of one thousand eight hundred and ninety-one be amended by inserting between the words "deed" and "where" in line three thereof, the words "or his deputy" and between the words "register" and "shall" in lines six and ten thereof, respectively, the words "or his deputy."

Chapter 180,  
Public Laws 1891,  
in regard to  
cancellation of  
mortgages,  
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 29th day of January, A. D. 1901.

## CHAPTER 47.

**An act to repeal Chapter 170 of the Public Laws of the year 1889, which prohibits the formation of a corporation with a capital stock exceeding one million dollars***The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred and seventy of the Public Laws of the year one thousand eight hundred and eighty-nine is hereby repealed.

Chapter 170, Pub-  
lic Laws 1889,  
repealed.

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

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 29th day of January, A. D. 1901.

## CHAPTER 48.

**An act to allow the Commissioners of Yancey County to levy a special tax.***The General Assembly of North Carolina do enact:*

Yancey County  
Commissioners  
authorized to  
levy special tax.

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 one, nineteen hundred and two, and nineteen hundred and three, 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 judgment now standing against Yancey County.

Purposes.

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 equation between the property and the poll, shall always be observed in making levies.

Maximum.

Must preserve  
constitutional  
equation.

Special tax kept  
separate.

How accounted  
for.

SEC. 3. That said tax 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 the 29th day of January, A. D. 1901.

## CHAPTER 49.

**An act to permit the Commissioners of New Hanover County to pay the chairman a fixed salary.***The General Assembly of North Carolina do enact:*

Fixed salary for  
Chairman New  
Hanover County  
Commissioners.

SECTION 1. That the Board of Commissioners of New Hanover County shall have the power to fix a stated salary for the chairman of their board, beginning the first Monday in December in each year.

Former acts in  
this respect  
legalized.

SEC. 2. That the acts of the Commissioners aforesaid in fixing a salary heretofore under a misapprehension is hereby legalized.

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. 1901.



## CHAPTER 50.

**An act relating to highways, public roads, bridges, ferries and fords.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That for the purpose of effecting an improvement in the methods of constructing and repairing highways, public roads, bridges, ferries and fords in North Carolina, a commission is hereby established and constituted to be designated "The North Carolina Highway Commission," which shall consist of the Commissioner of Agriculture, and the State Geologist, who may select a secretary from the officers of the Department of Agriculture, and who shall serve without further compensation from the Treasury of the State; and the Commission and its officers may accept free transportation from railways and other transportation companies operating in the State.

North Carolina  
Highway  
Commission  
Established.

Members of  
Commission.

SEC. 2. The duties of said Highway Commission are to communicate with, to aid and advise with the county and township authorities which may engage in the construction and repair of highways, public roads, bridges and ferries supplying them with information and advice, plans and specifications; furnishing free of charge for services, as its judgment may dictate, a competent engineer to aid in the location, relocation, or change, construction and repair of public roads, highways, bridges, and culverts; to draw up rules and regulations governing the use and management of prisoners on the public roads, and to aid and encourage in every way practicable the general movement for better public roads in the State. And the Board of Agriculture, at its discretion, upon the application of the said Highway Commission, is authorized to employ one or more skilled engineers, who shall assist in such work and in such manner as the Commission may prescribe. The said North Carolina Highway Commission shall issue at least two bulletins each year relating to improvements, and improved methods of building and repairing of highways, public roads, bridges, culverts, ferries and fords.

Duties of  
Highway  
Commission.

SEC. 3. The County Commissioners shall have supervision and control of the highways, bridges, ferries and fords in their respective counties; it shall be the duty of the County Commissioners to determine what public roads or parts of public roads of their respective counties, shall be highways, and they shall cause a record to be made thereof; and the right of way of all highways shall be sixty feet, but only so much shall be used as in the opinion of the County Commissioners is necessary for the public good.

Duties of County  
Commissioners  
as to highways,  
ferries, bridges  
and fords.

Term "highway" defined.

SEC. 4. For the purposes of this act a highway is defined to be a macadamized, or a telford road, or other stone road, or a road constructed of gravel, oyster shell, or other good material in such manner that the same will with reasonable repairs thereon at all seasons of the year, be firm, smooth and convenient to travel.

Relative to relocating and widening roads.

SEC. 5. In relocating and widening roads now in use or in opening new roads, the County Commissioners, if highways, or the road trustees of the proper township, if public roads, shall cause the County Surveyor or a civil engineer to make a survey of the proposed change of an old road or the new road to be opened, and if they adopt said survey they shall give notice to the owner or owners of the land that they have adopted said survey or surveys, and that the same is hereby condemned for the use of the township or county, as the case may be, for a public road or highway. 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 the township supervisor, or a supervisor of highways from 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 Solicitors to prosecute all offenses 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. The said jury in determining said damages shall take into consideration the benefits made to the property and the damages sustained by the property, subtract one from the other, and the result shall be their verdict. The county shall pay damages for highway, and the township for public roads.

Penalty for obstructing County Surveyor or Civil Engineer in making survey.

Penalty for obstruction of Supervisor.

Assessment of damages.

County Commissioners to purchase necessary machinery, etc., and employ superintendents and employes.

SEC. 6. The County Commissioners are hereby authorized to purchase all machinery, material, teams and other things that are necessary to construct highways and bridges, and they shall have charge of the expenditures of all moneys levied for that purpose and may appoint such number of superintendents and employes as they may deem necessary for superintending and guarding convicts or superintending free labor, as the case may be; and pay all employes such sums for their services as to them seems reasonable and just.

SEC. 7. The County Commissioners shall keep in repair all highways and bridges of their county, and may contract with persons to keep in repair any parts of the highways under their charge.

County Commissioners to keep in repair highways and bridges.

SEC. 8. The County Commissioners shall levy each year the amount of tax necessary for the building of highways, and bridges and the keeping in repair of those already built. The building of highways and bridges to be made by uniform tax on the county. In determining the tax for the repair of the highways they shall determine the necessities of the highway, the use, and benefit to the several townships, and thus make an equitable division of the tax levied between the several townships in keeping said highways in repair.

County Commissioners authorized to levy tax for building highways and bridges and keeping same in repair.

SEC. 9. 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 any supervisor of highways or public roads 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 to the Supervisor, 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.

Working of county convicts on public roads and highways.

SEC. 10. 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.

County Commissioners authorized to accept convicts from other counties.

SEC. 11. That upon application of the County Commissioners of any county, it shall be lawful for and the duty of Judges holding courts in said county to sentence to imprisonment and hard labor on the public roads, highways and bridges or any or 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 classes of prisoners, to-wit: All persons convicted of offense, the punishment whereof would otherwise be wholly or part imprisonment in the common jail, also all persons convicted of crimes the punishment whereof would otherwise wholly or in part be imprisonment in the penitentiary for a term not exceeding ten years.

Classes of prisoners subject to work on roads.

SEC. 12. 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 con-

Convicts under control of Commissioners.

Appointment of  
superintendents,  
guards and  
employees.

Powers of  
Superintendent.

Commissioners  
authorized to  
work convicts  
on other  
public works, to  
hire them out, etc.

Provisions for  
safe keeping and  
maintaining  
convicts.

Rules and regu-  
lations to be in  
accord with  
general rules and  
regulations gov-  
erning use of  
convicts on pub-  
lic roads and  
highways.

Work to be  
marked out by  
competent  
authority.

Prisoners to be  
credited with  
work done.

Penalty for allow-  
ing escape of  
prisoners.

victs 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 employes 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 fill in highways or 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.

SEC. 13. 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.

SEC. 14. The prisoners shall do no work on the highways or public roads, unless said work has been marked out by the County Surveyor or Supervisor 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 Supervisor their services are worth, 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 he or they shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than five or more than fifty dollars, or imprisoned not less than ten days, or more than thirty days.

SEC. 15. It shall be lawful for the County Commissioners to farm out prisoners aforesaid to any city, town or village, or to any person or persons to work on the streets, highways and public roads, and furnish said party or parties all necessary shackles, implements and tools, and may allow such person or persons not exceeding thirty cents per day for such prisoner, to be paid out of the county treasury. And said party or parties shall give bond for his security, payable to the State or North Carolina in such sum as the County Commissioners may determine for complying with this contract: *Provided*, the same shall not be less than twenty-five dollars (\$25) for each prisoner. The party or parties aforesaid shall bear all their expenses.

Power of County Commissioners to farm out prisoners.

Bond of party hiring convicts.

Proviso that bond be not less than \$25 for each prisoner.

SEC. 16. The Superintendent of Health of the County shall attend the convicts as though they were confined in the county jail. If the Superintendent of Health shall be unable to attend the convicts from any cause, the County Commissioners are hereby authorized to contract with a physician to attend such convicts.

Duty of Superintendent of Health to attend to sick convicts.

SEC. 17. In every county wherein any stone quarry or quarries and any stone crusher or crushers are operated for making or repairing highways or public roads, it shall be lawful for the County Commissioners to furnish a supply therefrom at such price as may be agreed upon by the County Commissioners and the road trustees of the township, crushed or broken stone for making and repairing public roads of the township.

County Commissioners authorized to furnish to townships with supplies of crushed rock from county stone quarry.

SEC. 18. That all stone or other material furnished or delivered for road or bridge purposes shall be used for no other purpose whatsoever, and that if any person shall sell or offer to sell any of said stone or material or dispose of the same for any other purpose than provided in this act, he, she, or they so offending shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine not more than five hundred dollars or imprisonment not more than twelve months or by both such fine and imprisonment.

Penalty for putting material furnished for road or bridge purposes to other uses or for selling same.

SEC. 19. The County Commissioners shall not establish any ferry or order the laying out of any public road to a ferry 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 board and notice thereof be posted during the same period at the court-house door, at which meeting the board shall hear all the allegations

Provisions as to establishing ferries or laying out public roads. Petition to be filed.

Notice of filing of petition to be given.



set forth in the petition, and if sufficient reason be shown, the board shall establish or discontinue the said ferry or order the laying out or discontinuing of or alter said road as the case may be.

County Commissioners to direct how and by whom costs to be paid.

Appeal to Superior Court when issues to be joined and case tried anew.

SEC. 20. In all applications provided for in the preceding section, the County Commissioners may direct how and by whom the cost shall be paid and any person may appeal to the Superior Court at term time, and if any person shall appeal from the board on such petition he shall give bond to the opposing party as provided in other cases of appeal. And the Superior Court at term time shall hear the whole matter anew, and the parties to said proceeding shall be entitled to have every issue of fact joined in said proceeding tried in the Superior Court in term time, by jury and from the judgment of the Superior Court either party may appeal to the Supreme Court as is provided in other cases of appeal.

County Commissioners at May meeting to fix tolls for bridges and ferries.

SEC. 21. The County Commissioners of each county shall once a year, or oftener if necessary, at the meeting to be held next after the first Monday of May, rate the prices of such ferries or toll bridges as shall be kept within their respective counties, and any ferry keeper or toll bridge keeper, who shall ask, demand or receive a greater price than shall be rated by the Board of Commissioners, shall forfeit and pay five dollars for every offense to the party aggrieved; and every person or persons or corporation who owns a public ferry or toll bridge and refuses to keep it up at the rates allowed by the board shall for each and every offense forfeit five dollars.

Forfeiture for asking or receiving greater toll than that fixed by Board of Commissioners and for refusing to keep up bridge or ferry at rates fixed.

County Commissioners authorized to use county funds for building bridges in certain cases.

SEC. 22. When a bridge shall be necessary and the road trustees of the township can not conveniently build it, out of the township funds, the County Commissioners being satisfied that such is the fact, shall contract for the building, keeping and repairing thereof, and the same shall be a charge on the county. And when bridges shall be necessary over any stream which divides one county from another, the County Commissioners of each shall join in agreement for building, keeping and repairing the same and the charge thereof shall be defrayed by both counties in proportion to the taxable polls and property in each.

County Commissioners of county bordering on State line authorized to join in agreement with proper county in adjoining State for building and keeping in repair bridges.

SEC. 23. That it shall be lawful for the County Commissioners of a county bordering on the State line between North Carolina and any adjoining State, to join in agreement with the proper county in the adjoining State for the building, keeping and repairing bridges, and the charge thereof shall be defrayed by both in proportion to the number of taxable polls and property in each.

SEC. 24. When any stream divides two counties, the County Commissioners of the two counties so divided may join in agreement, or may meet in joint session at any place agreed upon, for the purpose of determining whether or not they will build a bridge across said stream, and if they decide that it is necessary for the public good, they are authorized to determine what part each county shall pay; and are hereby authorized to levy a special tax to pay for the building of said bridge, and if the amount required to build said bridge be greater than should be levied in one year, they are hereby authorized to borrow money for not exceeding three years, and shall levy taxes each year to pay the deferred payments. And it shall be lawful for any adjoining county that receives peculiar benefits from the locality of said proposed bridge to join the other counties in agreement, and contribute such sum as may be reasonable and just, to the building of said bridge.

Commissioners of adjoining counties with dividing stream may determine whether bridge be built and arrange for cost of same by tax levy.

SEC. 25. If the County Commissioners of any county in this State, decide that it is necessary for the public good that a bridge be built across a stream dividing their county from an adjoining county, and the County Commissioners of said adjoining county refuse to build said bridge, the County Commissioners of a county desiring the bridge may bring a suit at term of the Superior Court against the adjoining county to compel it to pay its proportion of building said bridge, and if the jury find it is for the public good they shall award such sum against the adjoining county as the property of one county bears to the property of the other county, and if by reason of the peculiar situation of any other county to the locality of the proposed bridge it receives great benefit it may be made a party to the suit, and the jury may award such sum against it as may be just and equitable, and the judgment or judgments so rendered shall be collected as other judgments at law, and used for building said bridge.

County Commissioners may bring suit against adjoining county to compel it to pay its proportion of cost of bridge across dividing stream.

Other counties by situation benefited by said bridge may be made parties to said suit.

SEC. 26. 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 nor more than fifty dollars for each offense or imprisoned not exceeding thirty days.

Signs to be erected at ends of bridges crossing dividing streams.

Penalty for fast driving or riding across such bridges.

SEC. 27. The County Commissioners shall have erected guide-posts in the edge of the water at each entrance of dangerous fords on highways and public roads. The depth of water in the ford at low water shall be marked at the water-line on the

Guide posts to be erected at dangerous fords on highways and public roads and depth of water to be marked.

post, and beginning with that figure each post shall be numbered to the top of the post.

Relative to contracts for private toll bridges, tolls at same and purchase for public use.

SEC. 28. Wherever from the rapidity or depth of water of any stream, the County Commissioners of the county or counties chargeable therewith, may jointly and severally as the case may be, contract for the building thereof of a bridge by allowing the builder to take reasonable tolls at such rate and for such time on all persons, horses, vehicles and other things passing over the bridge as may be agreed between the County Commissioners and the builder, which tolls shall be common to all persons, and such bridges shall be built in the manner as the party or parties may direct, and shall be kept in good order by the builder, his heirs and assigns, and in default of compliance with the contract the builder or others who may succeed to these rights or enjoy the tolls shall be guilty of a misdemeanor. The County Commissioners shall receive the right after ..... years to pay such builder or builders or their assigns a fair price, not exceeding the cost of building said bridge, and make it a public bridge.

Bonds of owners of toll bridges and keepers of public ferries, amounts and conditions of same.

SEC. 29. The County Commissioners of each county shall compel every person that may own a toll-bridge or keep a public ferry within the county to give bond with good surety in the sum of one thousand dollars payable to the State of North Carolina, conditioned that he will constantly keep such bridge in good repair, or as the case may be, provide and keep good and sufficient boats for the passing of persons, their horses, vehicles and effects, and will indemnify or save harmless any person who may be endangered by reason of any fault of his undertaking; and if any person shall receive damage because of any person or keeper of a toll-bridge, shall not have complied with the conditions of his bond he may bring suit thereon in the name of the State, and recover thereon such damages, and costs. If any person shall be detained at any public ferry by reason of the ferryman's not having sufficient boats or other proper service at hand, or by his neglecting to do his duty in any respect, he may recover before any Justice of the Peace against such ferryman the sum of ten dollars as a penalty for every such default and neglect.

Person endangered by reason of non-compliance with conditions of bond may bring suit in name of State and recover damages.

Penalty for unreasonable detention at ferries.

Penalty for unlawfully keeping a ferry.

Proviso as to mail-carriers keeping boats.

SEC. 30. If any unauthorized person shall pretend to keep a ferry or transport for pay, any person or his effects within three miles of any ferry over the same river or water, which theretofore may have been appointed, he shall forfeit and pay five dollars for every such offence to the nearest ferryman: *Provided*, that any person who may contract for carrying the mail, may keep a boat for the sole purpose of transporting the same, and

such passengers as may travel in a coach thereon across any ferry; and such contractor shall not transport across such ferry any other passenger than such as travel by his coach.

SEC. 31. 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 keep at his or their own expense in good and sufficient repair all bridges that are or may be erected in whole or in part on said highways or public roads, and shall construct, and keep in repair the approaches to said bridges acceptable to the supervisor of the district. 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 supervisor, 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 supervisor, 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 this section. And the money so collected shall be expended by the supervisor, and accounted for in his annual settlement.

Individuals cutting ditches or canals across any highway or public road to build and keep up necessary bridges and approaches to same.

Penalty for failure to perform above duties after notice given by Supervisor.

Fines to be expended by Supervisor.

SEC. 32. 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 twenty-five dollars for each ten days he or they shall fail to perform the duties imposed by this section.

Railroad, turnpike and other incorporated companies to keep up necessary bridges and road crossings.

Penalty for failure in above duties.

SEC. 33. County or counties which may erect bridges, or railroads, or other corporations that shall erect bridges, shall provide, and keep up, draws in such bridges where the same may be necessary to allow convenient passage of vessels.

Draws to be provided and kept up where necessary to navigation.

SEC. 34. The Solicitors of the Superior Court are authorized and directed to institute suits in the name of the State in the counties wherein the injuries may be done for recovery of damages against all persons, who shall wilfully or negligently injure any public bridge, belonging to or situated in any county, or counties by forcibly running any vessel, boat or raft against the same, by cutting trees or timber in the rivers or creeks above such bridges, or by any other manner or means whatever. In case the injury is done in two counties the action may be

Superior Court Solicitors to bring suits in State's name for recovery of damages against parties wilfully or negligently injuring any public bridge.

Where injury is done in two counties action to be brought in either.

Damages recovered to be for use of county or counties injured, costs, how divided on failure of suit.

Owner of public ferry may build bridge and hold by same rights as ferry subject to regulations for toll bridges.

Provisions to erection of draw where necessary to navigation.

Board of Township Road Trustees, how elected.

Terms of office.

Incorporation.

Meetings of Road Trustees, when held.

Trustees to keep record of proceedings.

Secretary-Treasurer of Trustees, bond of same, Conditions of bond.

Rights and powers of Trustees.

Duty of Trustees to examine into condition of public roads of township twice a year and make reports on same to County Commissioners and Solicitors.

brought in either for the entire damage and the damages which may be recovered shall be for the use of the county or counties injured; and if the plaintiff fails the cost shall be paid by the county or counties for whose use the suit is brought, and in the same proportion in which the recovery would be divided.

SEC. 35. In all cases where the proprietor of any ferry shall prefer building a good substantial bridge over any watercourse instead of keeping a ferry, he may do so, and may claim and hold such bridge under the same rights and in the same manner by which the ferry is claimed and held, under the same rules and regulations, restrictions, and penalties as other toll bridges: *Provided*, that in all such bridges the proprietor shall erect a draw wherever navigation of the streams may require it.

SEC. 36. That the Justices of the Peace in each and every township in this State shall meet in some place in their respective townships to be agreed upon by themselves, or in absence of such agreement to be named by their chairman on the last Monday of April of each year, and shall elect a Board of Road Trustees, which shall be composed of three citizens residents of said township. 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 at the annual April meeting for the term of three years. They are hereby incorporated, and the Board of Road Trustees of such townships shall be their corporate name.

SEC. 37. The road trustees shall meet in some place in their respective townships to be agreed upon by themselves, or in the absence of such agreement to be named by their chairman on the first Monday in 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 by them approved, conditioned for the faithful discharge of the duties of said office. They shall have the right to sue and be sued, plead and be impleaded in any of the courts of the State, and recommend to the County Commissioners the taxes for road purposes to be levied in said township, as hereinafter provided. The Board of Road Trustees, and its secretary-treasurer, shall be exempt from .... days' labor on the public roads required in their township, and it shall be the duty of the road trustees to examine into the condition of the public roads of their respective townships at least twice in each and every year, and make a report in duplicate,



on the condition of said public roads and present one copy of said report at the May and November meeting of the County Commissioners and shall transmit a copy of said report to the Solicitor, with such instructions as they may deem proper.

SEC. 38. The Board of Road Trustees shall have the right to lay out, alter or discontinue public roads that are wholly within their townships. And the County Commissioners shall have the right to lay out, alter or discontinue public roads that extend into two or more townships: *Provided further*, that the right-of-way of all public roads shall be forty feet wide, and the supervisors, with the approval of the road trustees, shall determine how much of said right-of-way shall be used for road purposes.

SEC. 39. That each and every person who shall neglect or refuse to perform the several duties enjoined by this act shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined or imprisoned or both in the discretion of the Court; and it is hereby made the duty of the Solicitors to prosecute all the offenses against the provisions of this act.

SEC. 40. That the road trustees of the several townships of this State shall on the first Monday of May next, or within four weeks thereafter, divide their respective townships into suitable road districts, and annually thereafter make such alterations therein as they may deem proper, and cause a brief description thereof to be made on the township records, and also furnish each supervisor with a plot of his road district. The road trustees of each township at their May meeting and annually thereafter shall elect one supervisor for each road district. Supervisors so elected shall take an oath faithfully and impartially to discharge the duties of said office, and the road trustees may require a bond of such supervisors, payable to the State of North Carolina, in trust for said township, in such sum as they may determine, with security, to be by them approved, determined for the faithful discharge of the duties of said office; and, on refusal or neglect to qualify and serve, shall forfeit and pay the sum of twenty-five dollars and costs, to be collected by the road 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.

SEC. 41. And when a vacancy shall occur in the office of supervisor by death, resignation or otherwise, the road trustees of the township wherein such vacancy occurs shall appoint some suitable person to fill such vacancy. The person so appointed shall, before entering upon the duties of his office, take an oath to faithfully and impartially discharge the duties of his office and shall be under the same restrictions and penalties as was his predecessors.

Power of laying out, altering or discontinuing public roads, in whom vested

Proviso, right-of-way to be 40 feet wide, Supervisor to determine how much to be used for road purposes.

Penalty for neglecting or refusing to perform duties enjoined by this act

Solicitors to prosecute offenses against this act.

Road Trustees to divide townships into road districts, when.

To make annual alterations and put description thereof on the records and furnish Supervisor with plot of his district.

Supervisors to be elected, how and when, Official oath and bond.

Forfeiture for refusal or neglect to qualify and serve to go to road fund.

Vacancies in office of Supervisor, how filled.

Supervisors,  
duties and  
powers of.  
Opening of roads.

Repair of and  
removal of ob-  
structions from  
roads.

Authority as to  
entering on lands,  
cutting trees, dig-  
ging sand or  
gravel, etc.

Drains and  
ditches.

Penalty for ob-  
struction of  
drains and  
ditches.

Penalty for  
wilful injury to  
cultivated lands.

Persons subject  
to road duty.

Number of  
days liable to  
road duty.

Proviso as to  
persons subject to  
road duty paying  
50 cents in lieu of  
each day's labor.

Proviso as to  
Supervisors re-  
ducing number  
of days.

SEC. 42. That it shall be the duty of each and every supervisor to open or cause to be opened all public roads which shall have been or may hereafter be laid out and established in his road district. The same to keep in repair and remove or cause to be removed all obstructions that may, from time to time, be found thereon, for which purpose the supervisors 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, mail 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. 43. That all able-bodied male persons and all male persons able to perform the labor herein required, between the ages of twenty-one and forty-five years, except those permanently disabled in the military service of this State shall be liable annually to do and perform four days labor on the public roads under the direction of the supervisor of the road district in which he shall reside; *Provided*, that if any person being warned, as hereinafter provided, shall pay to the supervisor in whose district he may reside the sum of fifty cents for each day's labor required by this act, the same shall be received in lieu of each day's labor and shall be applied by the supervisor receiving the same to the improvement of the roads of the district, and accounted for as hereafter provided: *Provided further*, that the road trustees of each township may reduce the four days' labor to three days, or two days, or one day or not enforce the labor on the roads provided for in this section.

SEC. 44. That it shall be the duty of every supervisor to order out every such person resident as aforesaid between the first day of March, and the first day of December annually to do and perform the work aforesaid on the public roads within the district; and if any such resident being personally warned by such supervisor or by leaving a written notice at his usual abode, shall refuse or neglect having had at least two days' notice to attend by himself or an able-bodied substitute acceptable to the supervisor, or having attended shall refuse to obey the directions of the supervisor, or shall spend the time in idleness or inattention to the duties assigned him, every such delinquent shall forfeit and pay the sum of one dollar 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 recovered 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 supervisors to the improvement of the roads in his district, and accounted for by him at the annual settlement with the road trustees: *Provided*, that no person shall be released from the performance of the labor on the public roads by reason of the neglect of any supervisor to order out such person on or before the first day of December as herein provided.

Supervisors to order out persons subject to road duty between certain dates to do necessary work.

Forfeiture for refusal or neglect to attend after notice or for refusing to obey directions of Supervisor or for idleness.

Penalty for non-attendance.

Proviso as to release of person from labor on public roads on neglect of Supervisor to order said person out.

SEC. 45. That in case any person shall remove from any district to another who has prior to such removal performed the whole or any parts 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 the supervision [supervisor] of the proper district, such certificate shall be a complete discharge for the amounts therein specified.

Certificates of labor performed a discharge from for amount specified therein.

SEC. 46. That any person called upon to perform any of the labor upon the public roads under any provision of this act shall by himself or substitute appear at the place appointed by the supervisor at the hour of seven o'clock in the forenoon with such necessary tools and implements as the supervisor may direct, and the supervisor may, if necessary for the improvement of the road, order any person owning the same to furnish a team of horses, mules or oxen, wagon, cart, plow or scraper to be employed or used on the road under the direction of the supervisor.

Person ordered out to appear at place appointed at 7 a. m. with necessary tools and implements.

Power of Supervisor as to ordering persons to furnish teams, etc.

SEC. 47. 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

Residence of persons defined.

any other person shall be held to be where he boards in any road district in this State.

Supervisors to collect fines, forfeitures and penalties and to prosecute to judgment persons neglecting or refusing to comply with provisions of this act.

SEC. 48. 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.

Moneys collected by Supervisors, how expended, Supervisor's annual statement, to whom made and what to contain.

SEC. 49. That the several supervisors shall expend all moneys by them collected for the benefit of the roads in their respective districts, and every supervisor is hereby required to account to the road 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 day's labor as required by this act, and also 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 of the Justice of the Peace or constable collecting the same to the supervisor of such road district, wherein such fines and forfeitures accrued. And the several supervisors shall also render an account to the road trustees at the annual settlement of all the moneys that remain in their hands at the time of the settlement, also all judgments that remain unpaid, and the name of the judgment debtor, and the Justice of the Peace before whom such judgments were obtained, with the amount thereof, and the road trustees shall make such order as to the prosecution of the suits by the supervisors of the proper districts against such delinquents as in the judgment of the trustees the interest of the township may require.

Road Trustees to make proper orders as to prosecutions of suits by Supervisors against delinquents.

Moneys remaining in hands of Supervisor and time of annual settlement to be paid to successor, when.

SEC. 50. 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 [and the money so received and collected] shall be expended as provided in the foregoing sections.

Supervisors to sue out executions on judgments, when.

SEC. 51. That the supervisors of public roads within this State be and are hereby authorized to construct foot bridges over streams of water on said public roads.

Supervisors authorized to construct foot bridges.

SEC. 52. That each supervisor within his district shall erect, and keep up at the expense of the township at the forks or cross of public roads, 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 other public place or places situated on each road respectively. The post and guide board, or finger board aforesaid, shall be finished [furnished] to the supervisor by the Board of Road Trustees of the proper township. The County Commissioners shall cause to be set up along the highways and principal thoroughfares of the county substantial mile posts on which are indicated the distance from the county seat; and at important crossings and forks on said highways or thoroughfares the said Commissioners shall cause to be erected guide boards on which are indicated the principal place or places to which these roads lead, and the distances to the same.

Relative to guide-boards and mile-posts.

SEC. 53. That if any person shall wilfully demolish, throw down, alter or deface any such post or guide board, every person so offending shall, upon conviction thereof before any Justice of the Peace of the proper county, be fined in any sum not exceeding twenty-five dollars and cost, or imprisoned not exceeding twenty days, and the money when collected shall be, by the Justice of the Peace collecting the same, paid over to the supervisor in whose district the offence was committed, and by him applied to the repair of the public roads within his district.

Penalty for injury or demolishing guide-boards or mile-posts.

SEC. 54. That the road trustees of the several townships within this State be and they are hereby authorized to furnish plows, scrapers and other tools for the use of the several road districts within their township, to be paid for out of any moneys in the township treasury 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.

Road Trustees authorized to furnish implements to their road districts.

SEC. 55. That the road trustees of any township in this State are hereby authorized to provide and maintain suitable places

Supervisor liable for damage to implements.

Relative to places for procuring water on public roads.



for procuring water for persons and animals on the public roads in such townships. Two or more townships may provide and maintain suitable places for procuring water for persons and animals on public roads dividing said townships, or lying near the dividing line. The supervisor of any road district may contract with any land owner for maintaining a suitable place for procuring water for persons, and animals, on any public road in his district. Said contract shall first be approved by the Board of Road Trustees of said township.

Jurisdiction of Road Trustees relatively to cart-ways.

SEC. 56. The road trustees of each township shall have jurisdiction over cartways, and may order the laying out or discontinuing of same. Any person over whose land the right or use of which any person or persons may have acquired the right to use, may erect gates, with the consent of the road trustees, across the same, and if any person shall wilfully leave open, break down or otherwise injure the same, he shall be guilty of a misdemeanor, and on conviction shall be fined not more than twenty-five [dollars] for each offence.

Gates to cart-ways.

Penalty for injuring gates to cart-ways.

Law as to passage of vehicles meeting on public roads, bridges, etc.

SEC. 57. Whenever any persons shall meet each other on any bridge, highway, public road or roads, traveling with carriages, wagons or other vehicles, each person shall reasonably drive his carriage or vehicle to the right of the middle of the traveled part of such bridge, or road, so that the respective carriages or other vehicles aforesaid may pass each other without interference. Every person wilfully offending against the provisions of this section, shall for each offence, forfeit a sum not exceeding ten dollars, to be recovered on complaint before any Justice of the Peace in the county where the offence shall have been committed, and he shall further be liable for all damages sustained by reason of such offence: *Provided*, that every such complaint shall be made within six months after the offence shall have been committed, and that every such action for damages shall be commenced within twelve months after the cause of action shall have occurred.

Penalty for violation of this section.

Penalty for dragging or "snaking" saw-logs or other timber along highway or public road.

SEC. 58. Any person engaged in hauling or transporting saw logs or other timbers on any highway or 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 road-bed 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.

County road tax, how and by whom levied.

SEC. 59. That the County Commissioners of the respective counties of this State, are hereby authorized to levy at the June session of their board annually for public road purposes

not less than ten cents nor more than fifty cents on the one hundred dollars worth of property, and not less than thirty cents nor more than one hundred and fifty 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. That if the Road Trustees of any township shall deem an additional road tax necessary, they shall determine the percentum to be levied upon the taxable property of their respective townships, not exceeding thirty cents on the one hundred dollars worth of property, and ninety cents on the poll, and shall certify the same to the chairman of the County Commissioners in writing on or before the first Monday in July in each year. The chairman of the County Commissioners shall assess the same on the taxable property in the township, and same shall be collected as other taxes in money, and paid out as hereinafter provided. That the County Commissioners in any county in this State are hereby authorized to levy, at the June session of their board, annually for highways, bridges and fords not more than forty cents on the one hundred dollars worth of property and one hundred and twenty cents on the poll, and the chairman of the County Commissioners shall place the same on the tax-lists 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 for road purposes, and shall be collected in money and expended under the direction of the Commissioners of the county in building and repairing highways, bridges and improving fords.

Maximum rate of taxation.

Provisions as to additional township road tax.

County tax for bridges and highways, when and by whom levied, rate of and how collected and expended.

SEC. 60. That the chairman of the County Commissioners immediately after the Commissioners at their annual session for that purpose having determined the amounts to be assessed for road purposes in their respective counties, shall give notice in some newspaper in general circulation in the county of percentum on each one 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 supervisor of the several districts, and shall make out a list of the names of each tax payer of the amount of road tax with which each stands charged, and transmit the same to the supervisor of the proper district.

Notice of road tax to be published, when and what to contain.

Lists of tax payers to be furnished Supervisors.

SEC. 61. Any person charged with road tax may discharge the same by labor on the public roads within the districts where the same is charged within the time designated in this act, at the rate of fifty 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 each district who shall

Provisions as to discharge of road tax.

Tax certificates,  
what to contain.

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 the tax charged against such person, and the County Treasurer shall receive all such certificates as money in the discharge of said road tax, all road taxes collected by the Sheriff or Tax Collector shall be paid over to the Road Trustees of the proper township. The Road Trustees in determining the division of this fund shall be governed, not by the miles of road in each district, but by the necessities of roads, the conveniences of getting material and quantity of material necessary to make substantial repairs, and thus make a just and equitable division of the said fund between the several districts.

Road taxes collected to be paid over to Road Trustees,  
Division of road fund, how regulated.

Relative to  
passage ways for  
cattle over or  
under public  
roads.

SEC. 62. That any land owner, through whose land any public road is now or may be hereafter laid out and established is hereby authorized, under the direction of the supervisor of the proper district, to construct a passage or passage way thereunder or over, such road, so as to permit the stock of such land holder to pass and repass: *Provided*, that such passage or passage ways shall not be constructed over or under any road within the limits of the out-lots of any town or village, and shall not hinder or obstruct the travel of such road: *Provided further*, that the said passage or passage ways shall be kept in good repair at the expense of such land holder.

Proviso, that such  
passage ways be  
not constructed  
within limits of  
town or village  
out-lots and that  
passage ways be  
kept in repair.

Powers of Super-  
visors as to  
repairs after  
heavy rains.

SEC. 63. 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 be allowed reasonable compensation for notifying the supervisor, who is hereby authorized and directed to order out any person owing ..... days' labor without giving the two days' notice to do and perform the work on the public road needing repairs. And he is further authorized and directed to order any person owning the same to furnish a team of horses, mules or oxen and wagon, cart, plow or scraper to be employed and used on the roads under the direction of the supervisor.

Supervisor sub-  
ject to penalties  
for neglecting or  
refusing to per-  
form duties or for  
giving or signing  
fraudulent cer-  
tificates for labor  
performed as  
money paid.

SEC. 64. 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 certificate, shall forfeit for every such offence not less than ten dollars nor more than fifty dollars, to be recov-

ered 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 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.

Road overseers to prosecute,  
Provido as to appeal to Superior Court.

SEC. 65. 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.

SEC. 66. That each and every supervisor who shall cut and take any timber, stone, clay, marl, sand or gravel for the purposes of making, improving or repairing any road or building or repairing any bridge or cross-way within his district 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.

Supervisor to give certificates for material for repairs and construction of roads and bridges.

Certificates, what to contain.

SEC. 67. That any person or persons who shall have received a certificate as provided for in the foregoing section shall present the same to the Board of Road Trustees of the proper township at any regular session of said trustees within twelve months after the taking or carrying away of such timber, stone, gravel or other material, and the trustees being satisfied that the amount aforesaid is just and equitable shall cause the same to be paid out of the township treasury, but if not so satisfied they shall determine what sum in their opinion would be just.

Provisions as to presentation and settlement of certificates for material furnished Road Supervisor.

SEC. 68. That each supervisor shall receive for his services not exceeding one dollar and fifty cents per day, to be determined by the Board of Road Trustees of the proper township, for the time actually employed on the roads, deducting the commutation of the days of labor required in such township.

Pay of Supervisor.

SEC. 69. That at any time during the year when any public roads 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

Duty of Supervisor relative to obstruction of roads.

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 or tax that may be due from such person or persons for the ensuing year.

Relative to construction and keeping in repair roads on State or county lines.

SEC. 70. That it shall be lawful for the supervisor of the road district bordering on the State line between North Carolina and any adjoining State, where a public road has been located upon such State line in accordance with or under the provisions of the laws of the State of North Carolina, to have the same kept in repair in the same manner as on 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, incorporated village or city, the Road Trustees in such adjoining township or townships, and the government of such incorporated village, town or city as the case may be shall meet at some convenient place as soon after the first Monday in May as convenient and apportion such road between the township or townships, village, town or city as justice and equity may require, and the Road Trustees in the respective township or village, town or city government shall cause said road or roads to be opened or improved accordingly.

Supervisor to furnish County Commissioners with list of persons liable to road tax.

SEC. 71. The supervisor shall furnish the chairman of the County Commissioners of the proper county on or before the first Monday of July a true and correct list of all persons liable for road tax in their respective districts. The names of all persons on the general tax list not reported by the supervisor shall, with the tax due by each, be transmitted by the chairman of the County Commissioners to the chairman of the Board of Road Trustees to be by him transmitted to the supervisor of the proper district.

Relative to names on general tax list not reported by the Supervisor.

Unlawful for railroad company to obstruct drainage of public road or highway or to empty into same water from its ditches.

SEC. 72. 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, being warned by the supervisor of the proper district by leaving a written notice with any station agent or informing any station agent of said railroad company personally, shall refuse or neglect to remedy the same to the acceptance of the supervisor, shall forfeit and pay any sum not exceeding fifty dollars nor less than twenty dollars, to be recovered by an action at the suit of the Township Trustees before any Justice of the Peace in the proper county, and every five 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.

Forfeiture for refusal or neglect to comply with this section.



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 such supervisor for the improvement of the roads in his district and accounted for in his annual settlement.

Forfeitures, how disposed of.

SEC. 73. It shall be the duty of each supervisor to cause each railroad company to construct and keep in good repair the road-bed of all public roads across the said railroad company, and if any railroad company, being duly warned by the supervisors 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, shall forfeit any sum not exceeding fifty dollars nor less than twenty-five dollars, to be recovered by an action at the suit of the Road Trustees before any Justice of the Peace in the proper county, and the money so collected shall be paid to the supervisor of the district in which the provisions of this section were violated, and the money so paid over shall be used by said supervisor for the improvement of the roads in the 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: *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 by any member of the County Commissioners by mailing to or leaving a written notice with any station agent of said railroad company, shall neglect to repair said road-bed to the acceptance of the member of the County Commissioners giving the notice, shall be guilty of a misdemeanor, and on conviction shall be fined not less than one hundred dollars nor more than two hundred dollars, and the money so collected shall be paid to the County Commissioners for the improvement of the highways of the county, and every three days such railroad company, after being notified, shall neglect to remedy such offence, shall be deemed an additional offence against the provisions of this act.

Railroad crossings to be kept in good order by company or company to pay for forfeiture on failure to do so after notice duly given.

Forfeiture, amount of, recoverable, how and to whom to be paid.

Every five days' neglect on part of company to repair crossing to constitute an additional offence.

Proviso as to company keeping in repair streets in towns or cities across right-of-way.

Penalty for failure to comply with above requirements after warning.

Three days to constitute an additional offence.

SEC. 74. That if any person or persons, corporations or any conductor of any train of railroad cars or any other agent or servant of any railroad company shall obstruct unnecessarily any public road or highway authorized by the law of this State by permitting any railroad car or cars or locomotives to remain

Penalty for obstructing railroad crossings.

upon or across any public road or highway for a longer period than five minutes, or shall permit any timber, wood or other obstruction to remain upon or across any such public road or highway to the hinderance or inconvenience of travelers or any person or persons passing along or upon such public road or highway, every person or corporation so offending shall forfeit and pay any sum not exceeding twenty-five dollars nor less than five dollars, and shall be liable for all damages arising to any person from such obstruction or injury to such public road or highway, to be recovered by an action at the suit of the Road Trustees of the township in which such offence shall have been committed, 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 public roads therein and every twenty four hours such corporation, person or persons as aforesaid, after being notified, shall suffer such obstruction or hinderance or inconvenience of travelers or any person or persons going along upon such public road shall be deemed an additional offence against the provisions of this act.

Penalty, how recoverable.

What constitutes an additional offence.

Corporation liable for fines against agents for obstruction of highways, etc.

SEC. 75 That every railroad company or other corporation, the servant or servants, agent or agents, employee or employees of each [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 or servants, agent or agents, employee or employees for so obstructing any such public road or highway; and any such liability as may be imposed 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 road or highway.

Unlawful to obstruct principal streets in cities of over 5,000 population by trains of cars, etc., longer than five minutes with an interval of ten minutes before street may again be so obstructed.

SEC. 76. It shall not be lawful in cities having a population over five thousand inhabitants for any railroad company, superintendent, agent or other employee thereof, either directly or indirectly, to obstruct, use or occupy any one of the four principal streets to be designated by the County Commissioners of the proper county with any locomotives, car or cars or trains by permitting or suffering such locomotives, car or cars or train to remain upon or across such street or any part thereof, or by coupling, switching or shifting of locomotive, car or cars or trains or the making up of trains upon or across such street or any part thereof, or by moving or stopping long freight trains upon or across the same, for a period longer than five minutes at one time; and whenever any such street has been thus obstructed, used or occupied it shall not be lawful for any railroad

company, superintendent, agent or other employee thereof, either directly or indirectly, to so obstruct, use or occupy the same or any part thereof for a period of ten minutes thereafter; if any vehicle shall be there waiting to cross and any railroad company or companies so using such street during said period of five minutes shall provide and maintain suitable bars or gates and watchmen at such street to secure and warn the public against the dangers attending such use; and if any railroad company, superintendent, agent or other employee thereof shall either directly or indirectly obstruct, use or occupy such street in violation of the aforesaid provision and prohibitions of this section, or shall procure, direct, aid or abet in any such violation, he or they shall be fined not more than twenty-five dollars or imprisoned not more than fifteen days or both: *It is further provided*, that after the expiration of said period of ten minutes any railroad shall have the first right to use or occupy the same for a period not to exceed five minutes: *And provided further*, that nothing herein shall be so construed as to afflict [conflict] or interfere with the arrival and departure of regular trains, moving on and across such street at a rate of speed not to exceed six miles per hour: *Provided*, that this section shall only apply to Mecklenburg County.

SEC. 77. The Sheriff or Tax Collector shall receive commission only on such part of the road tax as they actually collect in money.

SEC. 78. The State Highway Commission shall furnish the chairman of the Board of County Commissioners a sufficient number of printed copies of this act, for the use of the County Commissioners, the Road Trustees and the supervisors in the proper counties; that this act, "except sections one and two," shall apply only to the county of Mecklenburg, and shall not be applicable to any county in this State unless specially exempted until the same is adopted by the County Commissioners of the said county and when so adopted this act shall supersede and abrogate all other laws in the county or counties so adopting it: *Provided*, this act shall not apply to the county of Haywood where the same conflicts with the special road law of that county. And this act shall not apply to the counties of Person, Randolph, Guilford and New Hanover, Alexander, Iredell, Scotland, Alamance, Rockingham, Clay, Madison, Camden, Buncombe, Chatham, Warren, Dare, Rowan, Alleghany, Currituck, Hyde, Beaufort, Vance, Tyrrell and Forsyth: *Provided further*, that if the County Commissioners of Wake, Gates, Halifax, Northampton, Martin, Transylvania, or Pitt Counties shall elect to have the provisions of this act apply to their respective counties, the same shall, nevertheless, not be operative in and for such county

Penalty for violation of this section.

Proviso as to right of railroad to occupy crossing first after interval.

Proviso as to arrival and departure of trains.

Proviso that this section applies to Mecklenburg County only.

Road tax commissions to be paid only on part collected.

State Highway Commission to furnish copies of this act to counties.

This act, sections 1 and 2 excepted, to apply only to Mecklenburg County.

County Commissioners authorized to adopt same.

Proviso, as to Haywood and other counties.

Proviso, that law do not apply to Wake and certain other counties until qualified voters determine by vote to levy necessary tax.

Commissioners  
to call election on  
petition of ma-  
jority of voters.

unless a majority of the qualified voters thereof shall by vote determine to assess and levy any necessary tax, but the County Commissioners of such county are hereby authorized to call an election in said county or any township thereof, if a majority of the freeholders therein shall petition for the same.

SEC. 79. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 13th day of March, A. D. 1901.

#### CHAPTER 51.

##### An act to provide for a jury list for Scotland County.

*The General Assembly of North Carolina do enact:*

Jury list for  
Scotland County  
provided for.

SECTION 1. That it shall be lawful for and the duty of the Board of Commissioners for Scotland County to select and prepare a jury list for the county of Scotland on the first Monday in February, 1901, the same to be selected and preserved as now provided by law.

Governed by  
general law.

SEC. 2. That said jury list, after its selection as above provided, shall as to its revision and in all other respects, be governed by the general laws of the State.

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

In the General Assembly read three times, and ratified this the 30th day of January, A. D. 1901.

#### CHAPTER 52.

##### An act to set out and define the township lines of Chadbourn Township in Columbus County.

*The General Assembly of North Carolina do enact:*

Boundaries of  
Chadbourn  
Township,  
Columbus  
County.

SECTION 1. That the boundaries of Chadbourn Township in Columbus County shall be as follows: Beginning at the Summersett Mill and runs thence down said mill branch to two-mile branch; then with two-mile branch to the Peacock and Sidney road; then with said road to Beaver Dam Swamp; then up said swamp to Big Bay; then with the edge of Big Bay to Big Branch; then with Big Branch to Porter Swamp; then with Porter Swamp to the Whiteville and Conway road; then with said road to Green's Branch; then with said branch to the Ta-

tom's Township line; then with said line to the Whiteville and Lumberton road; then with said road to the Peacock and Vail road; then with said road to Wolf Trap Branch; then with said branch to Juniper Branch; then with said branch to the beginning.

SEC. 2. 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 the 30th day of January, A. D. 1901.

### CHAPTER 53.

#### An act to establish graded schools in the town of Rocky Mount.

*The General Assembly of North Carolina do enact:*

SECTION 1. That all the territory lying within the corporate limits of the town of Rocky Mount, and all that portion of Nash County not embraced within said corporate limits, but lying contiguous thereto within the following boundaries, to-wit: Beginning at that point where the southern boundary line of said town intersects the western boundary line of Hilliard street; thence southward along an extension of the boundary line of said street to that point where said line would intersect the new river road; thence eastward along said road to that point where the said line intersects the boundary line between the land of Jno. D. Bulluck and the land of the Davis heirs; thence southeastward along said line to that point where said line intersects the main line of the Wilmington and Weldon Railroad; thence northward along the line of said railroad to the southern boundary line of said town; thence westward along said line to the beginning, shall be, and are hereby constituted a public school district for white and colored children, to be known as "The Rocky Mount Graded School Distrct."

Territory in and adjacent to Rocky Mount constituted a graded school district.

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 Rocky Mount, 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 ward of said town.

Name.

Tax laws, etc., of Rocky Mount extended to that portion of above boundary outside of town limits for purposes of this act.



Graded School Trustees authorized to issue bonds.

Amount.

Interest.

Time and place payable.  
Form.

Principal, payable when.

Requirements for issue.

Expenditure of proceeds.

Price for bonds.

Use restricted.

Not subject to town tax.

Coupons receivable for taxes, etc.

Coupons not to bear interest, unless presented for payment at proper time.

Board of Commissioners of Rocky Mount to levy special tax on said graded school 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 fifteen 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-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 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 4 of this act.

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.

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.

SEC. 6. That said bonds and their coupons shall not be subject to taxation by the town of Rocky Mount until after they shall have become due, and tender of payment shall have been made. 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.

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 Rocky Mount, 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 one, 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; said particular tax to be not more than thirty-five cents on the one hundred dollars assessed valuation on property, and not more than one dollar and five cents on each taxable poll.

Amount of tax.

SEC. 8. That said taxes shall be collected by the Tax Collector of the town of Rocky Mount 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.

How collected.

Collector to pay over to Treasurer. To be kept separate.

How paid out.

Bonds of Tax Collector and Treasurer.

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 Rocky Mount 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 Rocky Mount; 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 district are in favor of granting to the aforesaid Board of Graded School Trustees, authority to issue such bonds, and to the Board of Commissioners

Sections 3 and 7, to be submitted to vote in said district.

Notice.

Publication of said sections.

Election, how held.

Form of ballots.

If majority of votes cast "for school," Trustees to issue bonds, etc.

Result of election enrolled.	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 Trustees and said Board of Commissioners shall not have such authority: <i>Provided</i> , that the results of such election, duly ascertained in accordance with law, shall be enrolled among the public records of the town of Rocky Mount; 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: <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, said
When such record conclusive.	Board of Commissioners shall order another election, at any time after the expiration of six months 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 the qualified voters shall vote "For Schools," it shall have the same force and effect as if no election had been previously held: <i>Provided</i> , that no election shall be held under the provisions of this act, after the first day of July, 1902.
Other elections provided for.	
Limit for elections.	
Board of Trustees.	Sec. 10. That W. D. Morton, J. W. Hines, J. H. Baker, Jr., J. C. Braswell, T. T. Thorne, Thos. H. Battle, and L. V. Bassett, 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, nineteen hundred and three; the next three until the first Monday in July, nineteen hundred and five; and the last two until the first Monday in July, nineteen hundred and seven, 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, acting in conjunction with the Board of Commissioners of the town of Rocky Mount. 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 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: <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.
Term of office.	
Vacancies, how filled.	
Article 7, Section 14 of Constitution not to apply to Trustees.	

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 Rocky Mount;" 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.

Body corporate.

Corporate name.

Corporate powers.

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 the cost of maintaining said schools: *Provided*, that all donations to said schools shall be applied as directed by the donors.

Duties of Trustees.

Appropriation of school funds.

Donations, how applied.

SEC. 13. That said Board of Graded School Trustees shall have exclusive control of all public schools in said school district, free from the supervision and control of the County Boards of School Directors and the County Superintendents of Schools of Nash and Edgecombe Counties, 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 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. 12 Township, Edgecombe County, is hereby authorized and empowered to carry on white and colored schools No. 1 of said township until June thirtieth, nineteen hundred and one; and to 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 Edgecombe County school funds shall, without delay, pay over to the Treasurer of the town of Rocky Mount all funds of said school districts No. 1, now in his hands, or which may hereafter come into his hands; and that the said Treasurer of the town of Rocky Mount shall, up to June thir-

Board of Trustees to have exclusive control of public school in said district.

Shall fix compensation of officers and teachers.

Take census.

Proviso as to No. 12 township, Edgecombe County.

Treasurer of Edgecombe school funds to pay over to Treasurer of Rocky Mount, funds of School District No. 1.

How disbursed. tieth, nineteen hundred and one, disburse said funds upon the warrant of said Board of Township Trustees only, and thereafter as hereinbefore provided for the disbursement of other funds of said graded school district.

Disposition of school funds derived from State, and counties of Nash and Edgecombe for said district. SEC. 14. That all public school funds derived from the State and from the counties of Nash and Edgecombe, 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 Rocky Mount by the Treasurers of said counties, 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,

Public School property in said district transferred to Graded School. both real and personal, of the various public school districts embraced within the limits of said graded school district, 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, Trustees may sell. 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.

Incidental fee from students. 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 How applied. such fee shall be applied exclusively to the maintenance of such graded school as the pupil paying the same may attend.

Election of Superintendent. 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 public schools of said school district, and Duties. exercise such other powers, and discharge such other duties as said Board of Trustees may prescribe.

Trustees to fix curriculum of studies; adopt text-books; provide extra instruction; fix rate of tuition; admit outside students. 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 the said Board of Trustees may deem just and reasonable.

Trustees to make annual report. 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 Rocky Mount, 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 Superintendents of Schools of Nash and Edgecombe Counties.

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.

Apportionment of school funds for said district, upon a per capita basis.

SEC. 20. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws 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 the 30th day of January, A. D. 1901.

#### CHAPTER 54.

##### An act to amend Chapter 205 of Public Laws of 1899.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter 205 of the Public Laws of 1899, be amended by adding to the end of section one the following words: "Provided, no person except the owner in fee-simple of the land on which the hunting is done, shall have the right to institute prosecutions for violation of this act."

Chapter 205, Public Laws 1899, relative to hunting, etc., in Davidson County, 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 30th day of January, A. D. 1901.

#### CHAPTER 55.

##### An act to amend sections 3840 and 3841 of The Code so as to abolish the office of Standard Keeper for Northampton and Warren counties.

*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 Northampton and Warren Counties, and the office of Standard Keeper for Northampton and Warren Counties is hereby abolished.

Sections 3840 and 3841 of The Code, 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 30th day of January, A. D. 1901.

## CHAPTER 56.

**An act for the relief of P. M. Dellinger, Register of Deeds for Catawba County.**

Preamble.

WHEREAS, P. M. Dellinger, Register of Deeds for Catawba County, North Carolina, did on or about the 21st day of August, 1899, 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 eighteen hundred and fourteen and eighteen hundred and sixteen of The Code, and by an oversight did record the substance thereof in a book open to the public, although not such a book as is specified and required by sections eighteen hundred and eighteen and eighteen hundred and nineteen of The Code; therefore,

*The General Assembly of North Carolina do enact:*

P. M. Dellinger,  
Register of Deeds  
Catawba County  
released from  
penalties for  
issuing license to  
girl under age.

SECTION 1. That P. M. Dellinger, Register of Deeds for Catawba County, North Carolina, be and he is hereby released from any and all penalties that may attach to him for any 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 30th day of January, A. D. 1901.

## CHAPTER 57.

**An act to appoint James W. Efird and John W. Bostian Justices of the Peace for Stanly County.**

*The General Assembly of North Carolina do enact:*

James W. Efird  
and John W. Bos-  
tian appointed  
Justices of the  
Peace for Stanly  
County.

SECTION 1. That James W. Efird and John W. Bostian be and are hereby appointed Justices of the Peace for Big Lick and Albemarle Townships respectively, in Stanly County, North Carolina, for the term of six years from the ratification of this act.

Failure to qualify;  
vacancies filled.

SEC. 2. That in the event either of the parties named in section one shall fail to qualify within thirty days from the ratification of this act, the Clerk of the Superior Court of Stanly County shall appoint some competent person to fill the vacancies caused thereby.

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

In the General Assembly read three times, and ratified this 30th day of January, A. D. 1901.

## CHAPTER 58.

**An act to authorize the trustees of the graded schools of Goldsboro Township to issue bonds.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Trustees of Goldsboro 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. The said corporation shall be invested with all of the property, real and personal, choses in action, rights in action and 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 Goldsboro 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.

SEC. 2. That the said Board of Trustees is hereby authorized to issue coupon bonds not to exceed in amount the sum of \$25,000 and in denominations of \$100.00 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 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 thirty 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 numbers and denominations thereof, and to whom sold, the dates of issuing 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

Created a body corporate.

Corporate powers and responsibilities.

Corporate powers.

Real estate transfers, bonds, obligations, etc.; how executed.

Bond issue authorized.

Interest rate.

Time and place of payment.

Bonds, how signed and attested.

Record to be kept.

payment of, the proceeds into the treasury, and such other data in relation to the same as the board may direct to be kept.

Price of bonds.

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, or any of them 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 the 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.

Penalty for failure to renew bond.

Proceeds from sale of bonds kept separate.  
Proceeds, how used.

SEC. 4. 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 of land for necessary school sites, in the erection of suitable new buildings, in furnishing the same with the necessary equipments, and furnishings, and in repairing, furnishing and equipping old buildings for the accommodation of the public schools of Goldsboro Township, and for such other school purposes as the Trustees may order the same to be disbursed.

Treasurer's compensation.

SEC. 5. That the said Board of Trustees shall have power to fix the compensation of the Treasurer for performing the duties conferred upon him by this act.

Sinking fund provided for.

Amount of annual tax money therefor.

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 Goldsboro Township for public schools, a sum equal at least to three per cent of the principal of said bonds.

Payment of interest.

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 Goldsboro Township for public schools a sum sufficient to pay the same.

Interest and sinking fund trustee.

SEC. 8. The said Board of Trustees may if in their opinion at any time it becomes necessary, or advisable, appoint a Trustee

whose duty it shall be to receive from the treasurer of said Trustees the sums set apart for the purpose of paying the interest on said bonds, and to create a sinking fund to pay the principal of said bonds at maturity, and the said board may prescribe the duties of said Trustee, fix the amount of his compensation, and the bond for the faithful performance of duty on his part. It shall be the duty of said Trustee 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 without the consent and approval of the chairman of said Board of Trustees.

Duties, compensation and bond of trustee.

Trustee's duties.

Investment of sinking fund.

SEC. 9. That this act shall be submitted to the qualified voters of Goldsboro Township for their ratification or rejection at an election to be held in said township at such time as the Board of Commissioners of Wayne County shall appoint within twelve months after the ratification of this act. 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 the rules, regulations and directions existing for the election of members of the House of Representatives. At said elections 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 number of ballots cast for and against said bonds shall be counted and the result of the said election certified and returned to the Register of Deeds of Wayne 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 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 purpose aforesaid.

Act submitted to voters.

Election, when held.

Advertisement.

How conducted.

Form of ballots.

Election certified. Register of Deeds to furnish copies of return.

Filed in office of Secretary of State.

Majority of voters approving, bonds to issue.

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

In the General Assembly read three times, and ratified this 30th day of January, A. D. 1901.

## CHAPTER 59.

### An act to levy a special tax for Ashe County.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Commissioners of Ashe County are hereby authorized and empowered, at their regular session in June, nineteen hundred and one and nineteen hundred and two, to

Ashe County Commissioners authorized to levy special tax.



Purposes. levy a special tax upon the property and polls in said county for the purpose of discharging and paying the general indebtedness of said county.

Maximum amount. 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 (20) cents on the hundred dollars worth of property and sixty cents on the poll, and the constitutional equation between the property and poll shall always be observed in making such levies.

To preserve constitutional equation. SEC. 3. 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.

How collected and accounted for.

SEC. 4. 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. 1901.

#### CHAPTER 60.

#### **An act to increase the number of Commissioners of Hertford County and to re-establish the office of County Treasurer**

*The General Assembly of North Carolina do enact:*

Number of Commissioners of Hertford County increased. Appointees. SECTION 1. That the number of Commissioners for Hertford County be increased from three to five members, and Jesse H. Mitchell and J. C. Vinson be and they are hereby appointed members of said Board of Commissioners, who shall remain in office until their successors are duly elected and inducted into office at the next general election.

Term of office.

Tax collectors. SEC. 2. That should said Board of Commissioners fail to appoint a Tax Collector for any township in said county, then the Sheriff of said county shall be *ex officio* Tax Collector of such township, upon his giving the bond required by law.

Bond.

Clerk to fill vacancies in office of Justice of Peace. SEC. 3. That the Clerk of the Superior Court of said county is hereby authorized and empowered to fill by appointment any vacancy or vacancies in the office of Justices of the Peace in any township of said county, caused by the failure of the person or persons elected by the people, to qualify within the time required by law.

Office of County Treasurer established. SEC. 4. That the office of County Treasurer for said county be and the same is hereby re-established until the first Monday in December, 1902, and Henry B. Vann is hereby appointed treasurer to fill said office, who shall qualify before the Board of Commissioners of said county.

Appointees.

Conflicting laws repealed. SEC. 5. That all laws and clauses of laws in conflict herewith are hereby repealed.

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

In the General Assembly read three times, and ratified this 31st day of January, A. D. 1901.

## CHAPTER 61.

### An act to protect quail in Yancey County.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful to take partridges or quail in Yancey County by use of any net or trap, or to export partridges or quail from said county.

To net or trap quail in, or export them from Yancey County, unlawful.

SEC. 2. All persons violating this act shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned in the discretion of the Court.

Violation, 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 31st day of January, A. D. 1901.

## CHAPTER 62.

### An act to prohibit hunting birds in Clay and Macon counties.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person to hunt birds upon the lands of another in Clay and Macon Counties with or without guns or dogs except by written consent of the owner: *Provided*, that nothing in this act shall deprive tenant or agent from hunting on such lands as are under their control.

Unlawful to hunt birds on lands of another in Clay or Macon Counties without written permission of owner.

SEC. 2. That any person so offending shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars 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 31st day of January, A. D. 1901.

## CHAPTER 63.

**An act to prevent hunting on lands in Craven County without consent of owner of land.***The General Assembly of North Carolina do enact:*

Bird hunting on  
another's land  
without consent,  
prohibited in  
Craven County.

Violation, misde-  
meanor.

Penalty.

SECTION 1. That it shall be unlawful for anyone to hunt on any land or lands in Craven County with gun, dog or otherwise, without the written consent of the owner of the land or lands.

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

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. 1901.

## CHAPTER 64.

**An act to amend Chapter 262, Public Laws of 1885.***The General Assembly of North Carolina do enact:*

Chapter 262, Pub-  
lic Laws 1885,  
amended, to pay  
Sheriff's expenses  
for carrying  
prisoner from  
one county to  
another.

SECTION 1. That chapter 262, Public Laws of 1885, be amended by inserting after the word "appearance" and before the word "the" in line seven, section one, of said act, the following: "Or if the Sheriff or other officer of the county to which the prisoner is to be carried shall incur any expense in going for and conveying said prisoner to his county, then in either case."

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, 1901.

## CHAPTER 65.

**An act to protect deer in the county of Onslow.***The General Assembly of North Carolina do enact:*

Killing deer in or  
near waters of  
New River, or  
tributaries, in  
Onslow County,  
unlawful.

Violat- n misde-  
m

SECTION 1. That it shall be unlawful for any person to shoot or kill deer in the waters of New River, or in the waters of the tributaries of said river, in Onslow County, or within one hundred yards of said waters.

SEC. 2. That any person violating section one of this act shall be guilty of a misdemeanor, and upon conviction or con-

fession in open Court, shall be fined not exceeding fifty dollars Penalty, or imprisoned 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 31st day of January, A. D. 1901.

#### CHAPTER 66.

**An act to allow defendants in peace warrant cases to appeal to the judge holding the court, when the appeal shall be heard by the judge. To amend section 894 of The Code.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That section eight hundred and ninety-four of The Code be amended by adding after the end of said section the following: "*Provided*, the defendant may appeal from the decision of such Justices of the Peace to the Superior Court by giving the bond required by the Justice of the Peace to keep the peace in addition to the appeal bond, when the case shall be heard by the Judge holding the Court in said county."

Section 894 of The Code amended to allow defendant in peace warrant cases to appeal.

Bond.

SEC. 2. All laws in conflict with this provision 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 2d day of February, A. D. 1901.

#### CHAPTER 67.

**An act to amend the act ratified on the 26th day of January, 1901, 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 the act ratified on the 26th day of January, 1901, for the relief of W. T. Cross, Clerk of the Superior Court of Gates County, be and the same is hereby amended by inserting therein next after the words "Monday, the twenty-eighth day of January, 1901," the words "and Monday, the fourth day of February, 1901."

Act ratified January 26, 1901, for relief of W. T. Cross, 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 2d day of February, 1901.

## CHAPTER 68.

**An act for the appointment of Justices of the Peace for Rockingham County.***The General Assembly of North Carolina do enact:*

R. R. Suttentfield  
and W. C. Staples  
appointed Justices of Peace for  
Rockingham  
County; term of  
office.

SECTION 1. That R. R. Suttentfield be appointed a Justice of the Peace for Madison Township and W. C. Staples be appointed Justice of the Peace for Reidsville Township, Rockingham County. Their term of office to run for six years.

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 2d day of February, A. D. 1901.

## CHAPTER 69.

**An act to authorize the Commissioners of Halifax County to use the surplus funds derived from sale of bonds under Acts of 1899, Chapter 535.***The General Assembly of North Carolina do enact:*

Commissioners of  
Halifax County  
authorized to use  
special fund for  
general purposes.

SECTION 1. That the Board of Commissioners of Halifax County, are hereby authorized to use the surplus funds, now in the hands of the Treasurer of said county, derived from the sale of bonds under the Acts of 1899, chapter 535, for the annual and current expenses of said county; and the Treasurer of said county, is hereby directed to transfer said special tax funds now in his hands, to the account of the general fund of said county, to be used by said Commissioners 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 the 2d day of February, A. D. 1901.

## CHAPTER 70.

**An act to amend Chapter 581 of the Public Laws of 1899.***The General Assembly of North Carolina do enact:*

Chapter 581, Pub-  
lic Laws 1899,  
amended by  
striking out Pen-  
der County from  
said statute.

SECTION 1. That chapter 581, section 22, of the Public Laws of 1899, be amended by striking out the word "Pender" in line five of said section.

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, 1901.



## CHAPTER 71.

**An act to amend Chapter 86 of the Laws of 1887 in relation to the public schools of the city of Durham.***The General Assembly of North Carolina do enact:*

SECTION 1. That section 3, of chapter 86, of the Laws of 1887, Chapter 86, Laws 1887, relative to the public schools of Durham city, amended. be and it is hereby amended by adding thereto the following: "And in all apportionments of school funds, State and county, under the general school law of the State, there shall be apportioned to said district and paid directly to the treasurer of the School Committee, hereafter provided for in this act, such sum of money as will be produced by dividing the whole fund to be apportioned in the county of Durham 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 district."

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

In the General Assembly read three times, and ratified this 2d day of February, A. D. 1901.

## CHAPTER 72.

**An act to amend Chapter 273 of acts of 1899.***The General Assembly of North Carolina do enact:*

SECTION 1. That chapter two hundred and seventy-three of the Acts of the General Assembly of North Carolina of 1899, ratified February 27, 1899, be amended by striking out all that part of section one after the word "year" in line six thereof, Chapter 273, Public Laws 1899, relating to application of certain moneys in Ruth-erford County, 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 2d day of February, A. D. 1901.

## CHAPTER 73.

**An act to regulate the working of convicts in Pasquotank County.***The General Assembly of North Carolina do enact:*

SECTION 1. That all prisoners confined in the county jail of Pasquotank County, under a final sentence of the Court for crime, or imprisonment for non-payment of costs or fines, or under the final judgment in case of bastardy, or under the Certain prisoners in Pasquotank County to be worked on the public streets of Elizabeth City.

Application for  
prisoners.

Duty of officials  
upon such appli-  
cation.

Exception for  
physical disa-  
bility.

Suspension of  
judgment or im-  
posing fine not  
prevented.

Sheriff to deliver  
prisoners to street  
commissioner.

Prisoners may be  
securely kept.

City to pay con-  
victs' expenses.

City to provide  
place of confine-  
ment and pay  
board and other  
expenses of con-  
victs.

vagrant acts, all insolvents who shall be imprisoned by any Court in said county for non-payment of costs, and all prisoners sentenced in said county to the State prison for a term of one year or less than one year, shall be worked on the public streets of Elizabeth City in said county; and upon application of the Board of Commissioners of said city, to the Judge of the Superior Court, or the Judge of the Criminal Court, the Justices of the Peace and the principal officer of any municipal or any other inferior Court, it shall be the duty of the said Judge or Justices of the Peace, or said principal officer to assign such prisoners convicted in his Court to the Street Commissioner of said city for work on the public streets thereof: *Provided*, that in case of serious physical disability, certified to by the county physician, persons convicted in said Superior, Criminal or inferior Courts in the county, may be sentenced to the penitentiary or to the county jail.

SEC. 2. That nothing in this act shall prevent the suspension of judgment when such is deemed proper by said Judges or Justices of the Peace upon the payment of costs, nor to prevent the Judge or Justice imposing a fine and costs when allowed by law.

SEC. 3. That it shall be the duty of the County Commissioners in Pasquotank County to cause said convicts to be delivered by the Sheriff of their county to the Street Commissioner of Elizabeth City, who shall work them upon the streets as in this act set forth, and may secure their persons if necessary, with ball and chain, or any lawful means.

SEC. 4. That it shall be the duty of the Aldermen of the corporation of Elizabeth City, N. C., to defray the expenses of board and other expenses for working said convicts, and to save the county herein stated harmless from any costs of imprisonment of said convicts.

SEC. 5. That the Aldermen of the corporation of Elizabeth City, N. C., shall provide a place of confinement of said convicts, upon their being turned over to them by the Sheriff of Pasquotank County, and shall pay all expense of board and other expenses, for working said convicts and to save the county of Pasquotank harmless from any costs of imprisonment of said convicts.

SEC. 6. 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 February, A. D. 1901.

## CHAPTER 74.

**An act to amend Chapter 435, Public Laws of 1899, relating to fishing in Neuse River.***The General Assembly of North Carolina do enact:*

SECTION 1. That chapter four hundred and thirty-five of the Public Laws of 1899, be amended by striking out all between the word "of" at the beginning of line ten and the word "to" next following said word and inserting in lieu thereof the following: "Two dollars on each pod or pound."

Chapter 435, Public Laws 1899, relative to fishing in Neuse river, 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 2d day of February, A. D. 1901.

## CHAPTER 75.

**An act to amend the school law of Person County.***The General Assembly of North Carolina do enact:*

SECTION 1. That chapter six hundred and fifty-nine of the Public Laws of eighteen hundred and ninety-nine, entitled "An act to restore the school districts of Person County as they existed September twentieth, eighteen hundred and ninety-six," be and the same is hereby repealed.

Chapter 659, Public Laws 1899, relating to Person County school districts, 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 2d day of February, A. D. 1901.

## CHAPTER 76.

**An act to increase the license tax for retailing liquors in the city of Greensboro.***The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Aldermen of the city of Greensboro be and it is hereby authorized to recommend to the County Commissioners of Guilford County persons for license to retail spirituous, vinous, malt and other intoxicating liquors in the city of Greensboro.

Greensboro Board of Aldermen allowed to recommend to Guilford County Commissioners persons to retail liquor.

SEC. 2. That the city license tax shall be such an amount as shall be fixed by the Board of Aldermen, not less however than

Maximum and minimum city license tax.

one thousand dollars, and not more than twenty-five hundred dollars per annum.

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. 1901.

#### CHAPTER 77.

**An act to place the State's oyster steamer "Lillie" in the custody of the Governor.**

*The General Assembly of North Carolina do enact:*

Oyster Inspector to discharge crew of and place oyster patrol steamer "Lillie" in custody of Governor.

May charter vessel and crew when necessary.

Maximum cost.

Governor to control steamer "Lillie" etc.

SECTION 1. That Theophilus White, Chief Inspector of Oysters, be and he is hereby ordered, to discharge the crew of the State's oyster patrol steamer "Lillie" and to forthwith deliver the said steamer into the custody of the Governor of the State. And in lieu of said steamer he may, if he shall deem it necessary for the proper enforcement of the oyster law, charter a vessel and crew at a cost not to exceed one hundred dollars per month.

SEC. 2. That the Governor shall have absolute control of the said steamer "Lillie" and is authorized to employ a suitable and discreet person as custodian of the same, and to pay him a reasonable compensation out of the oyster fund.

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 February, A. D. 1901.

#### CHAPTER 78.

**An act for the relief of Miss Samantha Lyon, public school teacher in District No. 27, white race, in the county of Wilkes, in the year 1897.**

*The General Assembly of North Carolina do enact:*

Treasurer of Wilkes County to pay Miss Samantha Lyon \$13.50 due her as school teacher.

SECTION 1. That the Treasurer of Wilkes County be and he is hereby authorized to pay Miss Samantha Lyon the sum of (\$13.50) thirteen dollars and fifty cents, balance due her as teacher in district number twenty-seven (27) white race, for the year eighteen hundred and ninety-seven (1897) out of any money that may be now due or hereafter become due said district.

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

In the General Assembly read three times, and ratified this the 21st day of January, A. D. 1901.

## CHAPTER 79.

**An act for the relief of Miss Mamie H. Parham.***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 Mamie H. Parham out of any unapportioned school funds in his hands, the sum of thirty-seven dollars and fifty cents (\$37.50) balance due her for services as teacher in white school district No. 2, of Salem Township, Granville County.

Treasurer of  
school fund for  
Granville County  
to pay Miss  
Mamie H. Par-  
ham \$37.50.

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

In the General Assembly read three times, and ratified this 22d day of January, A. D. 1901.

## CHAPTER 80.

**An act for the relief of certain teachers in Caswell County.***The General Assembly of North Carolina do enact:*

SECTION 1. That the County Board of School Directors of Caswell County and their Treasurer be and they are hereby directed to pay off all unpaid outstanding legal vouchers issued to teachers for services rendered in the years 1898, 1899, and 1900.

School Directors  
of Caswell  
County directed  
to pay certain  
claims.

SEC. 2. That they may cause them to be paid in one year, or may order them paid in equal instalments for two years.

Time for pay-  
ment.

SEC. 3. That the amounts paid on said vouchers shall be as nearly as may be practicable, deducted from the funds to be apportioned to the respective districts for which the vouchers were issued.

From what funds  
payments to be  
made.

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 25th day of January, A. D. 1901.

## CHAPTER 81.

**An act for the relief of N. H. Jones of Robeson County.***The General Assembly of North Carolina do enact:*

SECTION 1. That the Treasurer of Robeson County be and he is hereby authorized and directed to pay to N. H. Jones the sum of thirty dollars out of any funds now or hereafter due

Treasurer of  
Robeson County  
to pay N. H.  
Jones \$30.00 for  
teaching school.



District No. 1 for white race in St. Paul's Township in said county due the said N. H. Jones for teaching in said district from the 28th day of December, 1898, to the 10th day of February 1899.

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

In the General Assembly read three times, and ratified this the 1st day of February, A. D. 1901.

## CHAPTER 82.

### **An act for the relief of Peter Carver (colored) of Robeson County.**

*The General Assembly of North Carolina do enact:*

Treasurer of  
Robeson County  
to pay Peter Car-  
ver, school  
teacher, \$37.50.

SECTION 1. That the Treasurer of Robeson County be and he is hereby authorized and directed to pay to Peter Carver (col.) the sum of thirty-seven dollars and fifty cents out of any funds now or hereafter due School District, No. 1, for colored race in St. Paul's Township in said county due the said Peter Carver for teaching in said district from the third day of July one thousand eight hundred and ninety-nine, to the eighteenth day of August, one thousand eight hundred and ninety-nine.

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

In the General Assembly read three times, and ratified this the 1st day of February, A. D. 1901.

## CHAPTER 83.

### **An act for the relief of Robert N. McNeill.**

*The General Assembly of North Carolina do enact.*

Treasurer of  
Wilkes County to  
pay Robert N.  
McNeill, school  
teacher, \$12.50.

SECTION 1. That the Treasurer of Wilkes County be and he hereby is authorized to pay to Robert N. McNeill, the sum of twelve and 50-100 (\$12.50) dollars out of the school fund for School District No. 20 subdivision No. 5 of Wilkesboro Township, Wilkes County, N. C., for the year 1900, if there be any of said fund in the hands of the Treasurer of Wilkes County. If no funds for the year 1900 be in the hands of the Treasurer then he is authorized to pay said sum out of any funds which may hereafter come into his 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 2d day of February, A. D. 1901.

## CHAPTER 84.

**An act for the relief of Miss Mary Glass of Caswell County.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Treasurer of Caswell County be and he is hereby authorized to pay to Miss Mary Glass of said county the sum of sixteen dollars out of the funds apportioned to District No. 2 in Locust Hill Township, for services rendered as teacher during the school year 1897-'98.

Treasurer of Caswell County to pay Miss Mary Glass, school teacher, \$16.00.

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

In the General Assembly read three times, and ratified this 2d day of February, A. D. 1901.

## CHAPTER 85.

**An act for the relief of G. F. Garner, white school teacher in Randolph County.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Treasurer of Randolph County is hereby authorized and instructed to pay to G. F. Garner, a white school teacher of Randolph County, the sum of thirteen dollars (\$13.00) out of the school funds now in his hands, or that may hereafter come into his hands to the credit of Brower School District, No. 4, in Brower Township. Said sum is due G. F. Garner as a balance for teaching a public school in Randolph County in the year 1899.

Treasurer of Randolph County to pay G. F. Garner, school teacher, \$13.00.

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

In the General Assembly read three times, and ratified this 2d day of February, 1901.

## CHAPTER 86.

**An act in regard to the Keeper of the Capitol**

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter 236 of the Public Laws of 1899 be and the same is hereby repealed.

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

Chapter 236, Public Laws of 1899, relative to Keeper of the Capitol, repealed.

In the General Assembly read three times, and ratified this 5th day of February, A. D. 1901.

## CHAPTER 87.

**An act to empower the Commissioners of Swain County to levy a special tax for the purpose of building an iron bridge at Whittier, N. C.***The General Assembly of North Carolina do enact:*

Swain County Commissioners authorized to levy special tax.

SECTION 1. That the Board of Commissioners for the county of Swain are hereby authorized and empowered at the regular times for levying taxes in the years nineteen hundred and one and nineteen hundred and two, to levy a special tax upon property and polls in said county, for the purpose of aiding Jackson County in building an iron bridge at or near Whittier, N. C.

Purpose.

Amount of tax, how determined.

SEC. 2. That the amount of tax levied, as aforesaid, under this act, shall be determined by said Board of Commissioners, but shall not in either year exceed twenty cents on the one hundred dollars worth of property and sixty cents on the poll, and the constitutional equation between the property and the poll shall always be observed in making such levies.

Maximum.

Constitutional equation.

How collected and accounted for.

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 taxes in said county. *Provided, however,* that the tax hereinbefore mentioned shall not be applied for any other purpose.

Application.

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 5th day of February, A. D. 1901.

## CHAPTER 88.

**An act to supply public documents to the North Carolina College of Agriculture and Mechanical Arts.***The General Assembly of North Carolina do enact:*

To supply Public Documents to North Carolina College of Agriculture and Mechanic Arts.

SECTION 1. That the Secretary of State shall furnish to the North Carolina College of Agriculture and Mechanical Arts, located in west Raleigh, one copy of such public documents as are furnished any other institution of learning in the State under existing laws or under such laws as may be enacted hereafter.

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, 1901.

## CHAPTER 89.

**An act to provide for the holding of elections in North Carolina.**

*The General Assembly of North Carolina do enact:*

SECTION 1. On the Tuesday next after the first Monday in November, in the year of our Lord one thousand nine hundred and two, and every two years thereafter, an election shall be held in the several election precincts in each county for members of Congress in the several districts, members of the General Assembly for their respective counties and districts, a Register of Deeds, County Surveyor, Coroner, Sheriff, County Commissioners, where the County Commissioners are elected by the people, and in such counties as have one, a County Treasurer, and other officers, whose terms are for two years. And on the said first Tuesday after the first Monday in November, in the year of our Lord one thousand nine hundred and two, and every four years thereafter, an election shall be held in each county for Clerk of the Superior Court, and at such times an election shall be held in the several Judicial Districts for the office of Solicitor.

Time of holding elections for members of Congress, members of the General Assembly and county officers.

SEC. 2. On the first Tuesday after the first Monday in November, in the year of our Lord one thousand nine hundred and two, and every two years thereafter, an election shall be held in each township, for the office of Constable, and also for Justices of the Peace in such counties as elect them by a vote of the people, and all other officers elected by a vote of the township.

Clerk of the Superior Court and Solicitor.

Time for holding election of Constable and Justices of the Peace.

SEC. 3. That on Tuesday next after the first Monday in November, in the year of our Lord one thousand nine hundred and four, and every four years thereafter, an election shall be held in the several election precincts in each county for the following officers: Governor, Lieutenant-Governor, Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, Attorney-General, and other State officers whose terms last for four years, and at said time and every two years thereafter, elections shall be held in the several election precincts in each county for other State officers whose election is not otherwise provided for by law.

Time for holding election of State officers.

SEC. 4. Whenever any vacancies shall exist by reason of death, resignation or otherwise, in any of the following offices, to-wit: Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, Attorney-General, Solicitor, Justices of the Supreme Court, Judges of the Superior Court, or any other State officer elected by the people, the same shall be filled by elections, to be held in the manner and places, and under the same regulations and rules as prescribed for general elections, at the next regular

Vacancy in State office, filled by election at next general election if over 30 days after vacancy, unless otherwise provided in Constitution.

election for member of the General Assembly, which shall occur more than thirty days after such vacancy, except as otherwise provided for in the Constitution.

State Board of Elections.

SEC. 5. That there shall be a State Board of Elections, consisting of five electors, whose terms of office shall begin on the first day of June, one thousand nine hundred and one, and continue for two years and until their successors are appointed and qualified. The Governor shall appoint the members of this board, and not more than three of them shall be of the same political party. Their successors shall likewise be appointed by the Governor, and their term of office shall continue for two years and until their successors are elected and qualified.

Governor to appoint.  
Of different political parties.  
Term of office.

County Board of Elections.  
Qualifications.

SEC. 6. That there shall be in every county in the State a County Board of Elections to consist of three persons of good moral character, who are electors in the county in which they are to act, who shall be appointed by the State Board of Elections at least three months before the next general State election, and biennially thereafter, and whose terms of office shall continue for two years from the time of their appointment and until their successors are appointed and qualified, unless sooner removed therefrom as hereinafter provided. Not more than two members of the County Board of Elections shall belong to the same political party, and the State chairman of each political party shall have the right to recommend three electors in each county, and it shall be the duty of the State Board of Elections to appoint said County Board from the names thus recommended: *Provided*, that said chairmen shall recommend such persons on or before the first Monday of August of each year in which appointments are to be made.

By whom and when appointed.

Terms of office.

Political division.  
By whom recommended.

When recommended.

Meetings and organization State Board.

SEC. 7. The State Board of Elections shall meet in Raleigh on the first Monday in July, in the year nineteen hundred and one, and shall organize by electing one of their members chairman and another secretary, and the chairman of said board may call such meetings as may be necessary to discharge the duties and functions imposed upon said board by this act at such times and places as he may appoint. Any vacancy occurring in the said board shall be filled by the Governor and the person so appointed shall fill the unexpired term. And the members of the said board shall receive in full compensation for their services four dollars per day for the time they are actually engaged in the discharge of their duties, together with their actual travelling expenses, and such other expenses as are necessary and incident to the discharge of the duties imposed by this act, to be paid by the Treasurer of the State upon the warrant of the Auditor: *Provided*, that the chairman shall call a meeting of the Board

Called Meetings.

Vacancy, how filled.

Compensation.

By whom paid.



upon the application in writing of any two members thereof, or if there be no chairman, or the chairman does not call such meeting, any three members of the said board shall have power to call a meeting of the board. And any duty imposed or power conferred by this act may be performed or exercised at such meeting, although the time for performing or exercising the same prescribed by this act may have expired. And if at any meeting any member of said board shall fail to attend, and by reason thereof there is a failure of a quorum, the members attending shall adjourn from day to day, for not more than two days, at the end of which time, if there should be no quorum, the Governor may remove the members so failing to attend summarily and appoint their successors.

Chairman shall call meeting on application of two members.  
Three members may call meeting.

Any duty may be performed.

Member failing to attend and by reason thereof no quorum, Governor may remove and appoint successor.

SEC. 8. That it shall be the duty of the County Board of Elections in each county to appoint all registrars and judges of election in their respective counties, and to fill vacancies except as herein provided.

County Boards shall appoint registrars and judges and fill vacancies.

SEC. 9. That the State Board of Elections shall have power to remove from office any member of the County Board of Elections for incompetency, failure of duty, or for any other satisfactory cause. When any member of the County Board of Elections shall be removed by the State Board of Elections, the vacancy thus created shall be filled by the State Board of Elections. Vacancies occurring in the County Board of Elections for other cause than removal by the State Board of Elections, shall be filled by the chairman of the State Board of Elections, but the person so appointed to fill any vacancy shall be of the same political party as his predecessor.

State Board may remove members of County Board.

Vacancies, how filled.

SEC. 10. That the County Board of Elections shall have power to remove any registrar or judge of election appointed by them for incompetency, failure to qualify within the time prescribed by law, failure to discharge the duties of office after qualifying, or for any other satisfactory cause. That if any member of the County Board of Elections, or any registrar or judge of election, after having been removed as hereinbefore provided, and notified thereof, shall continue to exercise the duties of the position from which he has been removed, he shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned at the discretion of the Court.

County Boards may remove registrar and judges.

Misdemeanor to exercise duties after removal.  
Penalty.

SEC. 11. That it shall be the duty of the County Board of Elections to meet in their respective counties not later than the first Monday in September, in the year of our Lord one thousand nine hundred and two, and biennially thereafter, and, a majority being present, they shall organize by electing one of their members chairman and another secretary, and they may meet at such

Meetings of County Boards and organization.

Division of County into precincts, etc.	other times and places as the chairman of said board, or any two members thereof may direct to divide their respective counties into election precincts and fix the polling places. They may adopt the present election precincts, or they may establish new precincts, but the election precincts and polling places as now fixed in each county shall remain as they now are until altered. And in the case of the alteration of the election precincts or polling places therein, they shall give twenty days' notice thereof, in some public journal, or in lieu thereof, in three public places in such county, and at the court-house door. And the said County Board of Elections shall have power from time to time, after dividing their counties into election precincts, to establish, alter, discontinue, or create such new election precincts in their respective counties as they may deem expedient giving twenty days' notice thereof, by advertising in some public journal, or in lieu thereof, in three public places in such county, and at the court-house door. If any polling place is changed in any precinct, like advertisement of such change shall be given. And there shall be at least one polling place in every township, conveniently located for a majority of the voters. The said County Board of Elections shall make their requisition upon the Secretary of State for such books, blanks, and stationery as may be necessary for the registration of voters and holding elections in their respective counties. And if the Secretary of State shall fail to provide said books, blanks or stationery, it shall be the duty of the said board to provide the same at the expense of the State.
Alteration, 20 day's notice required.	
Power to alter, discontinue or create new precincts.	
Notice.	
Change of polling place, notice.	
At least one polling place in each township.	
Secretary of State upon requisition to furnish books and stationery and blanks.	
New registration before next general election.	SEC. 12. That before the next general election on the Tuesday next after the first Monday in November, in the year of our Lord one thousand nine hundred and two, provided for in this act, there shall be an entirely new registration of all persons who shall be entitled to register in every voting precinct in the State, and only such persons as are registered shall be entitled to vote in any election held under this act. Every person presenting himself for registration shall be able to read and write any section of the Constitution in the English language, and shall show to the satisfaction of the registrar his ability to read and write any such section when he applies for registration, and before he is registered: <i>Provided, however,</i> that 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 where he then resided, and no lineal descendant of such person shall be denied the right to register and vote at any election in this State by reason of his failure to possess the educational qualification aforesaid: <i>Provided,</i> that it shall be made to ap-
Applicant for registration must be able to read and write Constitution in English language.	
Exception as to persons or the lineal descendant of any person entitled to vote prior to January 1, 1867.	

pear to the registrar that he or his ancestor was entitled to vote prior to January 1, 1867, in any State in the United States, as prescribed by Article VI., section 4, of the Constitution, and such person, if otherwise qualified, shall be registered, and no registrar shall have the right to inquire whether such person can read or write. That in all cases the applicant for registration shall be sworn before being registered, and shall state as accurately as possible his name, age, and place of birth; place of residence, stating ward if he resides in an incorporated town or city, and any other questions which may be material upon the question of identity and qualification of the said applicant to be admitted to registration. The registrar, if in doubt as to the right of the applicant to register, may require other evidence satisfactory to him as to the qualification of the applicant. And thereupon if the applicant shall be found to be duly qualified and entitled to be registered as an elector, the registrar shall register the applicant, giving his race opposite his name, and shall record his name, age, residence, place of birth and the township, county or State from whence he has removed, in the event of a removal, in the appropriate column of the registration books, and the registration books containing the said record shall be evidence against the applicant in any court of law in a proceeding for false or fraudulent registration. Every person qualified as an elector shall take the following oath: "I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of North Carolina, not inconsistent therewith; that I have been a resident of the State of North Carolina for two years, and of the county of ..... for six months, and of ..... township, precinct or ward for four months; or that I was a resident of ..... township (ward or precinct) on the .... day of ..... (being four months preceding the election) and removed therefrom to .... township (ward or precinct), where I have since resided; that I am twenty-one years of age; that I have not registered for this election in any other ward or precinct or township. So help me God." And thereupon the said person, if otherwise qualified, shall be entitled to register.

SEC. 13. That no person shall be entitled to vote, unless he shall have paid his poll tax for the previous year, on or before the first day of May of the year in which he offers to vote, as prescribed under Article V., section 1, of the Constitution. Every person liable for such poll tax shall, before being allowed to vote, exhibit to the registrar his poll tax receipt for the previous year, issued under the hand of the Sheriff or Tax Collector of the county or township where he then resided; and unless such

Applicant for  
registration to be  
sworn.  
Statements to be  
made.

Other evidence  
may be required.

If found qualified  
applicant to be  
registered.  
Record of regis-  
tration.

Registration  
books evidence

Oath of elector

No person enti-  
tled to vote till  
poll tax paid in  
accordance with  
Article V., section  
1 of the Con-  
stitution.

Before voting  
must exhibit  
proper poll tax  
receipt.

Must be dated on or before May 1st of year offering to vote.

May take oath in lieu of receipt.

Form of oath.

poll tax receipt shall bear date on or before the first day of May of the year in which he offers to vote, such person shall not be allowed to vote: *Provided*, that in lieu of such poll tax receipt it shall be competent for the registrar and judges of election to allow such person to vote upon his taking and subscribing the following oath: "North Carolina, ..... County. I do solemnly swear (or affirm) that on or before the first day of May, of this year, I paid my poll tax for the previous year, as required by Article VI., section 4, of the Constitution of North Carolina. ....

"Sworn to and subscribed before me this the ..... day of ..... 19....

"Registrar."

Date of oath.

Which oath shall bear date on the day on which such election is held: *Provided further*, that if not satisfied, the registrar and judges of election may require other and further proof of such payment of poll tax. Every Sheriff or Tax Collector upon payment of the poll tax, shall issue to the person paying the same a certificate showing the amount of such poll tax and the true date upon which the same was paid. Any Tax Collector or Sheriff wilfully failing to give a tax receipt to any person paying his poll tax, or giving a false date, shall be guilty of a misdemeanor. Any person having paid his poll tax as above provided, and having lost his tax receipt shall upon making affidavit of such loss and satisfactory proof of his identity, be entitled to a duplicate thereof from the Sheriff or Tax Collector. And any Sheriff or Tax Collector who shall falsely date any tax receipt or duplicate thereof, shall be guilty of a misdemeanor, and punished in the discretion of the Court. No person who has become of age since the first day of June of the previous year, or who was fifty years of age or over on the first day of June of the previous year, shall be required to produce any poll tax receipt, or take the oath as to payment of poll tax hereinbefore provided, in order to vote. No person who has been exempted by the Commissioners of the county wherein he resides on account of poverty or infirmity shall be required to produce any poll tax receipt or to take said oath as to payment of poll tax in order to vote. Any person wilfully and knowingly presenting a false certificate of exemption shall be guilty of forgery. It shall be the duty of every Sheriff and Tax Collector, between the first and tenth days of May, 1902, and biennially thereafter, to certify under oath a true and correct list of all persons who have paid their poll tax for the previous year on or before the first day of May, to the Clerk of the Superior Court, who shall, within ten days, record the same in a book to be pro-

Election officers may require further proof.

Upon payment of poll tax Sheriff or collector to issue certificate.

Failure to give receipt or giving false date a misdemeanor.

When tax paid and receipt lost payor entitled to duplicate.

False dating receipt or duplicate misdemeanor.

Penalty.

Persons not liable for poll tax not required to produce receipt or make affidavit.

Wilful and knowing presentation of false exemption certificate forgery.

Sheriff or collector to certify list of persons paying poll tax prior to May 1st to Clerk of Court, who shall record same.

vided for that purpose, keeping each township separate, and certify a true copy thereof to the chairman of the Board of Elections for such county. Any Sheriff, Tax Collector or Clerk failing to comply with the provisions of this section shall be guilty of a misdemeanor, and upon conviction, forfeit his office, and be fined or imprisoned.

SEC. 14. The following classes of persons shall not be allowed to register or vote in this State, to-wit: First, persons under twenty-one years of age; second, idiots and lunatics; third, persons who have been convicted or confessed their guilt in open Court, upon indictment, of any crime, the punishment, of which is now, or may hereafter be imprisonment in the State's prison, unless such person shall have been restored to citizenship in the manner prescribed by law.

SEC. 15. Subject to the foregoing exceptions, every male person who has been naturalized, twenty-one years of age, a citizen of the State of North Carolina, who shall have resided two years in the State and six months in the county, and four months in the precinct, ward or election district in which he offers to vote next preceding the election, shall, if otherwise qualified, as prescribed in this act, be a qualified elector in the precinct, ward, or township in which he resides: *Provided*, that removal from one ward, precinct 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, and all electors shall register and vote in the election precinct of their residence, except in case of removal as above specified, in which case such person shall register in the township, ward or precinct whence he has removed. The residence of a married man shall be where his family resides, and that of a single man where he sleeps. And it shall be the duty of the registrar or judge of election, when requested by any bystander, to swear any person offering to register as to his residence, and to have placed in writing opposite his name the word "Sworn"; and any person knowingly and fraudulently registering or voting at any other place than that in which he is entitled to register under this act shall be guilty of a crime infamous under the laws of this State, and punished by a fine not exceeding one thousand dollars, or imprisoned at hard labor not exceeding two years, or both, in the discretion of the Court.

SEC. 16. The County Board of Elections of the several counties shall select, on or before the first Monday in September, in the year of our Lord one thousand nine hundred and two, and biennially thereafter, one person of good repute and standing,

Failure to comply with this section a misdemeanor.  
Penalty.

Persons not allowed to register and vote.

Qualifications of Electors subject to restriction in section 14.

Elector removing from one precinct, etc., to another in same county to vote in first until expiration of four months.

Residence defined.

Applicant for registration may be sworn as to residence.

Infamous crime to fraudulently register or vote at place where not entitled.  
Penalty.

Selection of registrars.



Board to publish names and notify registrars.	who shall act as registrar for such township, ward or precinct. The said County Board of Election shall make publication of the names of the persons so selected at the court-house door immediately after such appointment, and shall cause a notice to be served upon said persons by the Sheriff. If any registrar fail to perform the duties of his office, and for that or for any other cause be removed from office, or shall die or resign, or if there shall for any other cause be a vacancy, in said office, the chairman of the County Board of Elections may appoint another in his place, and no person who is a candidate shall be a registrar or judge of election.
Vacancy, how filled.	
Candidate can not be registrar or judge.	
Registration book.	Sec. 18. That the registrar of each township, ward or precinct shall be furnished with a registration book prepared as hereinbefore provided, and it shall be his duty, between the hours of nine o'clock a. m. and sunset, on each day (Sunday excepted) for twenty days preceding the day for closing the registration books, as hereinafter provided, to keep open said books for the registration of any electors residing within such township, ward or precinct and entitled to registration. That the said books shall be closed for registration at sunset on the second Saturday before each election. That on each Saturday during the period of registration, the registrar shall attend with his registration books at the polling place of his precinct or ward for the registration of voters. That every registrar, before entering upon the discharge of the duties of his office, shall take an oath before a Justice of the Peace or some other person authorized to administer oaths, that he will support the Constitution of the United States and the Constitution of North Carolina not inconsistent therewith, and that he will honestly and impartially discharge the duties of registrar, and honestly and fairly conduct such election.
Hours of registration. Books to be kept open twenty days.	
When books closed. Registrar to attend polling place on Saturdays.	
Oath of registrar.	
Saturday preceding election books open for inspection.	Sec. 19. It shall be the duty of the registrar to attend the polling place of his township or precinct with the registration books on Saturday preceding the election, from the hour of nine o'clock a. m. till the hour of three o'clock p. m., when and where the said books shall be open for the inspection of the electors of the precinct or township, and any of said electors shall be allowed to object to the name of any person appearing on said books. In case of any such objection, the registrar shall enter upon his books, opposite the name of the person so objected to, the word "Challenged," and shall appoint a time and place, before the election day when he, together with said judges, shall hear and decide said objection, giving personal notice of such challenge to the voter so objected to; and if for any cause personal notice can not be given, then it shall be sufficient notice to leave
Electors may object.	
Challenge to be entered. Challenge, when and how decided. Notice to challenged voter.	

a copy thereof at his residence: *Provided*, nothing in this section shall prohibit any elector from challenging or objecting to the name of any person registered or offering to register at any time other than that above specified. If any person so challenged or objected to shall be found not duly qualified, the registrar shall erase his name from the books.

May challenge at time other than day set.

If not qualified name erased.

SEC. 20. The County Board of Elections for each county, on or before the first Monday in September, in the year of our Lord one thousand nine hundred and two, and biennially thereafter, or at such other times as it shall be necessary to do so, shall appoint two persons who shall act as judges of election at each place of holding elections in their respective districts, each of whom shall be men of good moral character and able to read and write. The chairman of each political party in each county shall have the right to recommend three electors, residing in the precinct, who shall be men of good moral character, and able to read and write, for judges of election in such precinct: *Provided*, that no person holding any office or place of trust or profit under the government of the United States or the State of North Carolina, except Justices of the Peace, shall be eligible to appointment. And the County Board of Elections shall appoint one judge of election out of each list so recommended: *Provided*, said lists shall be filed by such chairman by twelve o'clock m., on said first Monday in September. The said judges of election shall attend at the polling places for which they are severally appointed on the day of election, and they, together with the registrar for such township, ward or precinct, who shall attend with the registration books, after being sworn by some Justice of the Peace, or other person authorized to administer oaths, to conduct the election fairly and impartially, according to the Constitution and laws of the State, shall open the polls and superintend the same until the close of the election. They shall keep poll books, in which shall be entered the name of every person who shall vote, and at the close of the election the said registrar and judges of election shall certify the same over their proper signatures, or a majority of them, and deposit one copy thereof with the Register of Deeds and another with the chairman of the County Board of Elections for safe keeping. And said poll books shall, in any trial for illegal or fraudulent voting, be evidence. The County Board of Elections shall, immediately after the appointment of judges of elections, as herein provided, publish the names of such judges so appointed, at the court-house door of said county; and if any person appointed judge of election shall decline to serve and so notify the chairman of the County Board of Elections, said chairman shall have the right to appoint another qualified elector of such precinct.

Appointment of judges of election.

Qualifications.  
Political party chairmen to recommend.

Eligibility.

One judge from each list.  
Time of filing lists.  
Duties of judges of elections.

Oath.

Poll books.

To be certified and deposited.

Poll books evidence.

Names of judges to be published.

Declining to serve, another appointed.

Qualification.

Name published.	who shall be of the same political party, if possible, to serve as judge of elections in his stead, and his name shall be published
Notice served.	at the court-house door, and notice of his appointment served upon him as above provided. If any person appointed judge of
Failure of judge to attend polls, registrar appoints.	elections shall fail to attend at the polls at the hour of opening the same, the registrar of the township, ward or precinct shall appoint some suitable elector of the same political party as the judge failing to appear, if practicable, to act in his stead, who
To be sworn.	shall be by him sworn before acting; and if the registrar shall
Registrar failing to attend polls, judges appoint.	fail to appear, then the judges of elections may appoint another to act as registrar, who shall be sworn before acting.
Registration on day of election.	SEC. 21. No registration shall be allowed on the day of election, but if any person shall give satisfactory evidence to the registrar and judges of election that he has become qualified to register and vote after the time for registration has expired, he shall be allowed to register on that date.
Examination of persons challenged.	SEC. 22. When any person is challenged, the judges and registrar shall explain to him the qualifications of an elector, and shall examine him as to his qualifications, and if the person insists that he is qualified and shall prove his identity with the person in whose name he offers to vote, and his continued residence in the precinct since his name was placed upon the registration list, as the case may be, by the testimony, under oath, of at least one elector, one of the judges, or the registrar, shall tender to him the following oath or affirmation: "You do solemnly swear (or affirm) that you are a citizen of the United States; that you are twenty-one years old, and that you have resided in this State for two years, and in this county for six months next preceding this election, and that you are not disqualified from voting by the Constitution and laws of this State; that your name is (here insert name given), and that in such name you were duly registered as a voter of this township; and that you are the identical person you represent yourself to be, and that you have not voted in this election at this or any other polling place. So help you God." And if he refuses to take such oath, when tendered, his vote shall be rejected; if, however, he does take the oath when tendered his vote shall be received: <i>Provided</i> , that after such oath or affirmation shall have been taken, the registrar and judges may, nevertheless, refuse to permit such person to vote, unless they be satisfied that he is a legal voter; and they are hereby authorized to administer the necessary oaths or affirmations to all witnesses brought before them to testify to the qualification of a person offering to vote. Whenever any person's vote shall be received, after having taken the oath or affirmation prescribed in this section, the registrar or one of the
Oath tendered elector.	
Refusal to take oath vote rejected, otherwise received.	
Registrar and judges must be satisfied.	
May administer oaths to witnesses.	

judges shall write on the poll books, at the end of such person's name, the word "Sworn." The same powers as to the administration of oaths and affirmations and the examination of witnesses, as in this section granted to registrars and judges of election, may be exercised by the registrars in all cases where the names of persons registered or offering to register are objected to.

Poll books marked sworn.  
Power of registrar and judges to administer oath.

SEC. 23. That the polls shall be open on the day of election from sunrise until sunset on the same day, and no longer, and each elector whose name shall appear registered shall be entitled to vote, unless he is successfully challenged for good cause on the day of election. A space of not more than fifty feet in every direction from the polls or rooms in which the election is held may be kept open and clear of all persons except the judges, registrar and election bailiffs herein provided, which space may be roped off with a narrow passage leading to and from the polls, and each elector shall approach the polls from one direction through such passage, and after his ballot is deposited in the ballot box, with as little delay as possible he shall depart by the passage leading from the polls. Only one elector shall enter the said passage at a time, and after the elector has entered, no one except the registrar or judges of election shall be permitted to speak to him or make any signs to him, nor shall he be permitted to speak or to make any signs to anyone except the registrar or judges of election, until his ballot has been deposited in the box and he has passed out of the enclosure. The said roped space shall, at all times during the hours for balloting, be kept open and clear of all persons except the election officers as aforesaid, and it shall be the duty of the election bailiffs to keep such space so cleared and open: *Provided*, that nothing herein contained shall make it compulsory for the judges and registrar to rope off said space: *Provided further*, that when any person is challenged, one challenger for each political party shall be entitled to enter the space roped off during the hearing of such challenge, but they shall retire therefrom upon the challenge being decided.

Hours when polls to be opened and closed.

Space of fifty feet may be kept open.

Space may be roped off.  
How elector to approach and leave polls.

One elector at a time.

Who may speak to voter.

Who elector may speak or make signs to.

Space to be kept open and clear.

Duty of bailiff.  
Roping off not compulsory.

When challengers may enter.

SEC. 24. That the ballot may be deposited for the voter by the registrar, or one of the judges of election, or the voter may deposit it if he chooses.

Ballot, by whom deposited.

SEC. 25. Immediately after any election, the registrar and judges of election shall deposit the registration books for their respective precincts with the Register of Deeds of their respective counties.

Registration books to be deposited with Register of Deeds.

SEC. 26. That the registrar and judges of election may appoint one or more bailiffs for each precinct or ward to be present dur-

Appointment of election bailiffs and their duties.

ing the election to keep peace and protect the voting place, and to prevent improper intrusion upon the voting place, or interfering with the election, and to arrest all persons creating any disturbance about the voting place, and to enable all persons who have not voted and who desire to vote, to have unobstructed access to the polls for the purpose of voting when others are not voting, and to keep clear the open space hereinbefore provided, at all times during the election. It shall be the duty of the election bailiffs to be present at the voting place, and to take such steps as will accomplish the object of their appointment and they shall have full power to do so, and they may summon to their aid all persons present at the voting place, and may arrest offenders against this section, who shall have the privilege of giving bail. And for the purposes of carrying out the powers herein conferred upon them, the registrar and judges of election shall be and are hereby constituted conservators of the peace. Every person offending against this section shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned at the discretion of the Court.

#### Power of arrest.

Registrars and judges conservators of the peace, offenders guilty of a misdemeanor, Penalty.

#### State officers on one ballot.

SEC. 27. That the State officers, viz.: Governor, Lieutenant-Governor, Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, Attorney-General, and other State officers not herein mentioned, the Justices of the Supreme Court and the Judges of the Superior Court shall be voted for on one ballot; members of Congress on one ballot; Presidential electors on one ballot; Solicitors, members of the General Assembly, Clerk of the Superior Court, Treasurer, Register of Deeds, Surveyor, Coroner, Sheriff, County Commissioners, Tax Collector, and every other officer elected by the voters of the county, shall be voted for on one ballot. That all officers elected by the voters of a township shall be voted for on one ballot.

Judges on one ballot.  
Members of Congress on one ballot.  
Presidential electors on one ballot.  
Solicitors, members of General Assembly and county officers on one ballot.  
Township officers on one ballot.

#### Ballots on white paper without device.

SEC. 28. The ballots shall be on white paper and may be printed or written, or partly written and partly printed, and shall be without device. The State Board of Elections may, on or before the first Monday of September, 1902, and biennially thereafter, prescribe the size of ballots for State, Judicial and Congressional officers and the County Board of Elections may, on or before the first Monday of September, 1902, and biennially thereafter, prescribe the size of the ballot for county, legislative and township offices.

#### Size of ballots may be prescribed.

#### Ballot boxes.

SEC. 29. The County Board of Elections, or upon their failure, the registrar and judges of election, shall provide in each election precinct in their respective counties, ballot boxes for each class of officers to be voted for in which to deposit the ballots for such officers respectively. Each of said boxes shall have an opening through the lid of sufficient size to admit a single

#### Opening in lid. To be labelled.



ballot, and no more. Each box shall be labelled in plain Roman letters, designating whether Congressional, State, county or township box. The ballot boxes so furnished by the said County Board of Elections may be kept by the registrars after the election is over, if so ordered by said County Board; otherwise they shall be returned to said board. The said registrar and judges of election, before the voting begins, shall carefully examine the ballot boxes and see that there is nothing in them, and thereupon they shall close and securely fasten the same, and no ballot box shall be opened until the time for voting is at an end.

SEC. 30. When the election shall be finished, the registrar and judges of election, in the presence of such of the electors as may choose to attend, shall open the boxes and count the ballots, reading aloud the names of the persons who shall appear upon each ticket; and if there shall be two or more tickets rolled up together, or any ticket shall contain the names of more persons than such elector has a right to vote for, or shall have a device upon it, in either of these cases such tickets shall not be numbered in taking the ballots, but shall be void, and the said counting of votes shall be continued without adjournment until completed and the result thereof declared. Any ballot found in the wrong box shall not be counted, unless the registrar and judges of election shall be satisfied that the same was placed thereby mistake.

SEC. 31. The registrar and judges of election in each township, ward or precinct shall appoint one of their number to attend the meeting of the Board of County Canvassers as a member thereof, and they shall deliver to the member who shall have been so appointed the original return or statement of the result of the election in such township, ward or precinct, and the members of the several township, ward or precinct Boards of Elections, who shall have been so appointed, shall constitute the Board of County Canvassers for such county, and a majority shall constitute a quorum.

SEC. 32. That the Board of County Canvassers shall meet on the second day next after every election, at eleven o'clock a. m. of that day at the court-house of the county, and at that hour, without delay, the members of such board who shall then be present shall choose one of their number who shall be chairman, and shall choose one of their members as clerk of said board: *Provided*, the Board of County Canvassers of Carteret, Hyde and Dare shall meet on the seventh day after the election, and as soon as such chairman shall be appointed he shall administer to each of the other members, and each of the other members shall take an oath or affirmation in the following form: "You do

By whom kept.

To be examined and closed.

Not reopened till voting ceases.

Counting of ballots.

What ballots void.

Counting to continue till completed.

Ballot found in wrong box to be rejected unless placed by mistake.

One election officer chosen to attend meeting of Board of County Canvassers as member to whom shall be delivered the original returns.

Board of County Canvassers, of whom composed.

Board of County Canvassers, when and where to meet.

To choose Chairman and Secretary.

Proviso as to Carteret, Hyde and Dare.

Oath of members.

Oath of  
Chairman.

Oath of Clerk.

Board to canvass  
and judicially  
determine  
returns.

May judicially  
pass upon facts  
and determine  
result.

May send for and  
examine papers  
and persons.

Classification of  
abstracts on  
different sheets.

Duplicate  
abstracts of State  
officers, how  
signed and with  
whom filed.

Two abstracts for  
State Senators.

swear (or affirm) that you will faithfully and impartially execute the duties of the Board of Canvassers according to law." And thereupon one of the members of such board, appointed for that purpose, shall administer to such chairman, and such chairman shall take an oath or affirmation in the same form as that taken by the other members of the board. And before proceeding to canvass and estimate the votes in such county, the chairman of the board shall administer to the clerk thereof an oath or affirmation in the following form: "You do swear (or affirm) that you will faithfully execute the duties of clerk of this board according to law."

SEC. 33. The Board of County Canvassers at their said meeting, in the presence of such electors as choose to attend, shall open and canvass and judicially determine the returns, stating the number of legal ballots cast in each precinct for each officer, the name of each person voted for, and the number of votes given to each person for each different office, and shall sign the same. The said board shall have power and authority to judicially pass upon all facts relative to the election, and judicially determine and declare the result of the same. And they shall also have power and authority to send for papers and persons and examine the same.

SEC. 34. That the abstract of votes for each of the following classes of officers shall be made on a different sheet:

(1) Governor and all State officers; Justices of the Supreme Court and Judges of the Superior Court.

(2) Senators and Representatives of the General Assembly

(3) Solicitors.

(4) County officers.

(5) Township officers.

(6) Representatives in Congress.

SEC. 35. Two abstracts of all votes cast for State officers, Representatives in Congress, for Justices of the Supreme Court, for Judges of the Superior Court, and for Solicitors, shall be made and signed by the Chairman of the Board of County Canvassers, one of which shall be delivered to the Chairman of the County Board of Elections, one filed with the Register of Deeds, to be registered in his office, also two separate abstracts of all votes cast for State Senators, when the Senatorial Districts consist of more than one county, one of which shall be filed with the Register of Deeds to be registered in his office, and the other furnished to the County Board of Elections or other returning officer.

SEC. 36. That two abstracts of the votes cast for county and township officers and for members of the General Assembly shall be made and signed by the Chairman of the County Board of County Canvassers, one of which shall be delivered to the Chairman of the County Board of Elections, and one filed with the Register of Deeds to be registered in his office.

Two abstracts for county and township officers and members of General Assembly.

SEC. 37. When the canvass is concluded the board shall deliver the original returns to the Clerk of the Superior Court to be filed in his office. The said Register of Deeds shall also deliver by mail to the Secretary of State and to the Chairman of the State Board of Elections, each, one duplicate of the abstract of the votes cast for Governor, and all State officers, for Justices of the Supreme Court, Judges of the Superior Court, and Solicitors and Representatives in Congress.

Original return delivered to Clerk of Superior Court.

Register of Deeds to send duplicate abstracts to Secretary of State and Chairman of State Board of Elections.

SEC. 38. That the person having the greatest number of legal votes for any office is to be declared elected. But if two or more county candidates, having the greatest number of votes, shall have an equal number, the County Board of Elections shall determine which shall be elected.

Who declared elected.

SEC. 39. That when the Board of County Canvassers shall have thus completed the comparison of the polls, they shall judicially determine the result of the election in their county for all persons voted for, and proclaim the same at the court-house door with the number of votes cast for each.

Result judicially determined and proclaimed at court-house door.

SEC. 40. The Chairman of the County Board of Elections in the various senatorial districts, composed of more than one county, after receiving the returns from the Board of County Canvassers, shall meet on the ninth day after election at the following places in their respective districts for the purpose of comparing polls: From the First District, at Hertford, in the county of Perquimans; in the Second District, at Plymouth, in the county of Washington; in the Third District, at Roxobel, in the county of Bertie; in the Seventh District, at Nashville, in the county of Nash; in the Eighth District, at New Bern, in the county of Craven; in the Tenth District, at Wallace, in the county of Duplin; in the Eleventh District, at Wilmington, in the county of New Hanover; in the Twelfth District, at Clarkton, in the county of Bladen; in the Fifteenth District, at Dunn, in the county of Harnett; in the Seventeenth District, at Ridgeway, in the county of Warren; in the Eighteenth District, at Berea, in the county of Granville; in the Nineteenth District, at Hillsboro, in the county of Orange; in the Twenty-Second District, at Aberdeen, in the county of Moore; in the Twenty-third District, at Ashboro, in the county of Randolph; in the Twenty-Fourth District, at Norwood, in the county of Stanly; in the Twenty-

Chairmen of County Boards of Election in each Senatorial District to meet on ninth day after election and compare polls.  
Places of meeting in each district.

fifth District, at Charlotte, in the county of Mecklenburg; in the Twenty-Eighth District, at Pilot Mountain, in the county of Surry; in the Twenty-Ninth District, at Yadkinville, in the county of Yadkin; in the Thirty-First District, at Maiden, in the county of Catawba; in the Thirty-Third District, at Rutherfordton, in the county of Rutherford; in the Thirty-Fourth District, at Morganton, in the county of Burke; in the Thirty-Fifth District, at Jefferson, in the county of Ashe; in the Thirty-Sixth District, at Burnsville, in the county of Yancey; in the Thirty-Eighth District, at Sylva, in the county of Jackson; in the Thirty-Ninth District, at Murphy, in the county of Cherokee.

Certificates of election to be furnished in ten days.

SEC. 41. The Chairman of the County Board of Elections of each county shall furnish, within ten days, the member or members elected to the House of Representatives and to the Senate, when the district is not composed of more than one county, a certificate of election under his hand and seal; he shall also immediately notify all persons elected to the county offices to meet at the court-house on the first Monday in the ensuing December to be qualified.

Notice to qualify.

Statement sent to Speaker of House of Representatives, by whom and how.

SEC. 42. The Chairman of the County Board of Elections, or other returning officer of each county, shall, on or before the fifth day after the election, transmit by mail, in a registered letter or otherwise, to the Speaker of the House of Representatives, a separate statement of the votes taken in his county for each of the State officers, to-wit: Governor, Lieutenant-Governor, Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, and Attorney-General, and other State officers which statement in each case shall be in the following or some similar form, viz:

Contents.

Form of statement.

"State of North Carolina, ..... County.

I, ..... the Chairman of the County Board of Elections, of ..... County, do hereby certify that at the election held in the said county to elect a Governor (or other officers, as the case may be), at the places appointed by law for holding elections for said county, on the ..... day of ..... A. D. one thousand nine hundred and ..... votes were given for ..... and ..... votes for ..... Given under my hand, this ..... day of ..... nineteen hundred and .....

Chairman of the County Board of Elections."

How transmitted and directed.

If said statements are transmitted by mail, they shall be directed in sealed packets to the Speaker of the House of Representatives, in care of the Secretary of State, and if by messengers, they shall be sent direct to the Speaker of the House

of Representatives, sealed as aforesaid: *Provided*, that no messenger bringing said statements or any other abstracts or election returns shall receive compensation therefor. The Chairman of the County Board of Elections, or other returning officers, failing or neglecting to perform the duties required in this section shall forfeit and pay two thousand dollars, to be recovered in the Superior Court of his county by any person who shall sue for the same, and shall be guilty of a misdemeanor, and imprisoned at hard labor in the penitentiary for twelve months: *Provided further*, that the Chairman of the County Board of Elections of Carteret, Hyde and Dare shall have until the eleventh day after the election to comply with this section.

Messenger receives no compensation.

Failure to make returns, penalty.

Proviso as to Carteret, Hyde and Dare.

SEC. 43. The Secretary of State shall cause proper forms of returns to be prepared and printed, and send copies thereof, with plain directions as to the manner of endorsing, directing and transmitting the same to the seat of government, to all of the returning officers of the State, at least thirty days before the time for holding any election. He shall also furnish to the Register of Deeds of each county all such printed blanks as may be necessary for making the county returns.

Secretary of State to furnish blanks to returning officers.

Also to Register of Deeds.

SEC. 44. The Speaker of the House of Representatives, in the persence of a majority of the members of both Houses of the General Assembly, shall open and publish the returns for Governor, Lieutenant-Governor, Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction and Attorney-General, or other State officers, at twelve o'clock, noon, on the first Tuesday after the organization of both Houses of the General Assembly. And if for any cause there be no returns from any county of the State, or if any return be defective, a proper return shall be had in such manner as the two Houses in joint session may direct; and in either case the publication of the result may be postponed to such time as the joint session of the two Houses may deem best.

Speaker of House of Representatives to open returns for State officers.

Day and hour.

Delinquent or defective returns, how obtained.

The person having the highest number of votes for each office, respectively, shall be declared duly elected thereto, but if two or more be equal and highest in votes for the same office then one of them shall be chosen by joint ballot of both Houses of the General Assembly. Contested elections shall be determined by a joint vote of both Houses of the General Assembly in the same manner and under the same rules and regulations as prescribed in cases of contested election of members of the General Assembly.

Declaration of result.

Ties and contests, how determined.

SEC. 45. An abstract of the returns for State officers shall be made by the clerks of the two Houses of the General Assembly, showing the number of ballots cast for each candidate, the

Abstract of returns to be made by clerks of both Houses.



By whom signed.

Filed and recorded in office of Secretary of State.

Printed in journals and documents.

Failure by election officer to make returns and perform duties required.

Penalty.

Chairman of County Board of Elections or returning officer wilfully or maliciously failing to perform duty guilty of a felony.

Penalty.

Fraudulent registering or voting or inducing another to, an infamous crime.

Penalty.

Registrar, clerk or copyist making fraudulent entry.

Penalty.

Corruptly taking voter's oath, perjury.

Penalty.

Secretary of State to furnish copies of election law, when and to whom.

names of all persons voted for, the offices for which they received such votes, and the number of votes cast for each person, and the persons ascertained by the canvass to be elected to the several offices, and said abstract shall be signed by the presiding officers of the two Houses and delivered to the Secretary of State, who shall record it in the election book kept in his office and then file it. Said abstract shall also be printed in the journals of the two Houses, and in the legislative documents.

SEC. 46. Any registrar or judge of election, or any County Canvasser or Commissioner, Register of Deeds, Clerk or Chairman of County Board of Elections, failing to make the returns and perform the duties required of him, shall be fined not less than five hundred dollars, or imprisoned not more than six months, nor less than two months at the discretion of the Court.

SEC. 47. If any chairman of the County Board of Elections, or other returning officer whatever, shall wilfully, or of malice, neglect to perform any duty, act, matter, or thing required or directed in the time, manner and form in which such duty, act, manner, or thing is required to be performed in relation to the election, and returns thereof, of the Governor, Representatives in Congress, of Justices of the Supreme Court, of Judges of the Superior Court, of Solicitors, or of electors for President, and Vice-President of the United States, or other officers, the person so offending shall be guilty of a felony, and fined not less than one thousand, nor more than five thousand dollars, and be imprisoned not less than one nor more than three years.

SEC. 48. Any person who shall, with intent to commit a fraud, register or vote at more than one box or more than one time, or who shall induce another to do so, or any person who shall illegally vote at any election, shall be guilty of an infamous crime, and [be] imprisoned not less than six, nor more than twelve months, or fined not less than one hundred, nor more than five hundred dollars, at the discretion of the Court, and any registrar of voters, or any clerk or copyist, who shall make any entry or copy with intent to commit a fraud, shall be liable to the same penalty.

SEC. 49. Any person who shall corruptly take the oath prescribed for voters shall be guilty of perjury, and be fined not less than five hundred dollars, nor more than one thousand dollars, and be imprisoned at hard labor in the penitentiary not less than two nor more than five years.

SEC. 50. The Secretary of State, shall, at least sixty days before each election, furnish the County Board of Elections with a sufficient number of copies of this election law, to supply each County Canvasser, Commissioner, Register of Deeds, Sheriff, registrar of voters, and judges of election with one copy thereof.

SEC. 51. Any person who, by force and violence, shall break up or stay any election, by assaulting the officers thereof, or depriving them of the ballot boxes, or by any other means, his aiders and abettors shall be guilty of a misdemeanor and imprisoned not more than three months, and pay such fine as the Court shall adjudge, not exceeding one hundred dollars. If any person shall interrupt or disturb the registrar while actually engaged in the registration of voters, or the registrar or judges of election while engaged in holding the election, or in counting and adding up the result thereof; or the Board of County Canvassers, or the State Board of Canvassers, while engaged in the discharge of their official duties, or behave in a disorderly or boisterous manner in the presence of said officers while so engaged in the discharge of their official duties, or obstruct such officers in the legal discharge of the duties of their several positions, such person shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days.

Forcibly or violently breaking up or interrupting elections a misdemeanor.

Penalty.

Disturbing registrar, judges of election or canvassing boards a misdemeanor.

Penalty.

SEC. 52. Any person who shall treat with either meat or drink on any day of election, or on any day previous thereto, with an intent to influence the election, shall forfeit and pay two hundred dollars, the one-half for the use of the county, and the other to the use of the person who shall sue for the same.

Unlawful to treat with intent to influence election.

Penalty.

SEC. 53. Any person who shall discharge from employment, withdraw patronage from, or otherwise injure, threaten, oppress or attempt to intimidate any qualified voter of this State because of the vote such voter may or may not have cast in any election, shall be guilty of a misdemeanor.

Intimidation or coercion of qualified voter a misdemeanor.

SEC. 54. Any person who shall at any time before or after an election, give or promise to give any money, property, or reward, to any elector in order to secure his vote, shall be guilty of a misdemeanor, and any person who shall receive or agree to receive any such bribe, shall also be guilty of a misdemeanor.

Bribery or offer of bribe, receiving or agreeing to receive bribe, a misdemeanor.

SEC. 55. Any person who shall bet or wager any money or other thing of value upon any election held in this State shall be guilty of a misdemeanor.

Betting on election a misdemeanor.

SEC. 56. For Senators and their mode of election, see act of Congress of the twenty-fifth of July, one thousand eight hundred and sixty-six, fourteenth statute at large, chapter two hundred and forty-five, page two hundred and forty-three.

U. S. Senators, mode of election.

SEC. 57. For the purpose of electing Representatives to the Congress of the United States, the State of North Carolina shall be divided into ten districts, as follows:

Congressional districts.

*First District*—Beaufort, Camden, Chowan, Currituck, Dare, Gates, Hertford, Hyde, Martin, Pasquotank, Perquimans, Pitt, Tyrrell, and Washington.

First District.

Second.	<i>Second District</i> —Bertie, Edgecombe, Greene, Halifax, Lenoir, Northampton, Warren, and Wilson.
Third.	<i>Third District</i> —Carteret, Craven, Duplin, Jones, Onslow, Pamlico, Pender, Sampson, and Wayne.
Fourth.	<i>Fourth District</i> —Chatham, Franklin, Johnston, Nash, Vance, and Wake.
Fifth.	<i>Fifth District</i> —Alamance, Caswell, Durham, Forsyth, Granville, Guilford, Orange, Person, Rockingham and Stokes.
Sixth.	<i>Sirth District</i> —Bladen, Brunswick, Columbus, Cumberland, Harnett, New Hanover and Robeson.
Seventh.	<i>Seventh District</i> —Anson, Davidson, Davie, Montgomery, Moore, Randolph, Richmond, Scotland, Union, and Yadkin.
Eighth.	<i>Eighth District</i> —Alexander, Alleghany, Ashe, Cabarrus, Caldwell, Iredell, Rowan, Stanly, Surry, Watauga, and Wilkes.
Ninth.	<i>Ninth District</i> —Burke, Catawba, Cleveland, Gaston, Lincoln, Madison, Mecklenburg, Mitchell, and Yancey.
Tenth.	<i>Tenth District</i> —Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Polk, Rutherford, Swain, and Transylvania.

Congressmen,  
how elected in  
event of increase  
or decrease of  
representation.

SEC. 58. Whenever, by a new apportionment of Representatives among the several States, the number of Representatives in Congress of the United States from North Carolina shall be either increased or decreased, and neither the Congress nor the General Assembly shall provide for the election of the same, then if the said Representatives shall be increased, the increased number shall be elected by the qualified voters of the whole State, and shall be voted for on one ballot, and the Representatives from the several Congressional Districts shall be elected by the voters of said districts, respectively, and shall each be voted for on another ballot; but if the number of said Representatives shall be decreased as aforesaid, in that event all the Representatives in Congress shall be elected by the qualified voters of the whole State and shall be voted for on one ballot.

Congressional  
election, when  
held.

SEC. 59. The election for members of Congress shall be held on the Tuesday next after the first Monday in November, one thousand nine hundred and two, and biennially thereafter, unless Congress shall prescribe a different time for the holding of such elections, and shall be conducted by the officers provided for holding elections of members of the General Assembly in this act, and at the same place.

By whom and  
where conducted.

Vacancies in  
congressional  
representation.

SEC. 60. If at any time after the expiration of any Congress and before another election, or if at any time after an election, there shall be a vacancy in the representation in Congress, the Governor shall issue a writ of election, and by proclamation shall require the voters to meet in the different townships in

Special election  
ordered.

their respective counties at such times as may be appointed therein, and at the places established by law, then and there to vote for a Representative in Congress to fill the vacancy; and the election shall be conducted in like manner as regular elections. How conducted.

SEC. 61. Every person duly elected a Representative to Congress, upon obtaining a certificate of his election from the Secretary of State, shall procure from the Governor a commission, certifying his appointment as a Representative of the State, which the Governor shall issue on such certificate being produced. Secretary of State certifies election and Governor issues commission of Congressmen.

SEC. 62. The registrar shall receive three cents for each name registered in the new registration herein ordered, and thereafter in the revision of the registration book, he shall receive one cent for each name copied from the original registration book. Each Chairman of the County Board of Elections shall be allowed one dollar per day for the time actually employed, and five cents per mile for distance travelled, for making the returns for Senators, and each Sheriff shall receive thirty cents for each notice he is required to serve under this act. The compensation allowed officers shall be paid by the County Treasurer after being audited by the Board of County Commissioners. Clerks and Registers of Deeds shall also be allowed the usual registration fees for recording the election returns, to be paid by the county. The Board of State Canvassers may employ two clerks at a compensation of four dollars each per day, during the session of the Board of State Canvassers. The members of the County Board of Elections shall each be allowed one dollar per day for each day they may be actually employed in the performance of their duties. The registrars and judges of election, shall be entitled to such compensation as may be fixed by the Board of Commissioners of their county, not to exceed one dollar each for holding the election. The election constables or bailiffs shall be entitled to one dollar per day each; and the registrar or judge of election who shall act as returning officer, shall be allowed one dollar, payable out of the county treasury: *Provided*, that the registrars shall receive, in addition to the compensation herein allowed for each name registered, the sum of one dollar per day for each Saturday during the period of registration, and on which they attend at the several polling places for the purpose of registering voters or receiving and hearing challenges. Compensation of registrars, judges of election and other election officials.

SEC. 63. The Governor and four members of the State Board of Elections, to be named and selected by said board, shall constitute the Board of State Canvassers, but no member thereof Additional compensation for registrars.  
Board of State Canvassers, who constitute.

shall take part in canvassing the votes for any office for which he himself is a candidate.

Secretary of State to obtain delinquent abstracts.

SEC. 64. If the abstracts or returns from any county shall not be received at the office of the Secretary of State, or by the State Board of Elections, by the third Monday after the day of election, the said Secretary is authorized to obtain from the Register of Deeds, or the Board of County Elections, at the expense of such county, the original abstracts or returns, or if they have been forwarded, copies of them.

When Board of State Canvassers to meet and open abstracts.

SEC. 65. The Board of State Canvassers shall open the abstracts transmitted to the Secretary of State on the Thursday following the third Monday after each election held under the provisions of this act, and examine the returns, if they shall have been received from all of the counties, and if not all received they may adjourn not exceeding twenty days for the purpose of obtaining the returns from all of the counties, and when these are received, shall proceed with [the] canvass; such canvass shall be conducted publicly in the hall of the House of Representatives. They shall make an abstract, stating the number of legal ballots cast for each candidate, the names of all the persons voted for, for what office they respectively received the votes, and the number of votes each received, and stating whom they ascertain and judicially determine by the count to be elected to the office, which abstract shall be signed by the Board of Canvassers in their official capacity as State Canvassers, and have the seal of the State affixed thereto: *Provided*, that in all cases of special elections ordered by the Governor to fill vacancies in the representation of the State in Congress, the Board of State Canvassers may meet as soon as the Secretary of State may notify the members of the Board that the returns from all the counties entitled to vote in said special elections have been received by him: and it shall be the duty of the Secretary of State to fix the days of meeting, which shall not be later than ten days after such elections, and it shall be the duty of all returning officers to make their returns promptly, so that the same may be received within the ten days.

Where and how canvass conducted.  
Abstract to be made.

Contents.

How signed.

After election to fill vacancies in congressional representation, when Board to meet.

Secretary of State to fix days of meeting.

Secretary of State to record and file abstracts.

SEC. 66. The Secretary of State shall record the abstract or abstracts in a book to be kept by him for recording the result of elections, and to be called, "The Election Book," and shall also file the abstract or abstracts.

State Board to certify result to Secretary of State, who shall prepare and sign certificate.

SEC. 67. After the State Board of Canvassers shall have ascertained and declared the result of the elections as hereinbefore provided, they shall cause the result to be certified to the Secretary of State, who shall prepare a certificate for each person elected, and shall sign the same, which certificate he shall deliver to the person elected, when he shall demand the same.

To be delivered when demanded.



SEC. 68. The Board of State Canvassers shall estimate the votes cast for officers of the Executive Department from the abstracts forwarded to the Secretary of State, and shall publish a statement of the result of such calculation, but this statement shall be for information of the public only, and shall not have the effect to determine what candidates have been elected to such offices. Their election shall be ascertained and declared according to section three, article three, of the Constitution.

Estimate of votes for officers of Executive Department.

Statement of result published for information only.

Election, how ascertained.

SEC. 69. Justices of the Supreme Court, Judges of the Superior Court, and Solicitors shall be commissioned by the Governor, and their terms of office shall begin on the first day of January next succeeding their election. An election for officers, whose terms shall be about to expire, shall always be held at the general election next preceding the expiration of their terms of office.

Supreme Court Justices commissioned by Governor.

Term begins.

Election held just prior to expiration of term.

SEC. 70. Any person who shall cause or procure his name to be registered in more than one election ward or precinct, or shall cause or procure his name, or that of any other person whose name he has procured to be registered, who is not entitled to vote in the ward or election precinct wherein such registration is made, or who shall falsely personate any registered voter, shall be guilty of a crime infamous by the laws of this State, and shall be punished for every such offence by a fine not exceeding one thousand dollars, or imprisoned at hard labor for a term not exceeding two years, or both, in the discretion of the Court.

Registering in more than one precinct or falsely personating voter, an infamous crime.

Penalty.

SEC. 71. If any person be challenged as being convicted of any crime which excludes him from the right of suffrage, he shall be required to answer any question in relation to such alleged conviction; but his answer to such questions shall not be used against him in any criminal prosecution, but if any person so convicted shall vote at the election, without having been restored to the right of citizenship, he shall be guilty of an infamous crime, and punished by a fine not exceeding one thousand dollars, or imprisoned at hard labor, not exceeding two years, or both.

Persons challenged as convicted of crime, required to answer questions.

Such person voting, guilty of infamous crime.

Penalty.

SEC. 72. That the registrar and judges of election, in each ward or precinct, the Board of County Canvassers of each county, and the Board of State Canvassers shall respectively possess full power and authority to maintain order, and to enforce obedience to their lawful commands during their sessions, respectively, and shall be constituted inferior courts for that purpose, and if any person shall refuse to obey the lawful commands of any such registrar or judges of election, or Board of County Canvassers, or Board of State Canvassers, or by disorderly conduct in their hearing or presence shall interrupt or

Power of election officers to maintain order.

Constituted inferior courts.

May commit  
to jail.

disturb their proceedings, they may, by an order in writing, signed by their chairman, and attested by their clerk, commit the person so offending to the common jail of the county for a period not exceeding thirty days, and such order shall be executed by any Sheriff or Constable to whom the same shall be delivered, or if a Sheriff or Constable shall not be present, or shall refuse to act, by any other person who shall be deputed by such township or precinct Board of Elections, or Board of County Canvassers in writing, and the keeper of such jail shall receive the person so committed and safely keep him for such time as shall be mentioned in the commitment.

Vacancies in  
certain State  
offices, how and  
when filled.

SEC. 72. That whenever any vacancies shall exist by reason of death, resignation, or otherwise, in any of the following offices, to-wit, Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, Attorney-General, Solicitor, Justices of the Supreme Court and Judges of the Superior Court, and other State officers not otherwise provided for, the same shall be filled by elections, to be held in the manner and places, and under the same regulations and rules as prescribed for general elections, at the next regular election for members of the General Assembly, which shall occur more than thirty days after such vacancy, except as otherwise provided for in the Constitution.

Provisions for  
vacancy in Gen-  
eral Assembly.

SEC. 74. That when a vacancy occurs in the General Assembly by death, resignation or otherwise, it shall be the duty of the Chairman of the County Board of Elections, or of the Sheriff of the county in which the late member resided, provided the General Assembly shall not be in session, to notify the Governor of such vacancy, and in case the General Assembly shall not be in session when such vacancy occurs, it shall be the duty of the presiding officer in the House in which the vacancy occurs to notify the Governor of the same, who shall thereupon issue a writ of election to the chairman or chairmen of the district or county represented by the late member, said election to be held at such time as the Governor may designate, and in such manner as may be prescribed by law.

Elections called  
by Governor, how  
conducted.

SEC. 75. That every election held in pursuance of a writ from the Governor, shall be conducted in like manner as the regular biennial elections, so far as the particular case can be governed by general rules, and shall, to all intents and purposes, be as legal and valid, and subject the officers holding and the persons elected to the same penalties and liabilities as if the same had been held at the time and according to the rules and regulations prescribed for the regular biennial elections.

Gift or sale of  
liquor on or  
within twelve  
hours before and  
after election day  
a misdemeanor.

SEC. 76. That any person who shall give away any intoxicating liquors, except for medical purposes, and upon the prescription of a practicing physician, at any place within five

miles of the polling place, at any time within twelve hours next preceding or succeeding any public election, whether general, local or municipal, or during the holding thereof, shall be guilty of a misdemeanor, and fined not less than one hundred, nor more than one thousand dollars. Penalty.

SEC. 77. That on the Tuesday next after the first Monday in the month of November, in the year of our Lord one thousand nine hundred and four, and every four years thereafter, or on such days as the Congress of the United States shall have directed, a poll shall be opened in each of the precincts of the State for the election of electors of President and Vice-President of the United States, the number of whom is to be equal to the number of Senators and Representatives in Congress to which this State may be entitled, and the persons shall be electors for the State as aforesaid, and the voting place in each ward or precinct shall be the same as in elections for members of the General Assembly, unless changed by the County Board of Elections. Presidential electors.  
Number of electors.  
Voting place.

SEC. 78. That the names of the electors to be chosen shall be written or printed on each ballot, and each ballot shall contain the name of at least one inhabitant of each congressional district into which the State may be divided and against the name of each person shall be designated the number of congressional district to which he belongs. Form of electoral ballot.

SEC. 79. That the election shall be conducted and the returns made as nearly as may be directed in relation to the election of State officers, except as herein otherwise expressed. Conduct of election and returns.

SEC. 80. That the County Board of Canvassers shall meet in the court-house of their respective counties as hereinbefore provided, and shall ascertain and determine, by faithful addition, the number of legal votes for every person who shall have been voted for as an elector within the county, and shall certify the same under their hands substantially in the manner and form following, to-wit: County Board of Canvassers to meet and certify returns.

"We, the County Canvassers for ..... County, do hereby certify that an election was held on the day and at the places fixed by law within said county, for electors of President and Vice-President of the United States, and that the number of votes hereinafter specified opposite the names of the several persons following, was given for such person as electors for the State of North Carolina, of President and Vice-President of the United States, namely, D. G. F. (here state the number of votes for D. G. F.); for J. M. L. (here state the number of votes for J. M. L.), and so on, until the list of persons voted for, and the number of votes shall be completed. Form of certificate.

"Given under our hands, this ..... day of ....., in the year A. D. ...."

Three copies made.

Chairman County Board to proclaim result.

To send copy to Secretary of State, when.

Copy and original returns delivered to Clerk Superior Court.

Copy to be recorded.

Copy registered in office of Register of Deeds.

Copy sent by Clerk to Secretary of State.

Failure to make returns, penalty.

Secretary of State to deliver returns to State Board of Canvassers.

Where opened and canvassed.

Delinquent returns, how obtained.

Three fair copies of such certificate and return shall be made by the Board of Canvassers under their hands, and one of the same shall be immediately delivered to the Chairman of the County Board of Elections of the county, whose duty it shall be to attend at the meeting of said Canvassers, and who shall forthwith make proclamation and read the same through at the courthouse door; and the said Chairman of the County Board of Elections shall immediately thereafter seal up said copy in an envelope, and transmit the same by mail in a registered letter or otherwise, to the Secretary of State at the capitol in Raleigh so that he shall receive the same within twelve days after the day of election; and one of said copies, together with the original precinct returns, shall be delivered to the Clerk of the Superior Court, who shall record the said copy in "The Election Book;" and file the originals of said copy in his office. And one copy shall be delivered to the Register of Deeds, to be registered in his office.

The Clerk of the Superior Court shall immediately after the same shall have been delivered to him send a copy of the certificate of the Board of County Canvassers, sealed with the seal of his office, to the Secretary of State at Raleigh, so that he may receive the same within twelve days after said election. And in case of failing to make such returns within the time herein prescribed, such Chairman of the County Board of Elections, Clerk or other officer, whose duty it shall be so to do, shall forfeit and pay to the State the sum of five hundred dollars, to be recovered by the Attorney-General, in the Superior Court for the county of Wake.

SEC. 81. That the Secretary of State, within three days after the expiration of the time hereinbefore provided for the delivery to him of said certificate and returns, shall deliver the same to the State Board of Canvassers, whose duty it shall be to then attend, in the presence of such other persons as may choose to be present, in the hall of the House of Representatives in the capitol, open the certificate and proceed to canvass the same, and ascertain and determine the result: *Provided*, that if the returns from any county shall not, by that time, have been received by the Secretary of State from the Chairman of the County Board of Elections, or Clerk of the Superior Court, or Register of Deeds, then the Board of State Canvassers shall order and compel a duplicate return from the Clerk of the Superior Court and the Chairman of the County Board of Elections, or Register of Deeds, or both, in such manner as they

may think best: and for that purpose they may adjourn from day to day, not to exceed ten days. The Board of State Canvassers in canvassing said returns shall merely add up the returns, as certified by the County Board of Canvassers, but it shall be their duty to disregard any such apparent clerical error or any such technical uniformity as may not render it reasonably uncertain who was the person intended to be designated as voted for, and what was the number of votes actually received by any candidate. At the conclusion of the canvass, the board shall make an abstract of all votes cast, and shall deliver the same to the Secretary of State, together with the original returns from the several counties, to be filed in his office. The Secretary of State shall copy the said abstracts in "The Election Book," directed in this chapter to be kept in his office, and shall, under his hand and seal of his office, certify to the Governor the names of as many persons receiving the highest number of votes for electors of President and Vice-President of the United States as the State may be entitled to in the electoral college. The Governor shall thereupon immediately issue his proclamation and cause the same to be published in such daily newspapers as may be published in the city of Raleigh, wherein he shall set forth the names of the persons duly elected as electors, and warn each of them to attend at the capitol in the city of Raleigh at noon on the second Monday of January next after his election, at which time the said electors shall meet, and in case of the absence or ineligibility of any elector chosen, or if the proper number of electors shall for any cause be deficient, those present shall forthwith elect from the citizens of the State so many persons as will supply the deficiency, and the persons so chosen shall be electors to vote for the President and Vice-President of the United States. And the Governor shall, on or before the second Monday of January make out three lists of the names of the said persons so elected and appointed electors, and cause the same to be delivered to them, as directed by the act of Congress.

Canvass of  
returns.

Abstract and  
original delivered  
to Secretary of  
State and filed.

Abstracts copied.

Secretary of State  
to certify result  
to Governor.

Proclamation by  
Governor and  
meeting of  
electors.

If elector absent  
or ineligible, those  
present to elect.

Lists of electors.

SEC. 82. That the persons elected and appointed as electors of the President and Vice-President of the United States, shall assemble on the said second Monday of January, at the capitol in the city of Raleigh, and then and there give their votes on behalf of the State of North Carolina for President and Vice-President of the United States, and proceed in relation thereto in all things conformably to the Constitution of the United States and the acts of Congress in that behalf.

Meeting of  
electors.

SEC. 83. That each elector, with his own consent previously signified, failing to attend and vote for a President and Vice-

Elector failing to  
attend, penalty.



False return,  
erasure or altera-  
tion of poll  
books an infam-  
ous crime.  
Penalty.

Refusal of copy of  
poll books,  
penalty.

Refusal by Reg-  
ister of Deeds or  
Clerk to make  
and deliver copy  
of returns or  
statement a  
misdemeanor.

Penalty.

Proviso.

Compensation of  
electors.

Words "political  
party" construed  
and defined.

Chapter 507, Pub-  
lic Laws 1899, and  
chapter 1, Public  
Laws 1900, and  
conflicting laws  
repealed.

Law regulating  
elections, how  
construed.

Proviso as to  
election to fill  
Congressional  
vacancy.

President of the United States, at the time and place herein directed (except in case of sickness or other unavoidable accident), shall forfeit and pay to the State five hundred dollars, to be recovered by the Attorney-General in the Superior Court of Wake County, and any person making or certifying or delivering or transmitting a false return of an election, held hereunder, or making any erasure or alteration in the poll books, shall be guilty of an infamous crime and imprisoned not less than one year, and shall, in addition, forfeit and pay five hundred dollars, one-half to the use of the person who shall sue for the same, and the other half to the use of the State. Any officer who shall refuse to permit any candidate, or person qualified to vote, at his own expense, to have a copy of the poll books, shall forfeit and pay two hundred dollars, one-half to the person who shall sue for the same, and the other half to the use of the State. Any Register of Deeds or Clerk of the Superior Court who shall refuse to make and give to any person a duly certified copy of the returns of an election, or of a tabulated statement of an election hereinbefore directed to be deposited in his office, upon the tender of the fees therefor, shall be guilty of a misdemeanor, and upon conviction, ousted out of his office and imprisoned for one year: *Provided*, that giving a copy of the poll books shall not interfere in any way with the duties of the officer required by this act to furnish said copy as above provided.

SEC. 84. That the electors shall be allowed for their travelling expenses to and from the city of Raleigh and their attendance, the same compensation as may be allowed members of the General Assembly, and shall be entitled to the same privileges.

SEC. 85. That the word "political party" herein used shall be construed to mean every such political party or organization whose candidate for Governor received as many as fifty thousand votes in the election held August 2, 1900.

SEC. 86. That chapter 57, Public Laws 1899, and chapter 1, of the Public Laws of 1900, and all other laws and clauses of laws in conflict with this act, are hereby repealed, and the law regulating elections as contained in this act shall be construed as above and not in connection with any existing provisions of law for the regulation of elections: *Provided*, that in the case of an election to fill a vacancy in Congress occurring before the first day of September, 1901, such election shall be held under the laws existing and in force March 1, 1901.

SEC. 87. That this act shall be in force from and after its ratification.

In the General Assembly read [three] times, and ratified this the 14th day of March, A. D. 1901.

## CHAPTER 90.

**An act to authorize and empower the County Commissioners of Macon County to purchase lands upon which to build a home for the aged and infirm, and to levy a special tax to pay for same.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Commissioners of Macon County be and are hereby authorized and empowered to purchase land and to have built on the same a home for the aged and infirm. They shall have full power and authority to provide for the erection of suitable buildings and to do all such matters and things as may by them be deemed necessary for the comfort and well-ordering of the aged and infirm of said county.

Macon County Commissioners authorized to purchase land and build home for aged and infirm.

SEC. 2. That for the purposes of carrying out the provisions of this act the County Commissioners of said county of Macon be and are hereby authorized and empowered to levy annually a special tax not to exceed ten cents on the one hundred dollars worth of property, and thirty cents on the poll, which tax shall be applied each year to the payment of any debt contracted, or obligation incurred by said Board of Commissioners for the lands and buildings herein provided for, and for such equipments of said home for the aged and infirm as said Commissioners may deem necessary.

To levy special tax, amount.

Application.

SEC. 3. 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, 1901.

## CHAPTER 91.

**An act to authorize the Board of County Commissioners of Stokes County to levy a special tax.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of County Commissioners of Stokes County be and it is hereby authorized and empowered at the time of levying the general State and county taxes for said county for the year 1901, to levy an additional special tax sufficient in amount to pay off the Stokes County bridge bonds issued on the 1st day of January, 1900, and maturing on the 1st day of January, 1904, aggregating the sum of \$6,300.00, together with interest on said bonds and with costs and charges incident to the collection and disbursement of the same, upon all property and polls in Stokes County subject to taxation maintaining the constitutional equation between property and poll.

Stokes County Commissioners authorized to levy special tax.

Amount and purposes for which to be used.

To maintain Constitutional equation.

Collection. SEC. 2. That the said taxes shall be collected by the Sheriff  
 Sheriff's liability. of said county, whose official bond shall be liable therefor as  
 for other county taxes and he shall pay over the same to the  
 To pay over to County Treasurer in like manner as other county taxes are  
 County Treasurer. paid.

County Treasurer's duties and liabilities in regard to and disposition of said tax. SEC. 3. That said County Treasurer shall receipt for said  
 special taxes and be liable on his official bond for the same, as  
 for other taxes, and shall use the same for the payment of said  
 bonds and interest thereon, together with the costs and charges  
 incident to the collection and disbursement of said special tax.

Conflicting laws repealed. SEC. 1. 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  
 the 5th day of February, A. D. 1901.

#### CHAPTER 92.

**An act to amend Chapter 17 of the Public Laws of the adjourned session  
 of 1900.**

*The General Assembly of North Carolina do enact:*

Chapter 17, Public Laws, adjourned session 1900, relative to liquor license in Northampton County, amended. SECTION 1. That chapter 17 of the Public Laws of the ad-  
 journed session of 1900 be and the same is hereby amended as  
 follows: In section 2 of said act strike out the word "Su-  
 preme" and insert the word "Superior."

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 February, A. D. 1901.

#### CHAPTER 93.

**An act to amend Chapter 410, Laws of 1891, relating to the obstruction  
 of Swift Creek, Edgecombe County.**

*The General Assembly of North Carolina do enact:*

Chapter 410, Laws 1891, amended. SECTION 1. That chapter four hundred and ten (410) Laws of  
 1891 be amended by striking out in line two of section one the  
 words Brasswell's Mill and inserting in lieu thereof the words  
 Harper's Mill, Nash 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  
 5th day of February, A. D. 1901.

## CHAPTER 94.

**An act to amend section three thousand six hundred and ninety-two of The Code relating to collection of taxes from tax-payers removing from one county to another.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That section three thousand six hundred and ninety-two of The Code be amended by striking out, in lines thirteen and fourteen, the words, "with three per cent added, which percentage," and insert in lieu thereof the following, "with sixty cents added, which sixty cents so collected."

Section 3692 of  
The Code,  
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 5th day of February, 1901.

## CHAPTER 95.

**An act to change the boundary line between the counties of Buncombe and Madison.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That the portion of the boundary line between the counties of Buncombe and Madison, from the fork of Little Ivy and Big Ivy, to the point at the lower end of J. M. Sam's farm where the said line crosses and leaves Ivy river be and the same is hereby changed so as to make the said portion of the boundary line run with the meanders of the said river.

Boundary line  
between Bun-  
combe and Madi-  
son Counties  
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 5th day of February, A. D. 1901.

## CHAPTER 96.

**An act to appoint R. B. Harris, H. B. Thompson, W. F. Chenault and Daniel Roseboro Justices of the Peace of Cleveland Township, Rowan County.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That R. B. Harris, H. B. Thompson and W. F. Chenault are hereby appointed Justices of the Peace for Cleveland Township, Rowan County, for a term of two years, and

Justices of Peace  
for Rowan  
County.

that Daniel Roseboro of said township is hereby appointed a Justice of the Peace for a term of six years, said terms shall begin from the ratification of this act, and they shall within sixty days from the ratification of this act go before the Clerk of the Superior Court of said county and take the oath of office prescribed by law.

Term of office.

When to qualify.

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. 1901.

## CHAPTER 97.

### An act to amend Chapter 83 of the Public Acts of 1891.

*The General Assembly of North Carolina do enact:*

Chapter 83, Public Laws 1891, in regard to the sale and renting of property by guardians, amended.

SECTION 1. That chapter eighty-three of the Public Laws of eighteen hundred and ninety-one, be amended as follows: After the words "situated" in line eight, section one of said act, insert the following words: "Or upon petition by the guardian made to the Clerk of the Superior Court of the county wherein the guardian has qualified and resides."

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 February, A. D. 1901.

## CHAPTER 98.

### An act to amend Chapter 621, Laws of 1899, by adding Miss Willie E. Copeland's name to list of teachers to be paid.

*The General Assembly of North Carolina do enact:*

To amend Chapter 621, Public Laws 1899.

SECTION 1. That section two of chapter six hundred and twenty-one of the Public Laws of one thousand eight hundred and ninety-nine be amended by adding at the end thereof the words "and Mrs. Willie E. Trammell (nee Miss Willie E. Copeland) twenty dollars."

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

In the General Assembly read three times, and ratified this the 5th day of February, A. D. 1901.



## CHAPTER 99.

**An act to amend Chapter 189 of the Public Laws of 1899.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter 189, Public Laws of 1899, be and the same is hereby amended as follows: Strike out all of section 3 after the word "the" in line twenty-two of said section, and insert in lieu thereof the words *quantity of liquors sold, price paid and date of sale.* Chapter 189, Public Laws 1899, relative to Jackson County Dispensary, amended.

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. 1901.

## CHAPTER 100.

**An act to authorize the Commissioners of Jackson County to levy a special tax.**

*The General Assembly of North Carolina do enact.*

SECTION 1. That the Board of Commissioners for the county of Jackson are hereby authorized and empowered at the regular times for levying taxes in the years nineteen hundred and one and nineteen hundred and two, to levy a special tax upon property and polls in said county for the purpose of discharging and paying the general county indebtedness and repairing and constructing bridges in said county. Jackson County Commissioners authorized to levy special tax. Purpose.

SEC. 2. That said Commissioners are hereby authorized and empowered under this act to aid in the construction of a bridge across the Tuckasegee River at or near the Swain County line and the said Commissioners are hereby authorized and empowered to act jointly with the Board of Commissioners for Swain County in building said bridge to be located at such place at or near said county line as said Commissioners may jointly decide to be for the greatest convenience of the citizens of said counties. Commissioners authorized to aid and act in conjunction with Swain County Commissioners in building bridge over Tuckasegee River. Location.

SEC. 3. That the amount of the tax levied as aforesaid under this act shall be determined by said Board of Commissioners, but shall not in either year exceed thirty-three and one-third cents on the one hundred dollars worth of property and one dollar on the poll, and the constitutional equation between the property and the poll shall always be observed in making such levies. Maximum amount of tax. Constitutional equation.

Collecting and  
accounting for  
tax.

SEC. 4. That said tax shall be collected and accounted for by the Sheriff or Tax Collector of said county in the same manner and under the same penalties prescribed by law for the collection of other taxes in said county.

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 5th day of February, A. D. 1901.

#### CHAPTER 101.

#### **An act to authorize the Board of School Directors of Jackson County to pay certain school claims.**

*The General Assembly of North Carolina do enact:*

Jackson County  
Board of School  
Directors  
authorized to pay  
unpaid school  
claims for 1898.

SECTION 1. That the County Board of School Directors for Jackson County be and they are hereby empowered and authorized to order all the unpaid school claims for the year 1898 to be paid out of the public school funds for the year 1901.

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. 1901.

#### CHAPTER 102.

#### **An act to amend Chapter two hundred and sixty-five (265), Public Laws of eighteen hundred and ninety-nine, in regard to levying a special tax for Graham County.**

*The General Assembly of North Carolina do enact:*

Chapter 265, Pub-  
lic Laws 1899,  
amended.

Limit of special  
tax increased.

Purpose and use.

SECTION 1. That section one of chapter two hundred and sixty-five (265), Public Laws of 1899, be amended by striking out the words and figures at the end of said section "fourteen thousand dollars (\$14,000.00)" and substituting therefor the words and figures "twenty thousand dollars (\$20,000.00)," and by adding thereafter to the end of said section the words "to finish paying indebtedness for new jail and other county indebtedness."

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. 1901.

## CHAPTER 103.

**An act to authorize the Commissioners of Iredell County to lease, hire out and work the convict force of said county on public or private property.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Commissioners of Iredell County 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 Iredell County by the Courts of Iredell and other counties.

Iredell County Commissioners authorized to hire out convicts to work on public or private property.

Meaning of words "convict force."

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.

Control, management, etc., of convict force when hired out.

SEC. 3. That the convicts composing said force shall not be subjected 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.

Treatment of convict force.

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

Conflicting laws repealed.

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 5th day of February, A. D. 1901.

## CHAPTER 104.

**An act to change the line between Wentworth and New Bethel Townships in Rockingham County.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That a new line be established between Wentworth and New Bethel Townships, and that the new line shall begin at the point on the south bank of Dan River where the present dividing line between Wentworth and New Bethel Townships, Rockingham County, now begins; thence up said river as it

Line between Wentworth and New Bethel Townships, Rockingham County, changed.

meanders to the mouth of Jacob's Creek; thence up said creek to the mouth of Little Jacob's Creek; thence up Little Jacob's Creek to the point where the present line crosses the same.

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

In the General Assembly read three times, and ratified this 5th day of February, A. D. 1901.

#### CHAPTER 105.

##### **An act to allow certain Commissioners in Craven County additional pay.**

*The General Assembly of North Carolina do enact:*

Chairman Board  
Commissioners  
and Commis-  
sioner to superin-  
tend poor and  
poor-house in  
Craven County,  
allowed addi-  
tional pay.

SECTION 1. That the Chairman of the Board of Commissioners of Craven County be and is hereby allowed five dollars (\$5.00) per month additional pay for services in superintending the public buildings of the county, and the Commissioner appointed by the said Board of Commissioners to superintend the poor and poor-house in said Craven County, shall be and is hereby allowed five dollars (\$5.00) per month additional compensation for such services.

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, 1901.

#### CHAPTER 106.

##### **An act to amend Chapter 114, Public Laws of 1895.**

*The General Assembly of North Carolina do enact:*

Chapter 114, Pub-  
lic Laws 1895, rel-  
ative to special  
tax collectors for  
Northampton  
and Robeson  
Counties,  
amended as to  
Northampton  
County.

SECTION 1. That chapter one hundred and fourteen of the public laws of eighteen hundred and ninety-five in so far as the same applies to the county of Northampton be and the same is hereby amended as follows: In section four of said act strike out the word "treasurer" wherever it occurs and insert the word "sheriff."

Compensation of  
Tax Collector.

SEC. 2. At the end of said section four add the words, "and for such services the said special tax collector shall receive two and one-half per centum on the amount of all taxes he collects as special tax collector."

SEC. 3. In line nine of section five of said act strike out the word "collects" and insert the word "receives."

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 5th day of February, A. D. 1901.

#### CHAPTER 107.

#### An act to appoint R. S. Williams Justice of the Peace for Oak Ridge Township, Guilford County.

*The General Assembly of North Carolina do enact.*

SECTION 1. That R. S. Williams be and is hereby appointed a Justice of the Peace for Oak Ridge Township, Guilford County, for a term of six years.

R. S. Williams  
appointed Justice  
of Peace for Guil-  
ford County.  
Term of office.

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

In the General Assembly read three times, and ratified this the 5th day of February, A. D. 1901.

#### CHAPTER 108.

#### An act to prohibit the sale of intoxicating liquors within one mile of certain churches in Martin and Pitt counties.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person or persons, firm or corporations to sell any spirituous, vinous, or malt liquors within one mile of Bear Grass or Conoho Primitive Baptist churches in Martin County, and within half mile of Briery Swamp or Great Swamp Primitive Baptist churches in Pitt County.

Unlawful to sell  
intoxicating  
liquors in one  
mile of Bear  
Grass and Conoho  
Churches, Martin  
County, and one-  
half mile of  
Briery Swamp or  
Great Swamp  
Churches, Pitt  
County.

SEC. 2. That it shall be unlawful for any person or persons, firm or corporations to sell on Sunday, within one mile of said churches as above-named, any lemonade, ginger ale, or other pop, or any confectioneries; and it shall be unlawful for any person or persons, firm or corporations to take any pictures within one mile of said churches on Sunday.

Unlawful to sell  
certain drugs and  
confectioneries or  
take pictures on  
Sunday within  
one mile of said  
churches.

SEC. 3. That this act shall not apply to any incorporated town within the prescribed limit.

Not applicable to  
incorporated  
towns.

SEC. 4. That any person or persons, firm or corporation violat-

Violation, misde-  
meanor.



Penalty.

ing any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned at the discretion of the Court.

SEC. 5. 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 February, A. D. 1901.

## CHAPTER 109.

### An act appointing additional Justices of the Peace for Catawba County.

*The General Assembly of North Carolina do enact:*

Henry H. Caldwell and M. F. Hull appointed Justices of Peace for Catawba County.

Term of office.

SECTION 1. That Henry H. Caldwell, of Caldwell Township, Catawba County, and M. F. Hull, of Bandy Township, Catawba County, be and they are hereby appointed Justices of the Peace for their respective townships, in said county, to hold office until the first Monday in December, nineteen hundred and six.

To retain Dockets, Codes, Books, etc., now in their possession.

SEC. 2. That it shall be lawful for the said Henry H. Caldwell and M. F. Hull to retain any unfilled docket, The Code and other books furnished to Justices of the Peace, now in their possession, for the proper conduct of the business of the office of Justice of the Peace.

Conflicting laws repealed.

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

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

In the General Assembly read three times, and ratified this the 5th day of February, A. D. 1901.

## CHAPTER 110.

### An act to appoint certain persons in Rutherford County Justices of the Peace.

*The General Assembly of North Carolina do enact:*

Certain persons appointed Justices of Peace for Rutherford County.

Term of office.

SECTION 1. That J. J. Hardin in Logan Store Township, Frank Reynolds in Chimney Rock Township, J. H. Miller and O. Morrow in Sulphur Springs Township, M. T. Carpenter in Rutherford Township, A. P. Rucker and James E. Shehane in Green Hill Township, all of Rutherford County, are hereby appointed Justices of the Peace for said county for the term of four

years. Their terms to begin upon the ratification of this act and their qualification as such Justices 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 5th day of February, A. D. 1901.

## CHAPTER 111.

### **An act to protect fish in Haywood County.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful to catch fish with seine or net of any kind whatsoever, in the Pigeon River (from the township line between Clyde and Beaverdam Townships) in Haywood County to the headwaters of both the east and west forks of said river.

Unlawful to catch fish with seine in Pigeon River, in Haywood County.

SEC. 2. That any person violating this act shall be guilty of a misdemeanor and on conviction shall be fined not more than twenty dollars, one-half to go to the informer, or imprisoned not more than twenty 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 the 5th day of February, A. D. 1901.

## CHAPTER 112.

### **An act to appoint W. S. Uzzle a Justice of the Peace for Mosely Hall Township of Lenoir County, and Wiley T. Mosely of Vance Township, Lenoir County.**

*The General Assembly of North Carolina do enact.*

SECTION 1. That W. S. Uzzle, of Mosely Hall Township, and Wiley T. Mosely, of Vance Township, of Lenoir County, be and they are hereby appointed Justices of the Peace in and for their respective townships in said county, for the term of six years, next ensuing the date of the ratification of this act.

Additional Justices of Peace appointed for Lenoir County.

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 February, A. D. 1901.

## CHAPTER 113.

**An act to prohibit the dredging of clams in Carteret County.***The General Assembly of North Carolina do enact:*

Unlawful to dredge, etc., for clams in Carteret County.

SECTION 1. That it shall be unlawful for any person, or persons, firm or corporation to catch clams within the waters of Carteret County with any dredge, scoop or other instrument except the ordinary clam rake, or clam tongs.

Violation a misdemeanor.

SEC. 2. That any person, or persons, firm or corporation violating the provisions of this act, shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned or both at the discretion of the Court.

Penalty.

SEC. 3. 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 February, A. D. 1901.

## CHAPTER 114.

**An act to appoint A. L. Lynam a Justice of the Peace in New Light Township, Wake County.***The General Assembly of North Carolina do enact:*

A. L. Lynam appointed Justice of Peace for Wake County.  
Term of office.

SECTION 1. That A. L. Lynam be and he is hereby appointed a Justice of the Peace for New Light Township, in Wake County, for the term of six years.

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 February, A. D. 1901.

## CHAPTER 115.

**An act to appoint J. L. Philpott a Magistrate for Palmyra Township in Halifax County.***The General Assembly of North Carolina do enact:*

J. L. Philpott appointed Justice of Peace for Halifax County.  
Term of office.

SECTION 1. That J. L. Philpott, be and he is hereby appointed a Justice of the Peace for Palmyra Township in Halifax County, for a term of six years from February 1, 1901.

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

In the General Assembly read three times, and ratified this the 5th day of February, A. D. 1901.

## CHAPTER 116.

**An act for the relief of sheriffs and tax collectors.**

*The General Assembly of North Carolina do enact:*

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 1895, 1896, 1897, 1898, and 1899, 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.

Sheriffs and tax collectors having on their books uncollected taxes allowed to collect them for years 1895 to 1899 inclusive.

SEC. 2. That no person shall be compelled to pay any tax under the provisions of this act who holds a receipt in full for the years named in section one of this act or who will make affidavit before any officer authorized to administer oaths that the tax attempted to be collected has been paid; nor shall any executor, administrator or guardian be compelled to pay any tax under the provisions of this act after he shall have made a final settlement.

Persons holding receipt in full or making affidavit that tax has been paid, and executors or guardians having made final settlement, exempt from provisions of this act.

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.

Sheriffs, Tax Collectors, etc., not relieved from liability to pay taxes at time required by law.

SEC. 4. That the authority herein given shall cease and determine on the thirty-first day of December, one thousand nine hundred and one.

This act not operative after December 31, 1901.

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 5th day of February, A. D. 1901.

## CHAPTER 117.

**An act to change the boundary line between Cherry Lane and Gap Civil Townships in Alleghany County.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That the boundary line between Cherry Lane Township in Alleghany County shall begin in the public road on top of the hill between John Wiles and A. B. Carson's, and run to south side of L. W. Fender's dwelling-house, then to Martin Evans' gate at public road, then with public road to Laurel Glenn church, then by the southeast side of Fred Rector's resi-

Boundary line between Cherry Lane and Gap Civil Townships, Alleghany County, changed.

dence, and in same direction to Glade Creek Township line, and thence with Glade Creek Township line to Gap Civil Township line, then with Gap Civil Township line to the beginning.

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 5th day of February, A. D. 1901.

#### CHAPTER 118.

##### **An act to exempt train dispatchers from jury duty.**

*The General Assembly of North Carolina do enact:*

Train dispatchers exempt from jury duty.

SECTION 1. That all persons employed in the railroad service as Train Dispatchers, and who have the actual handling of either freight or passenger trains, shall be exempt from jury duty.

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 February, A. D. 1901.

#### CHAPTER 119.

##### **An act to prevent the sale and manufacture of liquors within three (3) miles of the Mary Stewart School-House in Harnett County.**

*The General Assembly of North Carolina do enact:*

Unlawful to manufacture or sell intoxicating liquors within three miles of the Mary Stewart School-house, Harnett County.

SECTION 1. That it shall be unlawful for any person or persons, to sell or manufacture, any malt, spirituous, vinous or intoxicating liquors within three miles of the Mary Stewart (or Jernigan) school-house, or school-house site in District No. 4 for white race in Averysboro Township in Harnett County: *Provided*, that this act shall not apply to the manufacture of brandy, cider or wines on premises of owner in accordance with the law.

Brandy, cider and wines manufactured on premises of owner excepted.

Violation, misdemeanor.

Penalty.

SEC. 2. That any person or persons who shall violate the provisions of this act, shall be guilty of a misdemeanor for each and every offence, and upon conviction thereof, shall be fined 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. Conflicting laws repealed.

SEC. 4. That this act shall be in full force and effect from and after the 1st day of April, 1901: *Provided*, that this act shall apply only to Harnett County.

In the General Assembly read three times, and ratified this the 6th day of February, A. D. 1901.

#### CHAPTER 120.

#### **An act to prevent the felling of timber or brush in Meadow Fork of Spring Creek, or any of its tributaries, in Madison County.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person or persons to fell timber or brush in Meadowfork of Spring Creek, or its tributaries in Madison County, in which there is a continuous flow of water for at least two-thirds of the year, and allow the same to remain therein so as to obstruct the free passage of water. Felling timber, etc., in certain streams in Madison County, unlawful.

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

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

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

In the General Assembly read three times, and ratified this the 6th day of February, A. D. 1901.

#### CHAPTER 121.

#### **An act for the relief of the Clerk of the Superior Court of Robeson County.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Commissioners of the county of Robeson 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 Robeson County Commissioners empowered to make certain allowances to Clerk Superior Court.

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. 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 February, A. D. 1901.

## CHAPTER 122.

### An act to amend Chapter 28, Public Laws of 1899.

Preamble.

WHEREAS, Owing to the age and increasing number of deaths among the Confederate veterans it is desirable to expedite the printing of the histories of the Confederate regiments from this State,

*The General Assembly of North Carolina do enact:*

Printing and binding histories of North Carolina regiments, 1861-5, to be let separate from public printing.

SECTION 1. That the work of printing and binding the histories of regiments from North Carolina 1861-5 authorized by chapter 28, Public Laws of 1899, shall not be embraced in any contract for the public printing, but shall be let by a [committee] of two senators appointed by the President of the Senate, and three members of the House of Representatives appointed by the Speaker thereof, to some printing establishment in this State, which shall give bond for the proper and prompt execution thereof within a time prescribed by said committee, at a price, however, not to exceed that allowed for the public printing.

Bond.

Number of volumes.

SEC. 2. That not exceeding two thousand volumes in cloth binding of said sketches shall be published by the State.

Copies to be furnished writer of each sketch and editors of work.

SEC. 3. That a copy of the work shall be distributed to the writer of each sketch and to the editors of the work, in addition to those authorized to be distributed by said chapter 28, Public Laws 1899.

Completing State Records, how let, etc.

SEC. 4. That the work of completing the "State Records" shall be let by the same committee, in the same manner, at a price not exceeding that paid the public printer.

Conflicting laws repealed.

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

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

In the General Assembly read three times, and ratified this the 6th day of February, A. D. 1901.

## CHAPTER 123

**An act to repeal section two, Chapter four hundred and forty of the Public Laws of 1899, in regard to fishing in certain waters of New Hanover County.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That section two, chapter four hundred and forty of the Public Laws of one thousand eight hundred and ninety-nine be and the same is hereby repealed. Section 2, Chapter 440, Public Laws 1899, 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 6th day of February, A. D., 1901.

## CHAPTER 124.

**An act to erect and keep in repair fences around the stock law districts in Macon County.**

WHEREAS, An election was opened and held on the 13th day of December, 1900, submitting the question of stock law or no stock law to the qualified voters of a district in and around the town of Franklin; and Preamble.

WHEREAS, At said election a majority of the qualified voters of said district voted in favor of the stock law; therefore

*The General Assembly of North Carolina do enact:*

SECTION 1. The Board of Commissioners of Macon County are hereby authorized and directed to have erected around said territory, and to keep the same in repair, a good and lawful fence with good and sufficient gates across all public roads leading into said territory at the places where said roads intersect the limits of said stock law territory. Macon County Commissioners to erect fence around stock law territory in Macon County.

SEC. 2. That said Commissioners may let out the building of said fence and gates to any persons they may deem advisable, and in the manner they may deem most advantageous. May let out building of fence and gates.

SEC. 3. That said Commissioners may borrow such sums of money as may be necessary for the building of said fence and gates, at a rate of interest not to exceed six per centum per annum, and they are hereby authorized to execute notes or bonds for the money so borrowed, to be paid out of the taxes collected out of the territory within said stock law district in the manner prescribed by section 2824 of The Code of North Car- May borrow money to build fence.  
Interest.  
May execute notes or bonds therefor.  
How paid.

Contents of bonds or notes. olina, and said notes or bonds shall express on their face that the same shall be paid out of the taxes aforesaid.

How inhabitants of territory adjacent to stock law, may secure an election on the question. SEC. 4. That upon the written application of one-third of the qualified voters of any district or territory adjacent to any no-fence or stock-law boundary in said county, made to the Board of Commissioners of said county at any time, and setting forth definite boundaries, it shall be the duty of said Commissioners to submit the question of stock-law or no stock-law to the qualified voters residing within said boundary, under the same rules and regulations as are prescribed by law for the election of

Election, how conducted, members of the General Assembly; and if at any such election a majority of the votes cast shall be in favor of stock-law, then the stock-law shall be in force over the whole of said districts and the fence of such district may be annexed to any other stock-law fence that may adjoin said district.

Result and effect of election. SEC. 5. That the provisions of sections one and two of this act shall be applicable to any stock-law territory that has heretofore or may hereafter be established according to law.

Sections 1 and 2 of this act applicable to all stock law territory. SEC. 6. That all stock-law elections heretofore held in the county of Macon be and are hereby declared valid.

Former stock law elections declared valid. 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 6th day of February, A. D., 1901.

## CHAPTER 125.

### **An act to prohibit the killing of deer in Montgomery County.**

*The General Assembly of North Carolina do enact:*

Unlawful to hunt or kill deer in Montgomery County 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 Montgomery County for a period of five years.

Violation a misdemeanor. 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 ten dollars nor more than fifty dol-

Penalty. ars, or imprisoned not to exceed thirty days in the discretion of the Court.

Informant to get one-half of fine. SEC. 3. That any person giving information that will lead to the arrest and conviction of any person or persons violating section one 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 8th day of February, 1901.

## CHAPTER 126.

**An act to extend the time to compromise, commute and settle the State debt.***The General Assembly of North Carolina do enact:*

SECTION 1. That section eleven, chapter ninety-eight of the public laws of eighteen hundred and seventy-nine, being an act to compromise, commute and settle the State debt, ratified the fourth day of March eighteen hundred and seventy-nine, is amended by striking out the word "eighty-two" in the last line of said section eleven and inserting the words "nineteen hundred and three," so as to extend the time at which said act shall expire to January first, nineteen hundred and three, and the Governor is directed to resist the collection of all such bonds as are not funded by the time specified.

Chapter 98, Public Laws 1879, amended so as to allow till January 1, 1903, to fund and settle State debt.

Governor to resist collection of all bonds not funded by that time.

SEC. 2. That said section eleven is further amended by adding thereto the following words: "Provided, however, that in issuing bonds under the aforesaid act as now extended, the public treasurer shall, before delivering any new bonds thereunder, cut off and cancel all coupons whose date of maturity is prior to the time of such delivery."

Treasurer to cancel certain coupons before delivery under aforesaid act.

SEC. 3. That the Public Treasurer is authorized to use so much of the appropriation mentioned in section sixteen of said chapter as may be necessary for the purpose of advertising through the public journals or otherwise, the details of exchange for the information of holders of said bonds.

Treasurer authorized to use certain funds in advertising for information of bond holders.

SEC. 4. That all laws and parts 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 8th day of February, 1901.

## CHAPTER 127.

**An act for the relief of Laura B. Daniel of Nash County.***The General Assembly of North Carolina do enact:*

SECTION 1. That the County Treasurer of Nash County be authorized to pay out of the school funds of Bailey's Township, in said county, the sum of thirty-seven dollars and fifty cents to Laura B. Daniel, this being due her for teaching a public school in said township, white race.

Nash County Treasurer to pay, Laura B. Daniel, school teacher, \$37.50.



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

In the General Assembly read three times, and ratified this the 8th day of February, A. D. 1901.

## CHAPTER 128.

### An act to prevent the killing of birds in McDowell County.

*The General Assembly of North Carolina do enact:*

Unlawful to hunt or kill birds in McDowell County without permission of land owner.

SECTION 1. That it shall be unlawful for any person, or persons, to hunt with dog or gun, or kill any bird of any kind whatever, upon the lands of another person without first obtaining the permission of the owner of the land.

Violation a misdemeanor.

SEC. 2. Any person violating the provisions of the foregoing section shall be guilty of a misdemeanor.

Application restricted.

SEC. 3. This act shall apply to McDowell County only, and be in effect from and after its ratification.

In the General Assembly read three times, and ratified this the 8th day of February, A. D. 1901.

## CHAPTER 129.

### An act to prohibit hunting on any lands in Alleghany County except by written consent of owner.

*The General Assembly of North Carolina do enact:*

Unlawful to hunt on lands of another in Alleghany County, without written consent of owner.

SECTION 1. That it shall be unlawful for any person or persons to hunt birds or other game, on the lands of another person or persons in Alleghany County, with or without gun or dogs, except by the written consent of the owner or owners of the land.

Violation a misdemeanor.

SEC. 2. That any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than five dollars, nor more than ten dollars, for each and every offense.

Penalty.

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

In the General Assembly read three times, and ratified this the 8th day of February, A. D. 1901.

## CHAPTER 130.

**An act for the appointment of Justices of the Peace for the several townships of Caswell County.***The General Assembly of North Carolina do enact:*

SECTION 1. That the following Justices of the Peace be appointed for the county of Caswell, whose term of office shall be six years from the ratification of this act.

Justices of the Peace appointed for Caswell County.

For Anderson Township: John E. Herndon, L. B. Fitch, T. A. Boswell, A. B. Walker.

Term of office.  
Names of justices appointed.

For Dan River Township: John Denny, H. T. Barker, T. S. Harrison.

For Hightower's Township: Robert L. Mitchell, J. S. McAdams, S. H. Smith.

For Leasburg Township: Gabriel L. Walker, J. A. Stephens, B. F. Stanfield, George Oliver.

For Locust Hill Township: J. C. Allison, J. A. Williamson, J. W. Fuqua, I. K. Wright.

For Milton Township: W. T. Bryant, G. A. Chandler, J. B. Yarborough, J. M. Satterfield, R. L. Walker.

For Pelham Township: J. M. Hodges, J. L. Williams, L. S. Carter.

For Stony Creek Township: W. A. Minor, G. P. McKinney, P. M. Summery, J. W. Staddler.

For Yanceyville Township: Thos. P. Womack, H. F. Brandon.

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 8th day of February, A. D. 1901.

## CHAPTER 131.

**An act to allow the Board of County Commissioners of Wilson County to issue bonds to improve the court-house and other public property in Wilson County.***The General Assembly of North Carolina do enact:*

SECTION 1. The Board of County Commissioners of Wilson County are hereby fully authorized and empowered to issue bonds in a sum not to exceed fifteen thousand dollars (\$15,000), for the purpose of enlarging and improving the court-house in said county, for erecting fire-proof vaults therein.

Wilson County Commissioners authorized to issue bonds.  
Amount.  
Purpose.

How long said bonds to run.

SEC. 2. Said bonds shall run for a period of not less than ten nor more than twenty years, from the date of their issue, to be fixed by the Board of County Commissioners, and said bonds shall bear interest at the rate of five per centum per annum, the interest on said bonds to be paid semi-annually.

Interest.

Commissioners authorized to levy special tax.

SEC. 3. In order to provide for the payment of interest and said bonds as they mature, said Board of Commissioners are authorized and empowered to levy a special tax not to exceed four mills on every one hundred dollars worth of real and personal property and twelve mills on every taxable poll in said county, which tax when collected shall be applied to the interest on said bonds as it matures; balance be invested by the

Amount.

How to be applied.

Sinking fund.

said Board of Commissioners and held as a sinking fund for the payment of said bonds when they mature: *Provided*, that said Commissioners shall be empowered to purchase and retire one or more of said bonds annually from the proceeds of said tax when in their judgment the best interest of the county will be promoted thereby.

Power to purchase bonds

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

In the General Assembly read three times, and ratified this 8th day of February, 1901.

## CHAPTER 132.

### An act to prevent the felling of trees in the streams of Watauga County.

*The General Assembly of North Carolina do enact:*

Unlawful to fell trees in certain streams in Watauga County.

SECTION 1. That it shall be unlawful for any person or persons to fell any timber in the following-named streams: Watauga River, New River and Elk River, or any of their tributaries in the county of Watauga.

Violation a misdemeanor.

SEC. 2. That all persons violating the provisions of section one of this act shall be guilty of a misdemeanor and upon conviction shall pay a fine of not exceeding ten dollars 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 the 8th day of February, A. D. 1901.

## CHAPTER 133.

**An act to amend Chapter one hundred and nine (109), of the Laws of eighteen hundred and ninety-five (1895), for the protection of birds in Montgomery County.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one (1), chapter one hundred and nine (109) of the laws of eighteen hundred and ninety-five (1895) be amended as follows: By striking out the words "first day of February and fifteenth day of November" in lines four (4) and five (5), and inserting in lieu thereof the words "fifteenth day of November and the first day of March."

Chapter 109, Public Laws 1895, amended.

SEC. 2. That this act shall apply only to Montgomery 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 the 8th day of February, A. D. 1901.

## CHAPTER 134.

**An act to authorize the Commissioners of Brunswick County to levy a special tax.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That the County Commissioners of Brunswick 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, on all of the taxable property, real, personal, and polls of said county for the years one thousand nine hundred and one (1901) and one thousand nine hundred and two (1902), said special tax shall be levied at the same time that other taxes are levied in said county for the same years, and shall be collected by the sheriff under the same penalties, and shall be applied to the payment of the indebtedness of said county, and to no other purpose.

Brunswick County Commissioners authorized to levy special tax.  
Amount.

Years of levy.

Time of levy.

How collected.

How applied.

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

In the General Assembly read three times, and ratified this the 8th day of February, A. D. 1901.

## CHAPTER 135.

An act to authorize the County Treasurer of Sampson County to pay Miss Mary E. Thornton out of the public school money of District No. 3, for the white race, of Mingo Township, forty-two dollars.

*The General Assembly of North Carolina do enact:*

Sampson County  
Treasurer to pay  
Miss Mary E.  
Thornton, school  
teacher, \$42.00.

SECTION 1. That the Treasurer of Sampson County be and ~~is~~ hereby authorized and commanded to pay Miss Mary E. Thornton out of the public school money due School District No. 3, Mingo Township, for white race, forty-two dollars (\$42.00) for two months services as teacher of a public school in said school district.

SEC. 2. 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 8th day of February, 1901.

## CHAPTER 136.

An act to amend Chapter 173 of the Laws of 1895.

*The General Assembly of North Carolina do enact:*

Chapter 173, Pub-  
lic Laws 1895,  
amended.  
Onslow stricken  
out of said act.

SECTION 1. That chapter one hundred and seventy-three (173) of the Laws of 1895 be amended by striking out the word "Onslow" in line two, section ten (10), 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 8th day of February, A. D. 1901.

## CHAPTER 137.

An act to prevent public drunkenness in Yancey County.

*The General Assembly of North Carolina do enact:*

Unlawful to be  
drunk on public  
highway, road, or  
at public meeting.  
Misdemeanor.  
Penalty.

SECTION 1. That any person found drunk or intoxicated on the public highway, or public road, or any public meeting shall be guilty of a misdemeanor and upon conviction shall be fined not more than twenty-five (25) dollars or imprisoned not more than twenty days.



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: *Provided*, this act shall apply only to the county of Yancey.

This law, how executed.

Application restricted to Yancey 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 8th day of February, A. D. 1901.

#### CHAPTER 138.

**An act to amend Chapter one hundred and fifty-seven, Laws of one thousand eight hundred and ninety-nine.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred and fifty-seven, Laws of one thousand eight hundred and ninety-nine, be amended by striking out the words "or trap" in line one of section two of said act: *Provided*, that this act shall only apply to persons trapping quail on their own land.

Chapter 157, Public Laws 1899, relative to hunting or trapping birds in Randolph County, amended Only applicable to persons trapping on their own land.

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

In the General Assembly read three times, and ratified this the 8th day of February, A. D. 1901.

#### CHAPTER 139.

**An act to authorize Macon County to subscribe to the capital stock of the Blue Ridge and Atlantic Railway Company.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That for the purpose of aiding in raising the capital stock of the Blue Ridge and Atlantic Railway Company it shall and may be lawful for Macon County to subscribe to the capital stock of said Blue Ridge and Atlantic Railway Company such sums of money as a majority of the qualified voters of said county may authorize the Board of Commissioners of said county to subscribe. Said subscription shall be payable in the bonds of said county, not bearing a greater rate of interest than six per cent per annum, payable fifty years after the date thereof, and to be received by the said Blue Ridge and Atlantic Railway Company at par, and to be of the denomination of one

Macon County authorized to subscribe to capital stock of Blue Ridge and Atlantic Railway Company. Majority of qualified voters to authorize subscription. Payable in bonds. Rate of interest; when payable. Price. Denomination.

Interest payable annually.	hundred dollars and five hundred dollars, interest to be due and payable annually and so expressed in the face of said bonds: <i>Provided</i> , the total subscription of said county shall not exceed the sum of one hundred thousand dollars.
Maximum amount of subscription.	
Upon written petition of one hundred voters, Commissioners to order election. What petition to contain.	SEC. 2. That upon the written petition of as many as one hundred of the qualified voters of said county, asking that an election be called to vote on the question of subscription or no subscription to the capital stock of said Blue Ridge and Atlantic Railway Company, its successors or assigns, and stating the amount desired to be so subscribed, it shall be lawful for, and the duty of the Board of Commissioners of Macon County to call an election according to the prayer of the petition, at such time as said board may designate, and submit to the qualified voters of Macon County the question of subscription or no subscription to the capital stock of said Blue Ridge and Atlantic Railway Company, its successors or assigns.
Question to be submitted.	
Petition to be recorded and filed.	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 shall be filed in the office of the Register of Deeds of Macon County.
Publication of notice of election.	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 Macon County, a notice giving the day on which said election shall be held and the amount of the capital stock proposed to be subscribed.
Commissioners to appoint registrars and judges of election, canvass returns and declare result.	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 election, and the result thereof shall be spread upon the minutes of said board.
Result spread on minutes of board.	
Registrar and judges to count votes and certify result.	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.
Election, how held.	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.
Form of ballots.	SEC. 8. That at said election each qualified voter of Macon County who shall be in favor of the county of Macon 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 county who shall be opposed to issuing such 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.

All ballots cast to be counted.

SEC. 9. That if at said election a majority of the qualified voters of Macon County shall cast their votes for subscription, then the chairman of the Board of Commissioners of said county shall be and is hereby authorized and empowered to subscribe to the capital stock of said Blue Ridge and Atlantic Railway Company, its successors or assigns, the sum so 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; but said bonds shall neither be delivered nor bear interest until said railway company, its successors or assigns, shall have completed its line of railway to a point within one mile of the town of Franklin, North Carolina, and have trains running on said road on regular schedules, and connecting said town of Franklin with some other railroad system. Each of said bonds shall have attached thereto fifty coupons, each coupon to represent the interest that shall become due on said bond on the date mentioned in said coupon; 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 attached; said bonds and coupons shall specify on their face that the same shall not be delivered or bear interest until said railway company, its successors or assigns, shall have completed and in operation a railroad to some point within one mile of the town of Franklin, as hereinbefore provided.

If majority of qualified voters authorize, Commissioners to subscribe to capital stock of said road and issue bonds.

How executed.

When to be delivered and bear interest.

Form of bond coupons.

Coupons, how framed and executed

Specification on face of bond and coupon.

SEC. 10. That if at the first election called and held under the provisions of this act a majority of the qualified voters of Macon 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 rules and regulations as are herein contained.

Other elections provided for.

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 8th day of February, A. D. 1901.

## CHAPTER 140.

**An act to authorize Leicester Township in Buncombe County to subscribe stock to aid in the construction of a railroad from the city of Asheville to the town of Leicester.**

*The General Assembly of North Carolina do enact:*

Buncombe County Commissioners authorized to subscribe to the capital stock of any railroad company for Leicester Township.

Purpose of subscription.

Petition and order of election thereon.

Notice of election, what to contain.

Subscription, how authorized and made.

Elections, how held.

Vote, how compared and recorded.

Rate of interest.

Time, place and manner of payments.

Taxation.

SECTION 1. The Board of Commissioners of Buncombe County shall have power to subscribe stock to any railroad company or companies for the township of Leicester, in Buncombe County, when necessary to aid in the construction of an electric or steam railroad from the city of Asheville, in said county to the town of Leicester in said county.

SEC. 2. If one-third of the qualified voters of said township shall petition the Board of Commissioners of said county to be authorized to vote upon the proposition to take stock in any railroad company, and shall state in said petition the amount proposed to be subscribed, the Board of Commissioners of said county shall order an election to be held on a notice of not less than thirty days, for the purpose of voting for or against the proposition to subscribe the amount of stock mentioned in such petition. Said notice shall show the amount proposed to be subscribed, to what company and whether in bonds, money or other property. And if a majority of the qualified voters of said township shall vote in favor of the proposition, the Board of County Commissioners through their chairman shall have power to subscribe the amount of stock so voted by the people, subject to all the rules, regulations and restrictions of other stockholders in such company or companies: *Provided*, that the Board of Commissioners of said county in the manner aforesaid shall subscribe from time to time such amounts, either in bonds or money as they may think proper.

SEC. 3. All elections ordered under the preceding section shall be held by the Sheriff under the laws and regulations provided for the election of members of the General Assembly. The votes shall be compared by the Board of County Commissioners of said county, who shall make a record of the same.

SEC. 4. In case said township shall subscribe the amount proposed in bonds, said Board of Commissioners shall have power to fix the rate of interest not to exceed the rate of six per cent, when the interest on said bonds shall be payable, and at what place, and shall also fix the time and places of paying interest, and shall also determine the mode and manner of the same; and also, to raise by taxation from year to year the amount necessary to meet the interest on said bonds.

SEC. 5. The taxes authorized by the three preceding sections to be raised for the payment of interest or principal shall be collected by the Tax Collector of said county in the manner as other State taxes, and be paid into the hands of the County Treasurer to be used by the chairman of the Board of County Commissioners as directed by this act.

Taxes, how collected and disposed of.

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

In the General Assembly read three times, and ratified this the 8th day of February, A. D. 1901.

## CHAPTER 141.

### An act to amend section 2222 of The Code.

*The General Assembly of North Carolina do enact:*

That section 2222 of The Code be amended as follows:

SECTION 1. At the end of said section add the following: *Provided further*, that any number of resident persons in each of the following counties, namely, Currituck, Camden, Pasquotank, Perquimans, Gates, Chowan, Washington, Tyrrell and Dare, may associate themselves together as provided in section 2220 of this chapter under the name of the Albemarle Agricultural and Fish Association. When such association shall be fully organized, and the organization thereof certified by the president and signed by the secretary, and the secretary under the seal of the association shall certify the same to the Treasurer of the State, who, if by the said certificate it shall appear to him that such society has been duly organized as herein provided, and it shall be likewise made to appear to him by the certificate of the treasurer of the said society, signed by the president, and certified by the secretary under the seal of the association, that the aggregate sum of the amounts herein required of each of said counties has been actually paid to said society by the members thereof, within one year preceding for the sole benefit of said society shall pay to the treasurer of said association an equal amount out of the Public Treasury as above provided for the like sole use and benefit, and such payments shall be annually made by the Treasurer of the State on the terms and in the manner herein specified.

Section 2222, of The Code, amended.

Providing for organizing the Albemarle Agricultural and Fish Association, and State aid thereto.

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 8th day of February, A. D. 1901.



## CHAPTER 142.

**An act to prevent putting saw-dust in certain streams of Buncombe County.***The General Assembly of North Carolina do enact:*

Unlawful to put  
saw-dust in cer-  
tain streams in  
Buncombe  
County, etc.

SECTION 1. That it be unlawful for any person or corporation operating a steam saw-mill in the county of Buncombe to throw the saw-dust from any such mill into the following named streams or any of the tributaries thereof, to-wit: Big Ivy, Swannanoa or South Hominy or to allow the saw-dust from any such mill to flow or wash into any of the above-named streams.

Misdemeanor.

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

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 5th day of February, A. D. 1901.

## CHAPTER 143.

**An act for the relief of school committeemen, District No. 1, colored race, Franklinville Township, Randolph County.***The General Assembly of North Carolina do enact:*

School Commit-  
teemen, District  
No. 1, colored  
race, Franklinton  
Township, Ran-  
dolph County,  
authorized to  
sell school-house.

Notice.

Disposition of  
proceeds.

SECTION 1. That Arch Morrison, Henry Allred, and Bud Moffitt, School Committeemen of District No. 1, colored race, Trogdon's Grove, in Franklinville Township, Randolph County, be authorized to sell Trogdon's Grove school-house and one acre of land to the highest bidder for cash, on the premises, after first giving thirty days' notice at the court-house door and three other public places in said county, and pay the proceeds of said sale to the County Treasurer of Randolph County to be placed to the credit of said colored school district. Said deed for said land having been made by Joel F. Trogdon, September 30, 1878, to the colored people of Franklinville Township for school purposes. And that the said three committeemen are hereby authorized and directed to execute a proper deed to the purchaser.

Execution of  
deed.

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

In the General Assembly read three times, and ratified this the 8th day of February, A. D. 1901.

## CHAPTER 144.

**An act to prohibit hunting on any lands in Caswell County without the written permission of owner.***The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person to hunt upon the lands of another in Caswell County, with or without gun or dogs, without written permission of the owner.

Unlawful to hunt upon lands of another in Caswell County without written permission.

SEC. 2. That any person so offending shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not more than ten dollars for each and every 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 the 8th day of February, A. D. 1901.

## CHAPTER 145.

**An act to amend Chapter 353, Public Laws of 1897, in reference to stock law.***The General Assembly of North Carolina do enact:*

SECTION 1. That chapter three hundred and fifty-three, Public Laws of eighteen hundred and ninety-seven, entitled, "An Act to amend sections 2812, 2813, 2814, of The Code of North Carolina," be amended by striking out in section two thereof the words "and that no election shall be called in any territory having less than fifty qualified voters."

Chapter 353, Public Laws 1897, amended.

SEC. 2. That this act shall apply only to Jackson, Macon, Johnson and Lenoir counties.

Application to Jackson, Macon, Johnson and Lenoir Counties 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 8th day of February, A. D. 1901.

## CHAPTER 146.

**An act for better draining of lands on Clark's Creek in Lincoln County.***The General Assembly of North Carolina do enact:*

SECTION 1. That R. M. Roseman, W. L. Carpenter and H. F. McCaslin be and are hereby appointed commissioners to supervise and enforce a better drainage of Clark's Creek in Lincoln County, from the point where said creek crosses the dividing

Drainage Commissioners for Clark's Creek, Lincoln County.

line between Lincoln and Catawba Counties to its mouth at South Fork River.

Vacancy, how filled.

SEC. 2. That in case of a vacancy occurring by death, resignation or otherwise of any or all of said commissioners it shall be the duty of the County Commissioners of said county upon application of any interested land-owner on said creek to appoint some suitable person owning land on said creek to fill such vacancy.

Appointment of overseer.

SEC. 3. That said commissioners shall appoint an overseer who shall serve for a term of two years from his appointment and until his successor is appointed: *Provided*, that no overseer shall be required to serve for more than one term of two years, in each six years unless he consents to do so.

Proviso

Duties of Commissioners.

SEC. 4. It shall be the duty of said commissioners at least twice in every year to examine said streams and notify the said overseer of any and all work necessary and proper to be done, in order to keep said stream free from obstructions, and the bank thereof clean; and also to notify the said overseer of any alterations and changes that should be made in the channel of said stream. It shall be the duty of said overseer within five days after receipt of such information from said commissioners to notify the respective parties, who own or occupy lands along said stream, what work is needed and required of him respectively.

Duties of overseers.

Duties of land owners.

SEC. 5. That each land-owner along said stream shall keep the bed of said stream along and adjoining his lands clean and free from logs, brush and other obstructions and to keep the banks of said stream clean for a distance of four feet from said banks, and to widen the channel of said stream when and in accordance with the directions and instructions given him by the said overseer.

When land owner to begin and how long to continue work.

SEC. 6. That each land-owner shall within fifteen days after notification by said overseer begin and continue until he has completed any work required of him in accordance with the directions of the said overseer.

Land owner to furnish tools.

SEC. 7. That each owner or occupant of land along said stream shall be required to furnish such implements and means, for working, cleaning and removing obstructions of said stream as are necessary and proper for such work, and shall be required to work such time as the overseer may deem necessary and proper, not exceeding ten days in any one year.

How long required to work in each year.

Refusal to work, misdemeanor.

SEC. 8. That any person who shall refuse to perform the work required of him for the space of fifteen days after such notification by the overseer shall be guilty of a misdemeanor and on

conviction shall be punished by a fine not exceeding fifty dollars, or by imprisonment not exceeding thirty days: *Provided*, that any party required to work on said stream as above mentioned, may in lieu of such work, pay to the overseer the sum of one dollar for each and every day, which overseer estimates is necessary and proper for him to work, and upon such payment, the said party, person or persons shall be discharged and relieved from further responsibility for work during such year, in which the payment is made.

Penalty.  
Payment in lieu  
of work.

SEC. 9. That all moneys arising from failure to work on said stream, and all fines and penalties collected under this act shall be paid to the overseer, and by him expended under the direction of the commissioners in improving, cleaning and keeping the said stream clean.

Moneys arising  
from failure to  
work, how dis-  
posed of.

SEC. 10. That any overseer who shall fail or neglect to perform the duties required of him by this act, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by fine not exceeding fifty dollars or by imprisonment not exceeding thirty days.

Overseers, neglect  
of duty misde-  
meanor.

Penalty.

SEC. 11. That nothing contained in this act shall prevent the building of public bridges on public roads across said stream or private bridges or water gates by the land owners, for their own convenience: *Provided*, such private bridges and water gates do not obstruct the drainage of said stream.

Building bridges,  
water gates, etc.,  
not prohibited.

Proviso.

SEC. 12. That nothing herein contained shall be so construed as to prevent or excuse persons herein mentioned from working on public roads.

Persons liable to  
work under this  
act not excused  
from road duty.

SEC. 13. All laws and all acts in conflict with this act, and all laws pertaining to the draining of Clark's Creek between the points mentioned in section 1 of this act are hereby repealed in so far as the same conflict with this act: *Provided*, this does not bind the Elm Grove Cotton Mills in any way, as to fines and forfeitures, as they have no tendable land upon said Clark's Creek, but allows the land-owners upon said Clark's Creek to clean out the channel of said Clark's Creek on the lands of the said Elm Grove Cotton Mills.

Conflicting laws  
repealed.

Exception as to  
Elm Grove Cotton  
Mills.

That none of the county bridges now on said Clark's Creek shall be interfered with.

Bridges not to be  
interfered with.

SEC. 14. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this 3th day of February, A. D. 1901.

## CHAPTER 147.

**An act to prevent the running at large of live stock in the County of Robeson.***The General Assembly of North Carolina do enact:*

Stock law for Robeson County.

SECTION 1. That it shall be unlawful for any livestock to run at large in the county of Robeson, after January first, 1902, under the pains and penalties prescribed in chapter 20, volume second of The Code, the provisions of which chapter as to impounding stock running at large, and particularly sections 2816, 2817, 2818, 2819, 2820, being hereby declared a part of this act.

Code provisions made part of this act.

Word "stock" defined.

SEC. 2. The word "stock," as used in this chapter, shall be defined as in chapter 2822, volume second of The Code and amendments thereto.

Violation of act, misdemeanor.

SEC. 3. Any person allowing his livestock to run at large in said county after January first, 1902, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined for each offense not exceeding fifty dollars or imprisoned not exceeding thirty days.

Penalty.

Erection of fence.

SEC. 4. That it shall be the duty of the Commissioners of said county to provide for the erection of a substantial fence commencing at the head of McKay's mill pond in said county, and running thence to the line of Cumberland County, thence along the line of Cumberland County to the line of Scotland County, with gates across all public highways running therein; said fence not to be less than four and a half feet high, to be completed by January first, 1902.

Boundary.

Height.

Commissioners to let out building of fence.

SEC. 5. That it shall be the duty of the Commissioners of said county, on the first Monday in September, 1901, to let out to the lowest responsible bidder the building of the fence hereinbefore provided for.

Stock law tax.

SEC. 6. That the Commissioners of said county shall at the time provided by law for the levy of county taxes in the year 1902 and each and every year thereafter, levy such taxes on all real property within the county of Robeson as may be necessary for the erection of the fence provided for in this act: *Provided*, that the same shall not exceed, in any one year, one-half of one per centum on the one hundred dollars valuation.

Maximum amount.

Tax to repair fence.

SEC. 7. That the said Commissioners shall in each and every year at the time prescribed by law for the levy of county taxes levy on all real property within said county such taxes as to them may seem just and proper for the repair of the fences herein provided for, not exceeding in any one year one-fourth of one per centum on the one hundred dollars valuation.

Maximum amount.



SEC. 8. All contracts for repair of stock-law fence in said county shall be let out by the Commissioners thereof to the lowest responsible bidder on the first Monday in January in each and every year, or as soon thereafter as possible.

Repair contracts,  
how and when  
let out.

SEC. 9. All taxes collected in said county for the building or repair of any fence provided for in this act shall be collected, held and accounted for at the same time, in the same manner and by the same officers as are provided by law for the collection of State and county taxes; and the sheriff of said county is hereby invested with the same power and authority for the collection of said taxes as are given to him for the collection of State and county taxes.

Stock law taxes,  
how collected.

SEC. 10. That Lumber River, so far as the same extends between the counties of Robeson and Columbus and to the confluence with Great or Big Swamp, is hereby declared a lawful fence.

Lumber River  
lawful fence.

SEC. 11. That the Great or Big Swamp from its confluence with the Lumber River to the head of the McKay mill pond, is hereby declared a lawful fence: *Provided, however,* that the Commissioners of said county shall provide for the erection of gates on all bridges over said swamp in county of Robeson, and also over all bridges across Lumber River where the same is by this act declared a lawful fence.

Big Swamp law-  
ful fence.

Erection of gates  
on bridges.

SEC. 12. That the Commissioners of said county are hereby authorized, in their discretion, to cause to be erected at any point or points in said county on Lumber River or on the Great Swamp such fence or fences as to them may seem necessary and proper for more effectually preventing the crossing of said streams by any live stock, said fencing to be contracted for and paid for in the same manner as the other fencing hereinbefore provided for.

Erection of fences  
along Lumber  
River and Great  
Swamp.

SEC. 13. All laws and clauses of laws in conflict with [this] act are hereby repealed.

Conflicting laws  
repealed.

SEC. 14. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 8th day of February, A. D. 1901.

## CHAPTER 148.

An act to amend Chapter three hundred and fifty-three (353), Laws of one thousand eight hundred and ninety-seven (1897), relating to stock law.

*The General Assembly of North Carolina do enact:*

Chapter 353, Public Laws 1897, amended by striking out "Johnston and Randolph."

SECTION 1. That section four (4) of chapter three hundred and fifty-three (353), Laws of one thousand eight hundred and ninety-seven (1897), be and the same is hereby amended by striking out the words "Johnston and Randolph" in line six (6) 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 be in force and effect from and after its ratification.

In the General Assembly read three times, and ratified this 8th day of February, A. D. 1901.

## CHAPTER 149.

An act to authorize the Commissioners of Scotland County to issue bonds to purchase a site for a court-house, jail, and home for aged and infirm, and to build a court-house and jail and home for aged and infirm.

*The General Assembly of North Carolina do enact:*

Scotland County Commissioners authorized to issue bonds.

Purpose.

Interest.

Amount.  
Denomination.  
Coupons.

When coupons payable.

Bonds and coupons, numbered, etc.

Receivable for taxes.

SECTION 1. That the County Commissioners of Scotland County for the purpose of purchasing a site or location for a court-house, jail and home for the aged and infirm, and building a court-house, jail and home for the aged and infirm in Scotland County are authorized and empowered to issue bonds bearing interest at the rate of six per cent per annum to the amount of thirty thousand dollars of the denomination of one hundred dollars. To each of said bonds shall be attached coupons representing the interest on said bonds, said coupons shall be due and payable on the first Monday in January of each year until the bonds shall become due. The bonds so issued by the said Commissioners shall be numbered consecutively from one to three hundred, and the coupons shall bear the number corresponding to the bond to which they are attached and shall state the amount of interest which they represent and when due and shall be receivable in payment of all county taxes. The bonds

shall run for a period of thirty years from their issue and shall be exempt from all county and municipal taxation.

Maturity,  
Exempt from  
taxation.

SEC. 2. That the said bonds shall be issued under the signature of the chairman of the Board of County Commissioners and shall be attested by the Register of Deeds under the official seal of the Board of County Commissioners of said county, and the said chairman of County Commissioners shall under the direction of the Board of Commissioners of said county, sell and dispose of said bonds for cash as shall be necessary in the purchase of said sites or locations and in prosecution of the work on, or building said buildings at a sum not less than their par value: *Provided*, that the issue and sale of said bonds shall cease at the discretion of the said Board of County Commissioners.

How executed

Sale.

Price.

Termination of  
issue and sale.

SEC. 3. That for the purpose of paying the interest on said bonds as it falls due and of providing a sinking fund for the redemption of said bonds it shall be lawful for and the duty of said Board of Commissioners for said county 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.

Special tax  
authorized for  
interest and  
sinking fund.

Maximum  
amount.

SEC. 4. That in order that the said County Commissioners may use the excess of the funds raised by taxation under this [act] after paying the annual interest accrued on said bonds, the said Commissioners are authorized and empowered to purchase each year one-thirtieth of said bonds so issued at a sum not exceeding their par value, and in case no one shall offer to sell one-thirtieth of said bonds at par then the said Commissioners are authorized to designate such bonds not exceeding one-thirtieth of the whole number issued as they may desire to purchase, and after the designation of said bonds and a notice thereof for thirty days given through a newspaper published in said county if the holder of said bonds shall fail or refuse to surrender the same and receive their par value with the interest accrued at the expiration of such notice, then the holders of such bonds shall not receive or be entitled to interest on such bonds accruing subsequent to the expiration of such notice: *Provided*, the said bonds shall be affected with the provisions of this section of this act only in case such provisions are expressed in the face of said bonds.

Commissioners  
authorized to  
purchase bonds.

Bondholder refus-  
ing to surrender  
bond, interest to,  
cease.

Provisions for  
purchase and sur-  
render must be  
expressed in face  
of bond.

SEC. 5. That the Commissioners of said county shall provide a record which shall be kept by their clerk in which shall be entered the name of every purchaser of a bond and the number of the bond purchased. They shall also cause to be kept a

Record of bonds,  
etc.

Destruction of  
redeemed bonds.

record of the bonds redeemed each year, 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.

This act to be in force from and after its ratification.

In the General Assembly read three times, and ratified this 8th day of February, A. D. 1901.

#### CHAPTER 150.

**An act to prohibit the hunting with dogs and guns upon the lands of another in Mt. Gilead Township in Montgomery County,**

*The General Assembly of North Carolina do enact:*

Unlawful to hunt  
on lands of  
another in Mt.  
Gilead Township,  
Montgomery  
County, without  
written consent  
of owner.  
Misdemeanor.

SECTION 1. That it shall be unlawful for any person to hunt with dog or gun upon the lands of another in Mount Gilead Township, Montgomery County, without first obtaining the written consent of the owner of the land to so hunt.

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 ten dollars nor more than fifty dollars, or imprisoned not to exceed thirty 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 8th day of February, A. D. 1901.

#### CHAPTER 151.

**An act for the relief of J. A. Parsons, a public school teacher, in Clay County.**

*The General Assembly of North Carolina do enact:*

Clay County  
Treasurer  
authorized to pay  
J. A. Parsons,  
public school  
teacher, \$7.80.

SECTION 1. That the Treasurer of Clay County be and is hereby authorized and empowered to pay J. A. Parsons seven dollars and eighty cents (\$7.80) out of the public school funds, now due or that may hereafter be due, District three in Hayesville Township for white race, as a residue for services rendered as a teacher in said district, during the school year ending June the thirtieth, one thousand eight hundred and ninety-eight (1898).

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 February, A. D. 1901.

## CHAPTER 152.

**An act for the relief of N. O. Petree, Clerk of the Superior Court of Stokes County.***The General Assembly of North Carolina do enact:*

SECTION 1. That N. O. Petree, Clerk of the Superior Court of Stokes County, be allowed to absent himself from his office of Clerk, during the months of July, August and September in the year one thousand nine hundred and two, 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 leave at his office a competent deputy to perform all duties authorized to be performed by said deputy, during the time above stated.

Clerk Superior Court, Stokes County, allowed to absent himself from his office.

Must leave 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 the 9th day of February, A. D. 1901.

## CHAPTER 153.

**An act for the protection of deer in Caswell County.***The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for anyone to kill any deer in the county of Caswell for a period of six years, and any one so offending shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned not over thirty days.

Unlawful to kill deer in Caswell County for six years.  
Misdemeanor.  
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 9th day of February, A. D. 1901.

## CHAPTER 154.

**An act to prohibit fishing in Deep Creek in Swain County.***The General Assembly of North Carolina do enact.*

SECTION 1. That it shall be unlawful for any person to catch fish, with hook, seine, or otherwise in Deep Creek or its tributaries in Swain County for a term of three years.

Unlawful to catch fish in Deep Creek, Swain County, for three years.

Misdemeanor

Penalty.

Portion of creek  
excepted.

SEC. 2. That any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or less than five for each and every offence, or imprisoned for not more than thirty days: *Provided*, that nothing in this act shall apply to said Deep Creek from Bryson's Mill down to its mouth.

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 9th day of February, A. D. 1901.

## CHAPTER 155.

### An act for the relief of Miss Maggie Gamble, a school teacher, of Gaston County.

*The General Assembly of North Carolina do enact:*

Gaston County  
Treasurer  
authorized to pay  
Miss Maggie  
Gamble, public  
school teacher,  
\$28.50.

SECTION 1. That the Treasurer of Gaston County be and is hereby authorized to pay to Miss Maggie Gamble twenty-eight and 50-100 (\$28.50) dollars due her for teaching a public school in old school district number seventy-four (74), now school district number four (4) in Crowder's Mountain Township, white race, out of any money now, or that may hereafter be, in the treasury due said school district number four (4) in Crowder's Mountain Township, white race.

To pay same  
party \$12.00.

SEC. 2. That the said Treasurer be and he is hereby authorized to pay to Miss Maggie Gamble the sum of twelve (12) dollars due her for teaching a public school in school district number one (1) for white race, the same being in the town of Dallas, out of any money which may hereafter come into his hands to the credit of said district number one (1) for white race.

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

In the General Assembly read three times, and ratified this the 9th day of February, A. D. 1901.

## CHAPTER 156.

### An act to appoint a committee to investigate the management of the North Carolina Institution for the Deaf and Dumb and the Blind.

*The General Assembly of North Carolina do enact:*

Committee of five  
to investigate  
management of  
Deaf, Dumb and  
Blind Institution.

SECTION 1. That a committee of five members, two on the part of the Senate, and three on the part of the House, be appointed to investigate the condition and management of the North Caro-



lina Institution for the education of the deaf and dumb and the blind.

SEC. 2. That the said joint committee be authorized, empowered, and directed to inquire into the financial condition of the above-named institution, with full power and authority to inquire into and investigate any and all charges of mismanagement, incompetency, negligence on the part of any officer or employee of said institution.

Powers of committee.

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

Powers of committee, stenographer and counsel.  
Meetings.

Chairman, witnesses, etc.

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

Powers of chairman to punish for contempt.

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

To investigate and report without delay.

SEC. 6. That the said joint committee are empowered and authorized to visit in person the said institution and all departments in connection therewith, and to make personal investigation and examination of all the books and papers thereof.

To visit in person and make personal examination of books, etc., of said institution.

SEC. 7. That all expenses incurred by the said committee, including the remuneration of accountants, stenographer, counsel fees, and witnesses, shall be paid by the Treasurer of the State out of the funds of the State not otherwise appropriated, upon the warrant of the chairman, countersigned by the secretary of said joint committee.

State Treasurer to pay expenses.

SEC. 8. That any person who shall wilfully fail and refuse to attend and testify before said committee; after having been subpoenaed to do so, shall be guilty of a misdemeanor, and upon conviction in the Superior Court of any county in the State where he may be found, he shall be fined not less than one hundred nor more than one thousand dollars, and imprisoned in the discretion of the Court: *Provided*, that the testimony

Failure or refusal to testify, after subpoena, misdemeanor.

Penalty.

Proviso.

given by any such a witness shall not be used against him in any criminal prosecution.

Conflicting laws  
repealed.

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

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

In the General Assembly read three times, and ratified this the 9th day of February, A. D. 1901.

#### CHAPTER 157.

**An act to amend Chapter one hundred and thirty-three (133), Public Laws of one thousand eight hundred and ninety-nine.**

*The General Assembly of North Carolina do enact:*

Chapter 133, Public Laws 1899, relative to shooting wild fowl in Dare County, amended.

SECTION 1. That section three (3), chapter one hundred and thirty-three (133), Public Laws of one thousand eight hundred and ninety-nine, be and the same is hereby repealed, and the following substituted in lieu thereof: That any non-resident may be permitted to shoot from any blind, battery box or float: *Provided*, that such blind, battery box or float is the property of a resident of this State and county: *Provided further*, that the owner thereof shall pay a license tax of five dollars for each battery, blind box or float so used, and that not more than two non-residents shall use or shoot from any blind, battery box or float at the same time.

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 9th day of February, A. D. 1901.

#### CHAPTER 158.

**An act to prohibit the throwing of saw-dust in certain streams of Yancey County.**

*The General Assembly of North Carolina do enact:*

Unlawful to permit saw-dust to go into certain streams in Yancey County.

SECTION 1. That it shall be unlawful for the owner, lessee or employee or any other person having charge of any steam saw-mill in the county of Yancey to throw the dust of said mill or permit the same to go into Cane River, Pig Pen Creek, Bald

Creek, Bald Mt. Creek, Little Bald Mt. Creek, Big Creek, Bent Creek, Price's Creek, Indian Creek, Elkvalow Creek, Cat-tail Creek, Jack's Creek and South Toe River or any of its tributaries, and any person violating the provisions of this act shall be guilty of misdemeanor, and upon conviction shall be fined not less than five (\$5.00) dollars, nor more than twenty-five (\$25.00) dollars, and imprisoned twenty days for each and every offence: *Provided*, this act shall not apply to any saw-mill run by water.

Misdemeanor.

Penalty.

Not applicable to mills run by water.

SEC. 2. 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 February, A. D. 1901.

## CHAPTER 159.

**An act to exempt Daniel V. Davis, of Davie County, from license tax on account of physical infirmity.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That Daniel V. Davis, of Davie County, is hereby permitted to exhibit a magic lantern, and a graphophone concert, in which he may use also what he calls a good and evil spirit phenomenon, without paying a license tax either to the State or any county, city or town in North Carolina, the said Davis having served nearly four years in the Confederate army, in Company H, 54th North Carolina Regiment, during which service he was wounded three times, and in 1863 he was shot through the left lung, in a skirmish near Winchester, Virginia, and was partially paralyzed in consequence in his left arm.

Daniel V. Davis permitted to exhibit magic lantern, etc., without paying license tax.

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

In the General Assembly read three times, and ratified this the 9th day of February, A. D. 1901.

## CHAPTER 160.

**An act to amend Chapter 155, Public Laws of 1897, relative to public school in the town of Littleton.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That all the words after the word six in line 5 of section one of chapter 155, Public Laws of 1897, to, and including the word schools in line twelve of said section be stricken out, and the following be substituted therefor, to-wit: M. E.

Chapter 155, Public Laws 1897, amended.

Newsome, S. J. Stallings, B. Roy Browning, Eugene Johnston, L. J. Pidot, A. M. Johnston, J. J. Myrick, C. G. Moore, Willis Alston, R. A. Patterson, J. E. McCraw, H. J. Cardle, E. B. Perry, Jr., John Wright, J. F. Newsome, Westley Hudson.

Sec. 2. That this act shall be in force from and after the first day of November, 1901.

In the General Assembly read three times, and ratified this the 9th day of February, A. D. 1901.

#### CHAPTER 161.

##### **An act to appoint Iredell Hilliard a Justice of the Peace.**

*The General Assembly of North Carolina do enact:*

Iredell Hilliard appointed Justice of the Peace for Union County.  
Term of office.

SECTION 1. That Iredell Hilliard be and he is hereby appointed a Justice of the Peace in and for the township of Monroc, County of Union, for a term of six years, beginning from the passage of this act and his acceptance and qualification.

Section 27 of The Code not applicable.

Sec. 2. That section twenty-seven (27) of The Code of North Carolina shall not be applicable to the said Iredell Hilliard.

Right to practice law.

Sec. 3. That the appointment of the said Iredell Hilliard, his acceptance, qualification and exercise of the duties of the office of Justice of the Peace in and for said township and county shall in no wise affect his right to practice as an attorney at law in the various courts of Union County, except in those cases with which he may be or may have been connected as Justice of the Peace.

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 February, A. D. 1901.

#### CHAPTER 162.

##### **An act to more effectually protect schools and religious gatherings in Ashe County.**

*The General Assembly of North Carolina do enact.*

Drunkennes within two hundred yards of any church or school-house in Ashe County, at certain times, unlawful.

SECTION 1. That any person who shall exhibit himself intoxicated, or be found in a drunken condition within two hundred yards of any school-house or church in Ashe County during the hours that students are assembling for the purpose of attending at any school-house in said county where a term of school is

then in progress, or during the time the citizens of said county, or any number of them are assembling for the purpose of attending or taking part in an entertainment to be held under the auspices of any such school, or during the hours that any such school or entertainment is in progress, or during the time that the students or citizens then and there assembled shall be departing therefrom, or during the time the citizens or any number of them are assembling at any church in said county of Ashe for the purpose of engaging in religious worship, or during the hours they are engaged in religious worship, or during a reasonable time for their departure therefrom, shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days.

Misdemeanor.  
Penalty.

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 February, 1901.

## CHAPTER 163.

### An act to provide for the payment of certain school claims in Transylvania County.

*The General Assembly of North Carolina do enact:*

SECTION 1. That certain school claims issued by the lawful authorities to the persons named, and in the amounts set out in section 2 of this act, on the Treasurer of Transylvania County, for services rendered during the year 1899, shall be paid at face value by the said Treasurer out of the public school funds applicable to the public schools of said county for the year 1901, and the said County Treasurer is hereby authorized and directed to pay said claims out of the first moneys coming into his hands applicable as aforesaid.

Transylvania  
Treasurer to pay  
certain school  
claims.

SEC. 2. The persons to whom said claims were issued and their respective amounts being as follows: Miss Alice Dunn, \$85.28; Miss Nannie Sitton, \$66.20; Mrs. Louisa Reece, \$33.14; R. W. Lee, \$29.14; B. C. and Luther Anderson, \$44.43; H. P. Nicholson, \$65.41. Total, three hundred and twenty-three dollars and sixty cents.

Persons to whom  
payable and  
amounts.

SEC. 3. That after deducting the total amount set out in section two of this act from the moneys appropriated for the public schools of said Transylvania County for the year 1901,

Apportionment  
of residue of  
school money.

the remainder of money so appropriated shall be apportioned to all the public schools in said county, per capita, and regardless of the payments provided for in 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 February, A. D. 1901.

#### CHAPTER 164.

**An act to provide for the celebration of "North Carolina Day" in the public schools.**

*The General Assembly of North Carolina do enact:*

October 12th, "North Carolina Day," in each year to be celebrated in public schools.

If October 12th on Saturday or Sunday or Sunday, celebration to be on Monday.  
 Provide when school not in session October 12th.

SECTION 1. That the 12th day of October in each and every year to be called "North Carolina Day" may be devoted by appropriate exercises in the public schools of the State to the consideration of some topic or topics of our State history to be selected by the Superintendent of Public Instruction: *Provided*, that if the said day shall fall on Saturday or Sunday, then the celebration shall occur on the Monday next following: *Provided further*, that if the said day shall fall at a time when any such school may not be in session, the celebration may be held within one month from the beginning of the time, unless the Superintendent of Public Instruction shall designate some other time.

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 February, A. D. 1901.

#### CHAPTER 165.

**An act to provide to establish Epsom High School District, Vance County, North Carolina.**

*The General Assembly of North Carolina do enact.*

**Preamble.**

WHEREAS, The patrons residing in School District, No. 3, white race, in Hayesville Township, Franklin County, North Carolina, and in School District, No. 1, white race, in Sandy Creek Township, Vance County, North Carolina, for the promotion of education in the said districts have heretofore bought a site at Epsom, North Carolina, and erected thereon a school building



in which a school is now being conducted, and which is suitably located with reference to the said above two school districts, and the convenience of the patrons residing therein; therefore be it enacted:

SECTION 1. That said School District, No. 3, white race, in Hayesville Township, Franklin County, and School District, No. 1, white race, Sandy Creek Township, Vance County, as the said two districts are now laid off, bounded and established, be and the same are hereby consolidated, and the territory embraced within the limits of the said two districts be and the same is hereby created and established a free school district to be known as Epsom High School District, for white race.

School District No. 3, white race, Hayesville Township, Franklin County, and No. 1, white race, Sandy Creek Township, Vance County, consolidated.

Name.

SEC. 2. That the said Epsom High School District herein created and established shall receive its pro rata share of the public school fund from each of the said counties of Franklin and Vance, according to the number of children of school age and entitled to the benefits of the public free schools living within said districts and within each of the said above counties. And the said free school district herein created and established shall be governed by the same laws, rules and regulations as other free school districts in the State, except as herein provided and modified. That the sum apportioned to the said Epsom High School District by the counties of Franklin and Vance, from the public school fund, shall be paid to the Treasurer of the county of Vance, who shall become the treasurer of said Epsom High School District.

Pro rata apportionment of public school funds.

Government of school district.

Treasurer.

SEC. 3. That upon the payment to the Treasurer of Franklin County of the pro rata share of the public school fund belonging to School District, No. 3, of said county as at present laid out and established, the same shall be forwarded by the said Treasurer to the Treasurer of Vance County, who shall receipt for the same, and place to the credit of the Epsom High School District, and the same together with the pro rata share of the public school fund apportioned to that part of the district lying in Vance County shall be paid out by the Treasurer of Vance County upon the order of the trustees of Epsom High School District hereinafter provided for.

Franklin County funds for district to be forwarded to Vance County Treasurer.

Disposition of funds.

SEC. 4. That the following persons shall constitute the Board of Trustees for said Epsom High School District, and shall hold office for the following terms, to-wit: Wm. B. Daniel, George T. Ayscue, and George T. Dickie, for the term of six years from and after the ratification of this act; I. M. Green, George H. Medlin and Dr. B. P. Alston, for the term of four years from and after the ratification of this act; and T. L. Gooch, S. W. ...., and David Weldon, for the term of two years from and after the ratification of this act.

Trustees.

Term of office.

Vacancies, how filled.

All vacancies occurring in said Board of Trustees from any cause shall be filled by the said Board of Trustees for the term of six years, except in case of death, resignation, and in the event of either of these cases, for the unexpired term of the trustee so dying or resigning.

Duties of trustees.

SEC. 5. It shall be the duty of the said trustees to have general management and control of the school, to locate the same in case it should be deemed wise in their opinion to change the present location of the buildings and school to some other part of the district, to employ teachers, and to look after the welfare of the school: it shall also be their duty at the time as now provided by law to make a true and correct census of the number of children of school age living in that portion of said district (now No. 3) in Franklin County, and in like manner to make a true and correct census of all the children of school age living in that part of the said district herein created (now No. 1, white) lying in Vance County, and forward the same to the Board of Education of Vance County.

Vance County Treasurer and compensation.

SEC. 6. That the Treasurer of Vance County shall receive no compensation whatever for receiving or paying out any of the moneys received from the county of Franklin apportioned to said school district now created herein.

Teachers' certificates.

SEC. 7. That the teachers or teacher employed to teach school at any time in the said district herein created, shall have such certificate as is required by law from the proper authorities of either Franklin or Vance counties, as the trustees may elect, but nothing herein shall compel any such teacher or teachers to stand examination in more than one county.

Examination provision.

Manufacture and sale of intoxicants in three miles prohibited.

SEC. 8. That it shall be unlawful for any person or persons, firm or corporation to manufacture or sell any spirituous, vinous or malt liquors, brandy peaches or brandy cherries within three miles of Epsom High School building as now located at Epsom in Vance County, North Carolina.

Misdemeanor.

SEC. 9. That any person or persons, firm or corporation, violating the provisions of section 8 of this act, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned at the discretion of the court: *Provided*, the provisions of said section shall not apply to the sale of wine by persons manufacturing the same out of grapes raised on their own premises, and sold on the premises.

Penalty.

Exception as to domestic wines.

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 February, A. D. 1901.

## CHAPTER 166.

**An act to amend Chapter 267, Laws of 1887, in reference to drainage of low lands.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter No. 267, Laws of North Carolina, 1887, be and the same is hereby amended by adding the word "lake" after the word "swamp" and before the word "or" in lines 3, 6 and 14, of section 1: "*Provided*, this act shall apply only to Hyde County."

Chapter 267, Laws 1887, 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 18th day of February, A. D. 1901.

## CHAPTER 167.

**An act to amend Chapter 23, section 914 of The Code, relative to extra terms of the Superior Court.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That section 914 chapter 23 of The Code be amended by adding at the end of said section the words "without extra compensation," "except actual expenses" to be paid by the county in which the special term is held.

Extra terms Superior Court held by judges without extra compensation, except actual expenses.

SEC. 2. This act shall be in force from and after July 1, 1901.

In the General Assembly read three times, and ratified this 18th day of February, A. D. 1901.

## CHAPTER 168.

**An act to prevent hunting on the lands of another in Wilson, Cabarrus, Pender and Polk counties without the owner's consent.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person or persons with gun or dog to hunt upon any lands in Wilson, Cabarrus, Pender and Polk counties, without first having received permission to do so from the owner of said lands or his authorized agent.

Unlawful to hunt on lands of another in Wilson, Cabarrus, Pender and Polk Counties, without permission of owner.

SEC. 2. 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. 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. 1901.

## CHAPTER 169

### An act authorizing the appointment of a cotton-weigher for the town of Greenville.

*The General Assembly of North Carolina do enact:*

Pitt County Commissioners to elect cotton weigher for Greenville.  
Term of office.

SECTION 1. That on the first Monday of April, 1901, the Board of Commissioners of the county of Pitt shall elect a cotton weigher for the town of Greenville.

SEC. 2. That the cotton weigher so elected shall hold his office for a term of one year from the date of his election and his successor shall be elected annually thereafter on the first Monday of April in each year.

Official bond.

SEC. 3. That the cotton weigher elected as above provided for, before he shall be allowed to act as weigher shall give a justified bond in the sum of five hundred dollars, conditioned for the faithful performance of his duties as cotton weigher; the said bond to be approved by the Board of Commissioners, and when approved filed in the office of the Register of Deeds of Pitt County; and said cotton weigher before entering upon his duties shall make and subscribe an oath before some person qualified to administer oaths, to faithfully, fairly and impartially weigh all cotton brought to him, and to perform all other duties of cotton weigher in the same manner, and any cotton weigher accused and convicted of any fraud or unfairness in weighing or making unfair deductions from the weights, shall be peremptorily removed from office by said Board of Commissioners.

Amount.  
Conditions.

Bond to be approved and filed.

Cotton weighers' oath.

Penalty for unfair weighing.

Others weighing cotton in Greenville guilty of misdemeanor.

SEC. 4. Any person other than the aforesaid cotton weigher, who shall weigh any bale of cotton offered for sale in said town of Greenville, shall be guilty of a misdemeanor, and punished in the discretion of the Court.

Compensation.

SEC. 5. The cotton weigher provided for in this act shall receive as compensation for his service ten cents for each bale weighed, five cents to be paid by the buyer and five cents by the seller, and each buyer shall retain from the price of said cotton five cents to be paid to the weigher as the seller's part of the compensation due said weigher, and the sum of ten cents shall be paid by the buyer of said cotton to the weigher, five cents for himself and five cents for the seller or owner.

SEC. 6. The said Board of Commissioners are empowered to fill all vacancies in said office of cotton weigher. Vacancies, how filled.

SEC. 7. 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. 1901.

## CHAPTER 170.

### **An act to validate and confirm certain probates of corporate articles of agreement.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That all proofs and acknowledgments of articles of agreement, required to be proved or acknowledged under section six hundred and seventy-eight (678) of The Code, which have been heretofore made before any officer who was at that time authorized by the laws of this State to take proofs and acknowledgments of deeds and mortgages other than a Clerk of the Superior Court referred to in section six hundred and seventy-seven (677), of The Code and laws amendatory thereof and section six hundred and seventy-eight (678) of The Code, are hereby ratified and confirmed and declared to be as valid and regular as if they had been made before such Clerk. Certain probates of corporate articles of agreement 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 18th day of February, A. D. 1901.

## CHAPTER 171.

### **An act to re-establish the office of Treasurer for Surry County.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That the office of County Treasurer in Surry County be and the same is hereby established, but a vacancy shall exist until the next general election. Office of Treasurer of Surry County established.

SEC. 2. That said office shall be filled at the next general election, and a Treasurer for said county shall be elected by the voters of Surry County at said election as other county officers are elected and the election of such Treasurer shall take place every two years thereafter. When said office to be filled.

Sec. 3. 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. 1901.

#### CHAPTER 172.

**An act to amend Chapter one hundred and six (106), Laws of one thousand eight hundred and eighty-five (1885).**

*The General Assembly of North Carolina do enact:*

Chapter 106, Laws 1885, in regard to stock law in Edgecombe County, amended

SECTION 1. That chapter one hundred and six (106) Laws of 1885 be and the same is hereby amended by striking out all of section 18, of said chapter.

Sec. 2. That this act shall take effect from and after the first day of January, nineteen hundred and two (1902).

In the General Assembly read three times, and ratified this 18th day of February, A. D. 1901.

#### CHAPTER 173.

**An act to secure the passage of fish in the Cape Fear and Northeast rivers.**

*The General Assembly of North Carolina do enact:*

Providing where stationary nets may be set in Cape Fear River in New Hanover County.

SECTION 1. That it shall be unlawful for any stationary net to be operated in the waters of Cape Fear River except on the east side of said river in New Hanover County, beginning at a point one hundred yards from the edge of the channel on the east side of said river and running thence due east one hundred and twenty yards, then leaving a gap of one hundred and twenty yards. Then from the east end of said gap, another net may be set one hundred and twenty yards only, and to continue in the same proportion, always requiring a gap of one hundred and twenty yards to intervene between each one hundred and twenty yards of nets so set, and no net or set of nets of any kind shall be placed opposite said gaps, within a distance of a half mile of same and none of the nets so set shall be nearer than a half mile of the west shore of said Cape Fear River.

Only one net to be owned or controlled by one person.

When and where shad nets can be operated.

SEC. 2. That no person or persons shall own or control more than one line of said nets running east and west: *Provided*, that no net so operated shall run other than east and west: *Provided further*, that no shad net or nets shall be operated or fished in said Cape Fear River below the mouth of Brunswick



River between the fifteenth (15) day of April and the first day of January of each and every year, and no set net or stationary net of any kind shall be fished in said Cape Fear River north of the mouth of Brunswick River or in Brunswick River: *And it is further provided*, That no drift net operated anywhere in said Cape Fear River, shall be more than three hundred yards in length.

Prohibition as to set or stationary nets.

Length of drift-nets prescribed.

SEC. 3. Any person violating the provisions of this act shall be fined or imprisoned in the discretion of the Court.

Violating provisions of act, misdemeanor. Penalty.

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

Conflicting laws repealed.

SEC. 5. 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. 1901.

#### CHAPTER 174.

#### An act to create a new township in Haywood County to be known as Cecil 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 Haywood to be known as Cecil Township, to be formed of a part of Pigeon Township in said Haywood County.

Cecil Township created in Haywood County.

SEC. 2. That the boundary lines of the said Cecil Township shall be as follows: Beginning on top of the Jack Davis knob in Waynesville Township line; thence running with the dividing ridge between the Inman Branch and T. B. Edmonson's to the public road at Ivy Hill School-House; thence with said public road to where the same crosses the Inman Branch; thence with said branch to the west fork of Pigeon River; thence crossing the river to the point of the ridge between the Warren Cove and the Chamber's Branch; thence up the top of said ridge and with the main leading ridge to the top of the Cold Mountain to the East Fork Township line; thence with the said East Fork Township line to the county line between Haywood and Jackson counties; thence with said county line to the Waynesville Township line and with said Waynesville and the present Pigeon Township line to the beginning.

Boundary lines.

SEC. 3. That the said Cecil Township shall have all the powers, rights and privileges now granted to townships by law.

Township powers, rights 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 18th day of February, A. D. 1901.

## CHAPTER 175.

**An act to extend the time for registering grants and cure certain registrations.***The General Assembly of North Carolina do enact:*

Time for registering grants extended to three years from January 1st, 1901.

SECTION 1. That all grants from the State of North Carolina of lands and interests in land heretofore made, which were required or allowed to be registered within a time or times specified by law, or in the grants themselves, may be registered in the counties in which the lands lie respectively at any time or times within (3) years from the first day of January, nineteen hundred and one, notwithstanding the fact that such specified times have already expired, and all such grants heretofore registered after the expiration of such specified time or times shall be taken and treated as if they had been registered within such specified time or times: *Provided*, that nothing herein contained shall be held or have the effect to divest any rights, titles or equities in or to the land covered by such grants, or any of them, acquired by any person or persons from the State of North Carolina by or through any entry or entries, grant or grants, made or issued since such grants were respectively issued, or of those claiming through or under such subsequent entry or entries, grant or grants.

No rights, titles or equities divested.

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. 1901.

## CHAPTER 176.

**An act to provide for the revocation of the license of any insurance company which shall apply for removal of any action at law from a court of this State to a court of the United States; and to amend the Craig Law so that it will not apply to insurance companies.***The General Assembly of North Carolina do enact:*

Chapter 54, Public Laws 1899, amended.

Insurance company applying to remove cause from Superior Court of this State to United States Court, or instituting suit in United States Court against a citizen of this State on insurance matter, to forfeit license.

SECTION 1. That chapter 54 of the Public Laws of 1899, entitled "An act to regulate fire insurance and other companies," be amended as follows: In section 14, after the word "thereto" and before the word "he" insert the words "or if any foreign insurance company shall apply to have removed from the Superior Court of any county in this State to the United States Circuit or District Court, any action instituted against it, or shall institute any action, or suit in equity in a United States Court against any citizen of this State growing out of, or in any way connected with any policy of insurance issued by said in-

surance company." That chapter 62, Public Laws of 1899, be amended by striking out, wherever it occurs, the word "insurance."

Chapter 62, Public Laws 1899, not to apply to insurance companies.

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

In the General Assembly read three times, and ratified this 18th day of February, A. D. 1901.

#### CHAPTER 177.

**An act to prohibit the sale of spirituous liquors in Buncombe and McDowell counties within six miles of Black Mountain.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That it be unlawful for anyone to manufacture or sell spirituous, vinous or malt liquor or intoxicating liquors of any kind within six miles measured in a straight line of the corporate limits of the town of Black Mountain.

Unlawful to manufacture or sell intoxicating liquors within six miles of Black Mountain.

SEC. 2. That anyone violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned at the discretion of the Court.

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. 1901.

#### CHAPTER 178.

**An act to amend Chapter seventy-nine (79), Public Laws of one thousand and eight hundred and ninety-nine (1899).**

*The General Assembly of North Carolina do enact:*

SECTION 1. That section fourteen (14) chapter seventy-nine (79) Public Laws of one thousand eight hundred and ninety-nine (1899) be amended by adding to the end of said section the following: *Provided*, that after any such goods or stranded property shall have been saved, the said goods shall be immediately placed under guard; one guard to be selected by the commissioner or owner representing the same, and one other guard to be selected by the salvors saving the same. And that such goods or stranded property shall be kept under strict guard until the day of sale: *Provided*, that no such property shall be sold at private sale: *Provided further*, that at any

Chapter 79, Public Laws, 1899, relative to stranded vessels, amended.

Saved stranded property to be placed under guard.

Provisions as to sale of stranded property.

Account of sales. such public sale of stranded property, the salvors shall select one person, and the commissioner one other, who shall keep an accurate account of the sales, make the collections and settle with the commissioner his fees and [pay] to the salvors the amount awarded them by the referees.

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

In the General Assembly read three times, and ratified this the 18th day of February, A. D. 1901.

## CHAPTER 179.

### **An act to establish the stock law in a certain part of McDowell County.**

*The General Assembly of North Carolina do enact:*

Unlawful for stock to run at large in certain parts of McDowell County. SECTION 1. That it shall be unlawful for any livestock, viz: horses, mules, asses, colts, cows, hogs, goats, sheep or any neat cattle, or swine, or geese, to run at large, within that part of McDowell County, North Carolina, that is enclosed within the following boundaries, viz: Beginning on the north side of the Catawba River at the Burke County line; thence up the river to Ted Burgin's mill to the Greenlee stock law boundary line; thence with the said line to Blackwelder's fence, on the west side of Curtis's Creek; thence with the most practical route to a point on the north side of the railroad near Henry's Station; thence on the north side of said railroad to the public road crossing at the east side of Swannanoa Tunnel; thence on the north side of said road to the top of Swannanoa Gap, the Buncombe County line; thence with the said county line to the Henderson County line; thence with the said county line to the Rutherford County line; thence with the said county line to the Burke County line; thence with the said county line to the beginning.

Fence commissioners. SEC. 2. That R. A. Tate, W. J. Souther, A. W. Gillam, Joseph M. Kanipe, John H. Garrison, are hereby appointed fence commissioners, and as such it shall be their duty to provide for the building and keeping in repair a suitable fence not less than four and a half feet high, with suitable gates at every passing of a public road, along or near the above-stated boundaries, except where the Catawba River is the boundary, which river is hereby declared to be a lawful fence, and where the lines of Henderson, Rutherford and Burke Counties are called for, being already stock-law territory, and so much of Buncombe County as is now "stock-law" territory.

Duties.

Catawba River lawful fence.

SEC. 3. The fence commissioners shall elect one of their number as chairman, and any three of them shall constitute a quorum, with power to act upon any matter before them. And upon any vacancy occurring by death, resignation or failure to qualify, or otherwise, shall be filled by the Board of County Commissioners of McDowell County, from among the citizens living within and owning land in said territory.

Chairman of  
fence commis-  
sioners.  
Quorum.  
Vacancy.  
How filled.

SEC. 4. The fence commissioners shall make an annual report to the Board of County Commissioners of McDowell County on or before the first Monday in June, giving as near as may be, the cost of building said fences and gates as above contemplated or of keeping the same in repair, as the case may be; and it shall be the duty of the Board of County Commissioners of McDowell County at their meeting in June, in each year when their other taxes are levied, to levy a tax upon all real estate situate in said territory, sufficient to defray the costs of said fence, which said tax shall in no case exceed a tax of one-fourth of one per centum or twenty-five cents on the hundred dollars worth of real estate in said territory, said taxes to be collected as other taxes.

Report of Fence  
Commissioners.

County Com-  
missioners to levy  
special tax.

Maximum  
amount.

SEC. 5. Any person owning land in said territory may at his own expense erect such gate as his convenience may require in the line of said fence, and any gate so erected shall be kept in good and sufficient repair by such land owner.

Erection of gates.

SEC. 6. The provisions of the stock-law as contained in The Code of North Carolina, volume number two, chapter twenty, so far as consistent with this act, are hereby adopted and made part of this act, and are made applicable to this said territory, and to all persons and stock therein, in the same manner as if said territory had adopted the stock-law in the manner prescribed in said chapter of The Code.

Consistent sec-  
tions of Code  
made part of this  
act.

SEC. 7. It shall be the duty of the fence commissioners to give public notice by posters at five public places in said territory that the proposed fences and gates have been completed, and after such notice has been posted ten days, thereafter it shall be unlawful for all such animals as are enumerated in section one of this act to run at large within the territory aforesaid.

Commissioners to  
give notice when  
fence and gates  
complete.

Unlawful for  
stock to run at  
large ten days  
after notice.

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

In the General Assembly read three times, and ratified this the 18th day of February, A. D. 1901.

## CHAPTER 180.

An act to validate certain stock law elections held on the 23rd day of October and on the 10th day of November, 1900, in Swain County, North Carolina, and to modify and change the boundary designated in the election held on the 23rd day of October, 1900, in certain respects, and to legalize certain acts of the County Commissioners done in pursuance thereof.

*The General Assembly of North Carolina do enact:*

Portions of Swain County legislatively declared to be under stock law.

Certain stock law elections and declarations and acts thereunder validated.

Stock law boundaries.

Unlawful for live stock to run at large in said boundaries.

Penalty.

SECTION 1. That all those sections and portions of Swain County which have heretofore been declared to be under the stock-law are hereby declared to be under the stock-law, and that the election held on the 23d day of October, 1900, and on the 10th day of November, 1900, in said county and all declarations and acts of the Board of County Commissioners of Swain County done in pursuance thereof are hereby legalized, validated and made regular and all defects, defaults and irregularities are hereby cured.

SEC. 2. That the boundary desired to be under the stock-law by virtue of the election held on the 23d day of October, 1900, be extended and modified as follows, to-wit: Leaving the original line at the creek near Jessie Upton's, thence up Clark's Creek to the mouth of Pigeon Creek, thence up Pigeon Creek, with Tabor's outside fence to the Poplar Cove Gap; thence by the most practicable route to the original boundary line near the lower end of John Jenkins's lane; also leaving the original line at the Bain's Gap and running to the John Brendle Gap on the waters of Kirkland's Creek; thence with the back fences of John Brendle and John Rathbone to what is known as the Old Log Yard; thence with the back fences of Will Rogers, D. P. Ferguson and N. P. McLean to Colley's fence, the beginning of the Whittier Stock-Law Boundary; also leaving the original boundary at Plemmon's fence on Deep Creek; thence up Deep Creek to Fayette Wiggins's line; thence with said line to Wiggins's back fence; thence with the back fences of Fayette Wiggins, Mrs. Parris A. Bowers, Chas. Meadows, T. Seay; thence crossing lands [Land's] Creek, and running with the back fences of Jack Hall, Bud Kitchen, Noah Russell and E. Everett; thence in a straight line to the Tuckaseegee River.

SEC. 3. That it shall be unlawful for any livestock or geese to run at large within the boundary designated by this act; and any livestock or geese running at large within said boundary may be impounded as provided for in sections 2816, 2817, 2818 and 2819 of The Code and acts amendatory thereof: *Provided,*



that the claim of any impounder for damages and charges shall be superior to the claim of any mortgagee.

SEC. 4. That section 2820 of The Code and acts amendatory thereof be and the same are hereby fully incorporated and made a part of this act, and if any person shall wilfully and negligently permit fire to communicate to any stock-law fence or if any person shall wilfully set fire to any woods, straw or other combustible material and permit it to burn any stock-law fence, such person shall be guilty of a misdemeanor and shall be fined not exceeding fifty dollars or imprisoned in the county jail for not more than thirty days or both, and shall also be liable in a suit to be brought by the County Commissioners for any and all damages resulting therefrom.

Section 2820 of The Code and amendments thereto made part of this act.

Burning stock law fence misdemeanor.

Penalty.

SEC. 5. That the above-described boundary shall be enclosed by a good and sufficient fence as soon as practicable with suitable gates across all public highways leading into said boundary. That for the purpose of the speedy erection and completion of said fence and for other purposes hereinafter set forth, the Board of County Commissioners shall appoint five fence commissioners whose term of office shall be two years from the date of their appointment who shall for their services as such receive a reasonable compensation to be fixed by the Board of County Commissioners. It shall be the duty of said fence commissioners to cause the erection of the fence around the said stock-law boundary as speedily as possible and with as little expense as possible and to have the oversight of and cause such repairs to be made as may be necessary to said fence during their term of office: *Provided further*, that at the expiration of the term of office of said fence commissioners it shall be the duty of the Board of County Commissioners to appoint their successors for a like term of office and to fill all vacancies that may occur in said body.

Provisions for enclosing stock law boundary.

Fence Commissioners.

Term of office.  
Compensation.

Duties of Commissioners.

Appointment of successors to Fence Commissioners.

Vacancies.

SEC. 6. That for the purposes of the said stock-law boundary the Tuckaseegee River is hereby declared to be a lawful fence from the mouth of Land's Creek to its junction with the Tennessee River, and the Tennessee River from its junction with the Tuckaseegee River to the Macon County line.

Portion of Tuckaseegee and Tennessee rivers declared lawful fence.

SEC. 7. That as soon as said fence commissioners shall report to the Board of County Commissioners that said stock-law boundary is enclosed by a sufficient fence with gates across all highways leading into same it shall be the duty of the Chairman of the Board of County Commissioners immediately to give notice by advertisement at the court-house door and at three other public places within the boundary for ten days, at the expiration of which time all the provisions of this act to be in full force.

When fence and gates complete, County Commissioners to give notice.

Ten days after notice, provisions of this act in force.

Sections of stock law territory in Swain County declared to constitute one stock law boundary.

SEC. 8. That those sections of Swain County declared to be under the stock-law in pursuance of the elections held on the 23d day of October, 1900, and on the 10th day of November, 1900, and the additions thereto designated in section 2, of this act, be and the same are hereby declared to constitute one stock-law boundary.

County Commissioners to levy special tax.

SEC. 9. That for the purpose of defraying the expenses of enclosing said stock-law boundary and of keeping the fences and gates around same in repair, the Board of Commissioners of Swain County shall immediately upon the ratification of this act proceed at once to levy a tax not to exceed one-fourth of one per cent on all the taxable real estate within said boundary; and the sheriff of said county is hereby authorized, empowered and directed to collect said tax immediately after said levy is made.

Amount.

Collection thereof.

Conflicting laws repealed.

SEC. 10. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

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

In the General Assembly read three times, and ratified this the 18th day of February, A. D. 1901.

## CHAPTER 181.

**An act to provide for the defense of officers and persons prosecuted in the Federal Courts.**

*The General Assembly of North Carolina do enact:*

Attorney-General to defend persons prosecuted in Federal Courts for acts committed in performance of State duties.

SECTION 1. That whenever any person is prosecuted in any of the Federal Courts in this State for any act committed by him in the performance of any duty imposed on him by the laws of North Carolina, it shall be the duty of the Attorney-General of the State to enter an appearance in the name of the State in behalf of such officer or person and defend him in such prosecution.

Governor may employ additional counsel.

SEC. 2. That the Governor of the State, upon the written request of the Attorney-General, is hereby authorized and empowered to employ competent counsel to assist the Attorney-General in the defense of all such officers or persons.

Governor to pay fees of counsel employed, costs and necessary expenses.

SEC. 3. That the Governor of the State is authorized and empowered to pay the fees of counsel employed by him, court costs and all necessary and reasonable expenses incurred by such officers or persons in making his defense in all such prosecutions as well as the actual expenses of the Attorney-General incurred in such cases.

SEC. 4. That the Governor of the State shall certify the amounts to be paid to all persons under the provisions of this act to the Auditor of the State, who shall issue a warrant for the same, which warrant shall be paid by the State Treasurer out of any money in the State Treasury not otherwise appropriated.

Machinery for payment of amount hereinbefore provided for.

SEC. 5. That this act shall apply to all such prosecutions now pending in the Federal Courts in this State against Registrars and Judges of Election and any other persons.

Application of act.

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

In the General Assembly read three times, and ratified this 8th day of February, A. D. 1901.

## CHAPTER 182.

### An act to prevent livestock from running at large in the counties of Watauga, Mitchell and Caldwell.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person or persons to wilfully or intentionally allow any horse, mule, jack, jennet, cattle, hogs, sheep or any other livestock, to run at large off their owner's premises in the counties of Watauga, Mitchell and Caldwell.

Unlawful to allow stock to run at large in Watauga, Mitchell and Caldwell Counties.

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 two dollars (\$2.00) or more than ten dollars (\$10.00), for each and every offence, for each head of stock so allowed to run at large: *Provided*, that if the citizens of any township, in either of the above-named counties shall become dissatisfied with the provisions of this act and desire to be released from the same, a majority of the qualified voters of said township may petition the Board of County Commissioners of their county who shall order an election to determine the same. The date of election shall be fixed by the said Board of County Commissioners and they, the County Commissioners of either of the said counties wherein such an election is desired, shall furnish such township or townships with ballots for said election. Those wanting to remain in the stock-law boundary shall vote a ballot, with the words "For Stock Law," on it, and those desiring to be released from the provisions of the stock-law shall vote a ballot with the words "Against Stock Law," on it. If a major-

Violation a misdemeanor.

Penalty.

Citizens of any township dissatisfied may petition County Commissioners and hold an election.

Date of election.

Ballots, how furnished.

Form of ballots.

Result of election and effect thereof.	ity of the ballots cast contain the words "For Stock Law" on them, then such township shall remain as stock-law territory, but if a majority of the ballots at such election, shall have on them, the words "Against Stock Law," then the territory of such township shall be declared from under the provisions of the stock-law. All such stock-law elections shall be held under the same rules and regulations as other elections: <i>Provided further</i> , that if the qualified voters of any township in either of said counties shall vote themselves from under the provisions of this act then the Board of County Commissioners of the county in which such township is contained, shall levy a tax of not more per annum than twenty-five cents (25) on each one hundred dollars (\$100.00) worth of real estate in said township for as many successive years as is necessary to obtain funds to fence in such released territory and the said Board or Boards of County Commissioners shall cause all such released territory to be fenced in as fast as above-named levy will pay for the same, but all such released territory shall remain as stock-law territory until it is lawfully fenced in.
Elections, how conducted.	
Citizens of township voting themselves from under provisions of this act to be taxed to fence in said township.	
Amount of tax.	
Provisions for fencing in released territory.	
Township stock law territory till fence built.	
Stock wandering into said territory liable to be impounded.	SEC. 3. That all stock wandering from other States and counties not included in the above-named stock-law boundaries, shall be considered as "astray" and liable to be impounded.

SEC. 4. That this act shall be force from and after the first day of May nineteen hundred and one (1901).

In the General Assembly read three times, and ratified this 18th day of February, A. D. 1901.

#### CHAPTER 183.

**An act to authorize the Board of Commissioners of Forsyth County to fund its debts and levy tax for the payment of same.**

Preamble.

WHEREAS, The Board of Commissioners of Forsyth County for the purpose of raising the sum of fifty-five thousand dollars with which to erect and equip a county court-house, issued one hundred and ten bonds in the sum of five hundred dollars each bearing interest from date at the rate of six per cent per annum, thirty-eight of said bonds maturing May 1, 1901, thirty-six maturing May 1, 1906, and the remaining thirty-six maturing May 1, 1911; and

Preamble.

WHEREAS, The General Assembly of North Carolina by an act of 1899 ratified the 28th day of February, 1899, being chapter 307 of the acts of 1899, authorized and empowered the said Commissioners of Forsyth County to levy and collect a tax with

high to discharge and pay off, etc., the principal and interest of said bonds; and

WHEREAS, The first series of bonds, to-wit, thirty-eight, mature on May 1, 1901, and there are no funds with which to pay the same, and the said Commissioners of Forsyth County are desirous of funding the same, by issuing thirty-eight new bonds in the sum of five hundred dollars each, bearing interest at the rate of not more than six per cent per annum from date, payable semi-annually, and maturing the 1st day of May, 1916. Now therefore.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Commissioners of Forsyth County are hereby fully authorized and empowered to fund the series of thirty-eight county bonds each for the sum of five hundred dollars with interest at the rate of six per cent (6 per cent) by issuing a new series of thirty-eight bonds in the sum of five hundred dollars each, bearing interest at the rate of not more than six per cent (6 per cent) per annum, payable semi-annually, said bonds to mature May 1, 1916, and said Board of Commissioners of Forsyth are also empowered to levy a special tax from year to year beginning with the year 1901, and until the debt and interest are fully paid, said tax being to pay the said bonds issued for the erection of a county court-house, and for no other purpose: *Provided*, in no one year shall the tax authorized to be levied and collected exceed ten cents on the one hundred dollars worth of property, and thirty cents on poll, and said tax shall be levied at the same time and in the same manner, as other taxes are levied, on all the taxable property and polls in the county.

SEC. 2. That the said tax shall be collected and accounted for by the Sheriff or other tax collector of said county in the same manner, under the same bonds and penalties, and within the same time as now provided by law for other taxes levied in said county.

SEC. 3. That this act shall in no way interfere with or repeal the act of 1899, chapter 307, providing for the payment of the other bonds as they may mature.

SEC. 4. That the bonds issued as aforesaid, shall be signed by the Chairman of the Board of County Commissioners, and countersigned by the Register of Deeds, Clerk of the Board, authenticated by his seal, and shall express upon their face the purpose for which they were issued, and there shall be attached thereto coupons calling for interest thereon, semi-annually from date of said bonds.

Preamble.

Commissioners of Forsyth County authorized to fund thirty-eight county bonds maturing May 1, 1901.

New bond issue.

Interest.

Maturity of bonds.  
May levy special tax.

Purpose of tax.

Maximum annual tax rate.

Time and manner of levy.

Collection of special tax.

Chapter 307, Laws 1899, not interfered with.

Bonds, how executed.

Form and contents of bonds.

Coupons.

Disposal of  
bonds.

SEC. 5. That the Commissioners of said county may dispose of said bonds in any way which they may deem best for the interest of the county: *Provided*, no bonds shall be sold for less than par and accrued interest.

Minimum price  
for bonds.

Coupons receiv-  
able for taxes.

SEC. 6. That the coupons on said bonds shall be received in payment of all county taxes.

SEC. 7. 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 the 18th day of February, A. D. 1901.

#### CHAPTER 184.

##### An act to amend the public road laws of Lincoln County.

*The General Assembly of North Carolina do enact:*

Chapter 381, Pub-  
lic Laws 1899,  
amended.

SECTION 1. That chapter 381, Public Laws 1899, be amended by adding the word "Lincoln" in section 22, after the word "Gaston" in line fourteen, and that in section 23, the word "Lincoln" be stricken out in line fourteen, after the word "Le-noir."

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

In the General Assembly read three times, and ratified this the 18th day of February, A. D. 1901.

#### CHAPTER 185.

##### An act for the benefit of the public roads of Louisburg Township, Franklin County.

*The General Assembly of North Carolina do enact:*

Franklin County  
Commissioners  
authorized to  
appropriate cer-  
tain funds to pub-  
lic road fund of  
Louisburg town-  
ship.

SECTION 1. That the county Commissioners of Franklin County are hereby authorized and empowered to appropriate the sum of four thousand dollars (\$4,000.00), proceeds of the sale of stock held by said Commissioners for Louisburg Township in the Louisburg Railroad Company, and such interest as may have been derived from the investment of said fund, to the use and benefit of the Public Road Fund of Louisburg Township, said county, to be expended under the same rules and regulations as are now provided by law for the expenditure of other moneys belonging to said Public Road 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 the 18th day of February, A. D. 1901.



## CHAPTER 186.

**An act to amend section 1276 of The Code relating to deceased mortgagees and trustees.***The General Assembly of North Carolina do enact:*

SECTION 1. The following words shall be added to section one thousand two hundred and seventy-six of The Code: When the mortgagee in a mortgage, or the trustee in a deed in trust executed for the purpose of securing a debt containing a power of sale, shall die before the payment of the debt, secured in each mortgage or deed in trust, all the rights, power and duties of such mortgagee or trustee, shall pass to and devolve upon the executor or administrator of such mortgagee or trustee: *Provided*, that the administrator or executor of a trustee shall not execute the powers conferred by this act except upon the written request of any creditor, secured in or by the deed of trust.

Section 1276 of  
The Code,  
amended.

When mortgagee  
or trustee in con-  
veyance to secure  
debt dies, powers,  
rights, etc., con-  
ferred on his per-  
sonal represent-  
ative.

Can only execute  
powers conferred  
by written  
request of  
creditor.

SEC. 2. Chapter one hundred and forty-seven of the Public Laws of the year one thousand eight hundred and eighty-seven is hereby repealed.

Chapter 147, Pub-  
lic Laws 1887,  
repealed.

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

In the General Assembly read three times, and ratified this the 18th day of February, A. D. 1901.

## CHAPTER 187.

**An act to amend Chapter 377 of the Public Acts of 1899.***The General Assembly of North Carolina do enact:*

SECTION 1. That section 2 of chapter 377 of the Public Acts of 1899, be and the same is hereby amended by adding thereto at the end thereof the following: "*Provided*, only practical farmers shall be elected as members of the Board of Agriculture."

Chapter 377, Pub-  
lic Laws 1899, re-  
lative to Depart-  
ment of Agricul-  
ture, amended.

Who eligible as  
members of  
board.

SEC. 2. That section 4 of said act be amended by striking out at the end thereof the following words: "Shall be filled by the Board of Agriculture," and inserting in lieu thereof the following: "By the Governor of the State."

Vacancy in office  
of Commissioner,  
how filled.

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. 1901.

## CHAPTER 188.

**An act to prevent live stock from running at large in the county of Wilson***The General Assembly of North Carolina do enact:*Stock law for  
Wilson County.

SECTION 1. That it shall be unlawful for any livestock to run at large in the county of Wilson, under the regulations and penalties prescribed in sections 2811, 2816, 2817, 2818, 2819, and 2820 and 2822 of The Code of North Carolina.

Erection of  
fences.

SEC. 2. That the Board of Commissioners of Wilson County shall proceed to erect such fences and gates as are necessary to enclose the territory herein described.

Procedure for  
condemning  
fence way.

SEC. 3. And if the owner of any lands shall object to the building of any fence herein provided for, a right of way for said fence, not exceeding twenty feet in width, shall be condemned for the fence way herein provided, upon the application of any person or persons to any Justice of the Peace of said county, which Justice of the Peace shall at once proceed to summons two disinterested freeholders who shall together with himself proceed to lay off and condemn said fence way after giving the owner of said land or his or their agents two days notice; and they may assess such damages as they may think just.

Damages.

SEC. 4. That this act shall be in force from and after the first day of January, 1902.

In the General Assembly read three times, and ratified this the 18th day of February, A. D. 1901.

## CHAPTER 189.

**An act to protect the roads of Pasquotank County from damage by log haulers.***The General Assembly of North Carolina do enact:*Chapter 416, Pub-  
lic Laws 1893,  
amended by  
adding "Pasquo-  
tank."

SECTION 1. That chapter 416 of the Laws of 1893 be amended by adding after the word "Halifax" in line six of section one, the word "Pasquotank."

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 18th day of February, A. D. 1901.

## CHAPTER 190.

**An act to appoint Rufus Amis a Justice of the Peace for Oak Hill Township, Granville County.***The General Assembly of North Carolina do enact:*

SECTION 1. That Rufus Amis be and he is hereby appointed a Justice of the Peace for Oak Hill Township, Granville County, for the term ending the first day of August, 1901.

Rufus Amis  
appointed Justice  
of the Peace for  
Granville  
County.

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

In the General Assembly read three times, and ratified this the 18th day of February, A. D. 1901.

## CHAPTER 191.

**An act to authorize persons who have been lunatics or confined in an insane asylum to manage and sell their own property, when they shall be restored to sanity.***The General Assembly of North Carolina do enact:*

SECTION 1. That section 1672 of The Code be amended by adding to the end of said section the following: And whenever an insane person shall become of sound mind and memory, he shall be authorized to manage, sell and control all his property in as full and ample a manner as he could do before he became insane, and that a petition in behalf of such person may be filed before the Clerk of the Superior Court of the county of his residence, setting forth the facts duly verified by the oath of the petitioner, whereupon the Clerk shall issue an order, upon notice to the person alleged to be no longer insane, to the sheriff of the county, commanding him to summon a jury of six freeholders to inquire into the sanity of the said alleged sane person, formerly a lunatic, the jury shall make return of their proceedings under their hands to the Clerk, who shall file and record the same, and if [the] jury find that the person whose mental condition is inquired of, is sane and of sound mind and memory, the said person shall be authorized to manage his affairs, make contracts and sell his property, both real and personal, as if he had never been insane.

Procedure for  
recovered insane  
people to regain  
control of their  
property.

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

In the General Assembly read three times, and ratified this 18th day of February, A. D. 1901.

## CHAPTER 192.

**An act to appoint C. H. Harris a Justice of the Peace for Rocky Mount Township, Nash County.***The General Assembly of North Carolina do enact:*

C. H. Harris  
appointed Justice  
of Peace for Nash  
County.

SECTION 1. That C. H. Harris be and he is hereby appointed a Justice of the Peace for Nash County, residing in Rocky Mount Township, and that his term of office shall extend for a term of six years from the first Monday in December, 1900.

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 18th day of February, A. D. 1901.

## CHAPTER 193.

**An act to authorize the Commissioners of Anson County to levy a special tax.***The General Assembly of North Carolina do enact:*

Special tax  
authorized for  
Anson County.  
Time and manner  
of levy.

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 year nineteen hundred and one and nineteen hundred and two at the same time and in the same manner with the levies of other county taxes in said years on all taxable property and polls in said county. The special tax in each of said years is not to exceed twenty cents on the one hundred dollars valuation of property and sixty cents on the polls 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 and necessary 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 the other taxes levied for said county.

Tax, amount.

Uses of tax.

How collected  
and accounted  
for.

May be used in  
building bridges  
and roads.

SEC. 2. That the Board of Commissioners of said county may if they shall deem it proper and necessary, use any part of the 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 18th day of February, A. D. 1901.

## CHAPTER 194.

**An act conferring upon the Governor the power to fill vacancies on the Corporation Commission.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter 164, section one, of the Public Laws of 1899, be amended by striking out in lines twenty-five and twenty-six the words "Board of Internal Improvements" and inserting in lieu thereof the word "Governor" and by striking out the word "their" in line twenty-six and inserting in lieu hereof the word "his."

Chapter 164, Public Laws 1899, amended.

Governor given power to fill vacancies on Corporation Commission.

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. 1901.

## CHAPTER 195.

**An act to amend Chapter two hundred and eighty-five, Public Laws of eighteen hundred and ninety-one.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That the act entitled "An Act to establish Graded Schools in the Town of Concord, North Carolina," ratified the 4th day of March, A. D. 1891, it being chapter 285, Public Laws of 1891, be and the same is hereby amended, subject to the provisions of section two (2) of this act, as follows: Strike out the word "twenty" in line four of section three (3) and insert in lieu thereof the word "thirty;" and strike out the word "sixty" in line six of said section and insert instead thereof the word "ninety."

Chapter 285, Public Laws 1891, amended.

SEC. 2. That this act shall be submitted to the qualified voters of said town for adoption at any election held under the act entitled "An Act to Authorize the Commissioners for the Town of Concord, to Issue Bonds," ratified the 25th day of January, A. D. 1901, and the act supplemental thereto; and such qualified voters who favor the adoption of this act shall vote a ticket upon which is written or printed the words "For Amendment;" and those who are opposed shall vote a ticket upon which is written or printed the words "Against Amendment;" and for the purpose of said election, it shall be the duty of the Commissioners for the town of Concord to provide a box at each voting precinct in said town, separate and distinct from the box in which are to be deposited the tickets or ballots pro-

Amendments to be submitted to voters, when.

Form of ballots.

Separate ballot-box.

Effect of election  
on duties of Com-  
missioner.

vided for in said act ratified 25th day of January, A. D. 1901, and the act supplemental thereto. And if a majority of qualified voters shall vote "For Amendment" and also "For Bonds" at said election then it shall be the duty of the Commissioners for the town of Concord to levy annually thereafter the taxes provided for in said section three (3) as herein amended.

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 18th day of February, A. D. 1901.

#### CHAPTER 196.

**An act to amend section 752, volume I of The Code of North Carolina, in reference to printing statement of county finances.**

*The General Assembly of North Carolina do enact:*

Section 752, Vol. I  
of The Code,  
amended as to  
Jackson County.

SECTION 1. That section seven hundred and fifty-two (752) volume one of The Code be amended by striking out the word "shall" in line eleven and inserting in lieu thereof the word "may:" *Provided*, that this act shall only apply to Jackson 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 the 18th day of February, 1901.

#### CHAPTER 197.

**An act to amend Chapter 412 of the Public Laws of 1895.**

*The General Assembly of North Carolina do enact:*

Chapter 412, Pub-  
lic Laws 1895,  
repealed, and  
Chapter 529, Laws  
1891, re-enacted.  
These relate to  
erection of gates  
across public  
roads in Harnett  
County.

SECTION 1. That chapter four hundred and twelve (412) of the Laws of 1895, entitled, "An Act to Repeal Chapter Five Hundred and Twenty-Nine (529) of the Laws of 1891," be and the same is hereby repealed and that chapter 529 of the Laws of 1891 are hereby re-enacted.

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 18th day of February, A. D. 1901.



## CHAPTER 198.

**An act to authorize the Commissioners of Halifax County to issue bonds to pay the indebtedness of said county***The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Commissioners of Halifax County are hereby authorized to issue coupon bonds of said county to pay the indebtedness thereof in an amount not to exceed ten thousand dollars in denominations of not less than one hundred dollars, nor more than five hundred, the number of said bonds to be at the discretion of the said board.

Bond issue authorized.

Amount.  
Denomination.  
Number.

SEC. 2. That said bonds shall bear interest at a rate not to exceed six per centum per annum, and the coupons attached thereto shall call for the payment of the interest thereon, on the first days of January and July of each year.

Interest rate.  
Coupons.

SEC. 3. Said bonds shall be signed by the Chairman of the Board of County Commissioners and countersigned by their clerk, and shall be payable as to the principal, in not more than twelve years from the date thereof, as shall be determined by said Board of Commissioners: *Provided*, said bonds may be issued so as to mature at different times, so that as near an equal amount of the principal may be paid in each year as is practicable, and each bond issued for a longer time than five years shall have written across its face, "This bond is redeemable after five years at the option of the county."

Manner of execution.

Date of maturity.

Provision for redemption.

SEC. 4. That the Clerk of the Board of Commissioners shall keep a book in which he shall keep an account of numbers and denominations of said bonds, when each is payable and to whom payable. Said Clerk shall also keep an accurate account of the bonds and coupons attached thereto, which shall be paid or cancelled, so that by inspection of said book, the true statement of the bonded debt of the county herein provided for may be readily ascertained, said book shall be open to the taxpayers of said county at all times.

Record and account of bonds and coupons; how kept, etc.

SEC. 5. Said coupons shall be receivable in payment of all county taxes.

Coupons receivable for taxes.

SEC. 6. That said bonds shall not be disposed of for less than their par value.

Price at sale.

SEC. 7. That said Commissioners in every year in which they may deem it necessary in order to provide for the payment of said bonds and coupons are hereby authorized and empowered to levy a special tax of not more than five cents on the hundred dollars worth of property and fifteen cents on the poll, observing the constitutional equation in the levy thereof.

Special tax levy.

Amount.

**Countersigning and sale of bonds.** SEC. 8. That as soon as said bonds are issued, signed and countersigned, as hereinbefore provided, the said Commissioners shall place the same in the hands of the County Treasurer, who shall also countersign the same, and the said Treasurer shall thereupon, under the direction of said County Commissioners sell and dispose of the same, as hereinbefore provided, making out and returning to the said Commissioners an accurate account of the number and denomination of the said bonds and to whom sold; and thereupon the said Treasurer shall receive all the proceeds of the sale of said bonds, hold the same subject to the order and direction of said Board of Commissioners and be responsible for the safe custody and keeping of said proceeds, as by law is now provided in case of other funds coming into his hands by virtue of his office.

**Proceeds to be held by Treasurer.**

**Disposal of excess after paying indebtedness.** SEC. 9. 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 said indebtedness, the said Commissioners shall have the right to use the same for the annual expenses of said county.

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

In the General Assembly read three times, and ratified this the 18th day of February, A. D. 1901.

#### CHAPTER 199.

#### **An act to authorize the Commissioners of Beaufort County to levy a special tax.**

*The General Assembly of North Carolina do enact:*

**Amount of tax.** 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 cents (40) on each poll annually for two years, viz: For the years nineteen hundred and one and nineteen hundred and two, 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.

**Years of levy.  
How applied.**

**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 the 18th day of February, A. D. 1901.

## CHAPTER 200.

**An act requiring the Board of Commissioners of Forsyth County to erect sign-boards along the public roads.***The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Commissioners of Forsyth County shall cause to be set up posts, at the forks and crossings of the respective public roads in the county, with arms fastened thereto pointing the directions of each road, with plain and durable directions thereon, to the most public places to which said roads lead, with the number of miles to such places, as near as can be computed, and shall keep the same in repair, and have same paid for out of such county funds as may be available.

Forsyth County Commissioners to erect sign-boards.

SEC. 2. That on failure to comply with this act the members of said Board of Commissioners shall be guilty of a misdemeanor.

Failure a misdemeanor.

SEC. 3. That any person or persons, who shall deface, injure or tear down, any of said posts or arms, shall be guilty of a misdemeanor.

Persons injuring, defacing, etc., guilty of misdemeanor.

SEC. 4. This act shall not take effect until the expiration of six months from its ratification.

In the General Assembly read three times, and ratified this the 18th day of February, A. D. 1901.

## CHAPTER 201.

**An act validating 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,

Preamble.

*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 upon petition of the citizens of said districts are hereby declared stock law territories and are subject to the laws governing same.

Stock law established by Yancey County Commissioners validated.

SEC. 2. That this act shall be in force upon the expiration of thirty days after its passage.

In the General Assembly read three times, and ratified this the 18th day of February, A. D. 1901.

## CHAPTER 202.

**An act to amend Chapter 368 of the Public Laws of eighteen hundred and ninety-nine.***The General Assembly of North Carolina do enact:*

Chapter 368, Public Laws 1899, relative to Seaboard Dispensary, amended.

SECTION 1. That chapter 368 of Public Laws of the session of 1899 be and the same is hereby amended as follows: At the end of section 4 add the words, "And said town treasurer shall receive as compensation for his services one per cent upon the amount of receipts, and one per cent upon the amount of disbursements: *Provided*, 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 dollars to be received and approved by the Board of Dispensary Commissioners."

SEC. 2. In line ten of section 5 strike out the words "before sunset" and insert the words "at nine o'clock p. m."

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. 1901.

## CHAPTER 203.

**An act to prohibit the manufacture or sale of intoxicating liquors within two miles of certain churches in Unity Township, Rowan County.***The General Assembly of North Carolina do enact:*

Prohibition within two miles of certain churches and schools in Rowan County.

SECTION 1. That it shall be unlawful for any person or persons to manufacture or sell intoxicating liquors within two miles of the following churches and school-houses, in Unity Township, Rowan County, to-wit: Ebenezer, Gay's Chapel, Woodleaf M. E. Church, and Morrison School-House.

Violation a misdemeanor.  
Penalty.  
Conflicting laws repealed.

SEC. 2. That any person violating this act shall upon conviction be fined or imprisoned in the discretion of the Court.

SEC. 3. That 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 the 18th day of February, A. D. 1901.

## CHAPTER 204.

**An act to authorize School District No. two (2) of School District No. eleven (11) in Haywood County to levy a tax to build a school-house in Haywood County.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That all the territory embraced in School District No. two (2), of School District No. 11, in the county of Haywood, shall constitute a public school district to be known as School District No. two (2), of District No. eleven (11), of Haywood County.

Certain territory in Haywood County constituted a school district.

SEC. 2. That the Board of Commissioners of Haywood County are authorized and required to order an election to be held in said school district on the first Monday in May next, and at the said election to submit to the qualified voters of the said district the question of levying a special tax on the property and polls in said district for the purpose of erecting and equipping a school building in the said district.

Haywood County Commissioners required to order election on question of special tax levy to build school-house, etc.

SEC. 3. That at said election those in favor of levying said tax shall vote "for school building" and those opposed shall vote "against school building," and the election for this purpose shall be conducted in the same manner, and be subject to the same rules and regulations as are provided for the election of county officers by the general election laws of this State.

Form of ballots.

SEC. 4. That if a majority of the qualified voters of said school district shall vote at said election "for school building," the County Commissioners of Haywood County shall, in addition to other taxes, laid upon said school district, compute and levy at the time of levying other taxes a sufficient special tax upon the property and polls of said school district to raise a sum of money not less than one thousand dollars nor more than fifteen hundred dollars for the purpose of erecting and equipping said school building. And the taxes so levied shall be collected by the sheriff as other taxes are collected, and paid over to the County Treasurer, and the taxes so levied and collected shall be kept separate and distinct, and shall be used only for the purpose for which they were levied and collected, and he shall pay out the same as hereinafter provided.

If authorized by majority of qualified voters, Commissioners to levy special tax.

Amount to be raised.

Purpose.

How collected and paid over.

Kept separate.

Use restricted.

SEC. 5. That J. R. Boyd, Sr., J. R. Leatherwood, E. J. Howell, George G. Garrett, M. H. Allison, Ben O. Blalock, and C. A. Campbell are hereby constituted a Board of Trustees of School District No. 2, School District No. 11, of Haywood County. And they are hereby empowered to purchase and acquire title to such land as may be necessary for the purposes of erecting said

Board of Trustees.

Powers.

building within said school district, and to make such rules and regulations as they may deem necessary in the erection and equipping the said school building, and the said Board of Trustees shall elect one of their own number chairman and another secretary.

Taxes, how paid out. SEC. 6. That the taxes levied for the purposes herein provided shall be paid out by the Treasurer of Haywood County only as directed by the said Board of Trustees, and the warrants shall be signed by the chairman and countersigned by the secretary of the Board of Trustees.

Upon completion of building, to be conveyed to School Committee. SEC. 7. That upon the completion of the said building the said Board of Trustees shall convey the same to the Public School Committee of School District No. two (2), of District No. eleven (11), to be held by the said committee for the purposes of a public school building according to the public school law.

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

In the General Assembly read three times, and ratified this the 18th day of February, A. D. 1901.

## CHAPTER 205.

### An act for the improvement of the public roads of Person County

*The General Assembly of North Carolina do enact:*

Section 1, Chapter 581, Public Laws 1899, repealed. Person County Commissioners to levy special tax for road improvement. SECTION 1. That section 1 of chapter 581 of the Public Laws of 1899 be and the same is hereby repealed, and the following inserted in lieu thereof: That the Board of Commissioners for Person County shall in order to provide for the improvement and maintenance of the public roads in said county, at their regular meeting in June, nineteen hundred and one, 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 cents nor greater than seventy-five cents on the poll, and in Roxboro Township at the times 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: *Provided, however,* that the moneys raised under this section shall as far as possible be used for permanent road improvement.

Taxes, how collected, kept and used.

Proviso.

SEC. 2. That in lines two and three of section two of said act the words "June, eighteen hundred and ninety-nine," be stricken out, and the words "August, nineteen hundred and one," be inserted in lieu thereof, and in lines seven and eight of said section two, strike out the words "eighteen hundred and ninety-nine" and insert in lieu thereof the words "nineteen hundred and one."

Section 2, Chapter 581, Public Laws 1899, amended.

SEC. 3. That in section four of said act strike out all the same following the words "provided" in line thirty-six, and insert in lieu thereof the following: *Provided*, that the boundaries of the road districts shall be fixed by the County Commissioners, and every person liable to road duty may be required by said County Road Superintendent or the County Commissioners to work outside the road district in which he resides, but he shall not be required to work more than four days in any one calendar year.

Section 4 of said chapter amended.

Road districts, how fixed.

How long and where those subject to road duty to work

SEC. 4. That in section twelve of said act in line three, strike out the words, "with the aid of a competent engineer or surveyor."

Section 12, said chapter, amended.

SEC. 5. That in section twenty-two, line three, of said act insert the word "Person" between the words "Alamance" and "Rockingham."

Section 22, said chapter, amended.

SEC. 6. That sections twenty-three, twenty-four, twenty-five, twenty-six and twenty-seven be and the same are hereby repealed.

Sections 23, 24, 25, 26 and 27 of said chapter, repealed.

SEC. 7. That the services 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 townships paying the same, provided 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.

Road superintendent may be paid out of general county fund.

Moneys raised under this act; where expended. Proviso.

Chapter 581, Public Laws 1899, as herein amended to apply to Person County.

SEC. 8. That except as herein amended the provisions of chapter five hundred and eighty-one of the Public Laws of eighteen hundred and ninety-nine shall be and they are hereby applied to Person County as fully and to all intents and purposes as if said county of Person had been originally named in section twenty-two of said act.

This act to apply to Person County only.

SEC. 9. That this act shall apply only to Person County.

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

In the General Assembly read three times, and ratified this the 20th day of February, A. D. 1901.

#### CHAPTER 206.

##### An act for the relief of Addie Elmore, public school teacher.

*The General Assembly of North Carolina do enact:*

Treasurer of Chatham County to pay Mrs. Addie Elmore, public school teacher, \$13.75.

SECTION 1. That the Treasurer of the school fund of Chatham County be and he is hereby authorized and directed to pay to Mrs. Addie Elmore, out of any unappropriated funds the sum of thirteen 75-100 dollars (\$13.75) balance due for teaching school in White District No. 2, in Hadley's Township, and charge the same to said district.

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

In the General Assembly read three times, and ratified this the 18th day of February, A. D. 1901.

#### CHAPTER 207.

##### An act to re-enact and amend Chapter 364, Public Laws of 1893, in relation to the public road leading from Miller's Creek Post-office in Wilkes County to Creston in the county of Ashe.

*The General Assembly of North Carolina do enact:*

Chapter 364, Public Laws 1893, re-enacted.

SECTION 1. That chapter 364, Public Laws of 1893, be and the same is hereby re-enacted and the said road shall be worked out and completed within two years from the date of its ratification.

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

In the General Assembly read three times, and ratified this the 18th day of February, A. D. 1901.

## CHAPTER 208.

**An act to amend section 3410 of The Code providing for seine-ways in Tar River.***The General Assembly of North Carolina do enact:*

SECTION 1. That section three thousand four hundred and ten of The Code be amended by striking out all after "Danbury" in line six of said section to the word "in" in line seven of said section.

Section 3410 of  
The Code,  
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 18th day of February, A. D. 1901.

## CHAPTER 209.

**An act to appoint Justices of the Peace in Williams Township in Chatham County.***The General Assembly of North Carolina do enact:*

SECTION 1. That W. P. Horton, John Marshall Riggsbee, A. E. Cole, Gus Ward, and Henderson Newholland be and they are hereby appointed Justices of the Peace, in and for Williams Township in Chatham County, who shall hold said offices, and discharge the duties thereof as given in the general law, until the first day of December (1902), nineteen hundred and two.

Justices of the  
Peace for Chat-  
ham County.

Term of office.

SEC. 2. That P. F. Carter is hereby appointed Constable in and for said township in said county with all the powers given such officer under the general law, after filing his bond with the Board of Commissioners of said county, who are hereby directed to pass upon same, in the same way and manner as if said P. F. Carter had been duly elected at the general election in August, 1900.

P. F. Carter  
appointed Con-  
stable for Will-  
iams Township,  
Chatham County.

[SEC. 3.] That said P. F. Carter shall hold his office until his successor is duly elected at the general election in nineteen hundred and two and until he qualifies.

Term of office of  
Constable.

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 20th day of February, A. D. 1901.

## CHAPTER 210.

An act to repeal Chapter 94, Laws of 1899, and to amend Chapter 399, Laws of 1891.

*The General Assembly of North Carolina do enact:*

Chapter 94, Laws  
1899, repealed.  
Vacancies in  
Board of Direc-  
tors of White  
Deaf and Dumb  
School filled by  
Governor.

SECTION 1. That chapter 94, Laws of 1899, is hereby repealed.

SEC. 2. That chapter 399, Laws of 1891, be and the same is hereby amended by striking out the words "elected by the General Assembly" in section two, and inserting in lieu thereof "appointed by the Governor."

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. 1901.

## CHAPTER 211.

An act to regulate stock law.

*The General Assembly of North Carolina do enact:*

County Commis-  
sioners empow-  
ered to regulate  
stock law.

SECTION 1. That County Commissioners are hereby vested with full power and authority to regulate the stock law in their respective counties.

Upon petition by  
majority of land  
owners, Com-  
missioners may  
declare and put  
into effect stock  
law.

SEC. 2. That said Commissioners, upon a written application of a majority of the land owners to be included therein, are hereby fully empowered and authorized to declare the stock law to be in force, and to put the same into full force and effect in their respective counties, or in any township, or in any territory having well defined boundaries, within their respective counties.

Territory so  
placed in stock  
law territory sub-  
ject to all laws  
relative thereto.

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 laws heretofore enacted not inconsistent herewith, touching and regulating those matters peculiar to stock law territory, and the said 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.

Persons allowing  
stock to run at  
large in such ter-  
ritory subject to  
all penalties, etc.

SEC. 4. That any person allowing stock to run at large within territory declared to be subject to stock law regulations in this chapter provided, shall be subject to all the pains and penalties prescribed for violating, in territory already having such law.

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

SEC. 6. That this act shall apply to Johnston County only. This act applies to Johnston County only.

SEC. 7. 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 20th day of February, A. D. 1901.

#### CHAPTER 212.

#### An act to amend Chapter two hundred and sixty-three (263) of the Laws of eighteen hundred and eighty-seven (1887).

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one of chapter two hundred and sixty-three of the Laws of eighteen hundred and eighty-seven (1887) be amended by striking out the words "from its mouth," in line three of said section, and inserting in lieu thereof, "from the Hertford and Northampton County line." Chapter 263, Public Laws 1887, relative to protection of fish in Potocasi Creek, Northampton County, 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 20th day of February, A. D. 1901.

#### CHAPTER 213.

#### An act to amend sections 1 and 2 of Chapter 384 of the Public Laws of 1899.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one of chapter three hundred and eighty-four of the Public Laws of eighteen hundred and ninety-nine, be and the same is hereby amended by striking out the word "passenger" in line five of said section and that section two of said chapter be and the same is hereby amended by inserting after the word "roads" in line four the following, "and mixed trains carrying both freight and passengers," and by adding at the end of said section two, the following, "and mixed trains carrying both freight and passengers." Chapter 384, Public Laws 1899, relative to transportation companies providing separate accommodations for the races, amended.

SEC. 2. That this act shall be in force from and after the first day of June, 1901.

In the General Assembly read three times, and ratified this the 20th day of February, A. D. 1901.

## CHAPTER 214.

**An act to allow the Commissioners of Mitchell County to levy a special tax.***The General Assembly of North Carolina do enact:*

Commissioners of Mitchell County to levy a special tax.	SECTION 1. The Commissioners of Mitchell County are hereby authorized and empowered to levy a special tax not exceeding twenty cents on the one hundred dollars of property nor sixty cents on each taxable poll, always preserving the constitutional equation between the tax on property and on the poll for the years 1901 and 1902 for the purpose of paying off and settling all the outstanding indebtedness of said county now due or which may become due before the 1st day of January, 1902.
Amount.	
Years of levy.	
Purpose.	
How levied and collected.	SEC. 2. The taxes herein provided for shall be levied and collected as other taxes in said county and the whole amount of said levy shall not exceed the sum of fifteen hundred dollars in any one year.
Total amount of tax.	
Tax, provisions for paying out.	SEC. 3. No part of the fund raised under the provisions of this act shall be paid out by the County Commissioners of said county without the concurrence of the Finance Committee of Mitchell County.
Disposal of surplus after paying off indebtedness.	SEC. 4. Any surplus that may be left over out of the fund raised under the provisions of this act after paying off all the indebtedness herein provided for shall go into the general fund of the county.
	SEC. 5. 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. 1901.

## CHAPTER 215.

**An act requiring the execution of all capital offenders to be private.***The General Assembly of North Carolina do enact:*

Section 1213 of The Code, amended.	SECTION 1. That section twelve hundred and forty-three of The Code of North Carolina be amended by striking out all of said section after the word "allow," in line nine.
	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. 1901.



## CHAPTER 216.

**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 allowed to absent himself from his office on the first Mondays in July and August of each year: *Provided*, he leaves a competent deputy in his office to transact the business of said office.

A. S. Eller, Clerk Superior Court, Ashe County, allowed to absent himself from his office on certain Mondays.

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. 1901.

## CHAPTER 217.

**An act for the relief of S. W. Davidson of Cherokee County.***The General Assembly of North Carolina do enact:*

SECTION 1. That the Treasurer of Cherokee County be and he is hereby authorized, empowered and directed to pay to S. W. Davidson, former Sheriff of said county, the sum of three hundred and twenty-eight dollars (\$328.00) out of any moneys belonging to said county, except school funds, for his fees on tax certificates on land bought in by said county for the years 1890, 1891, 1893, 1894, 1895, 1896, 1897, and 1899.

Cherokee County Treasurer authorized to pay S. W. Davidson, ex-sheriff, \$328.00.

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

In the General Assembly read three times, and ratified this the 20th day of February, A. D. 1901.

## CHAPTER 218.

**An act to empower the Commissioners of Mecklenburg and Lincoln counties to erect a bridge across the Catawba River connecting said counties.***The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Commissioners of Mecklenburg and Lincoln 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 Lincoln counties authorized to construct bridge across Catawba River.

Authorized to make necessary appropriations for said bridge.

Sec. 2. The said Board of Commissioners are authorized to make each, such appropriations for building said bridge as may be agreed upon by them jointly.

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

In the General Assembly read three times, and ratified this the 20th day of February, A. D. 1901.

#### CHAPTER 219.

#### **An act for the establishment of a graded school to be known as " Guilford Graded School " in Guilford County.**

*The General Assembly of North Carolina do enact:*

Boundaries of Public School District No. 5, Friendship Township, Guilford County.

SECTION 1. That the Board of School Commissioners herein-after to be appointed for a district of country in Guilford County, mainly in Friendship Township, and Public School District, No. five (5), bounded as follows: Beginning at a stake or stone near to and a little to the south and east of the house now owned by Eunice Worth, widow of the late Daniel Worth, on the public road leading from Greensboro to Guilford College and running west one hundred and six (106) poles to the middle of said public road; thence with said road south eighty (80) degrees west one hundred and forty-eight (148) poles to the forks of the said road leading to Muir's Chapel; thence south twelve (12) poles to a stake or stone; thence south forty-four (44) degrees west two hundred and twenty-four (224) poles to a stake or stone; thence south eighty-four (84) poles to a stake or stone; thence west seventy-two (72) poles to a stake or stone; thence south ninety-four (94) poles to a stone or stake (ten and two-thirds poles south of the railroad leading from Greensboro to Winston); thence west parallel with said railroad one hundred and sixty-five (165) poles to a stake or stone; thence north one hundred and thirty-three (133) poles to a stake or stone; thence west one hundred and thirteen (113) poles to a stake or stone; thence north seven hundred and sixteen (716) poles to a stake or stone; thence east eight hundred and ten (810) poles to a stone or stake; thence south fifty-three (53) degrees east, four hundred (400) poles to a stone or stake; thence south twenty-five (25) degrees west, four hundred and twenty-eight (428) poles to the beginning. Shall on the first Monday in May next ensuing, submit to the qualified voters of said district of country the question of establishing a graded school in said district. The said Board of School Commissioners shall give thirty days notice of said

School Commissioners to submit question of establishing graded school in this district.  
Notice of election.

election in at least two county papers, and post a notice of said election in at least four (4) different places in said district.

SEC. 2. The said Board of School Commissioners shall select two men, qualified voters of said district, who with the Registrar of Friendship Township shall act as poll-holders in said election, and who shall be governed 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 School" or "Against School," and the result of the election shall be declared by the same rules that govern the election of county officers.

SEC. 3. That if a majority of the qualified voters of said district shall vote at said election in favor of a school, it shall be the duty of the Board of School Commissioners provided for by this act and their successors, to levy annually a special tax not exceeding 33 1-3 cents on the one hundred dollars valuation of all the taxable property of said school district, and upon the poll, not exceeding one dollar; and the said tax shall be collected annually by the Sheriff of Guilford County.

SEC. 4. It shall be the duty of the Sheriff of Guilford County to turn over such taxes as may be collected under section 3, of this bill to the Treasurer of the Board of School Commissioners herein provided for, 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 Commissioners.

SEC. 5. That 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 Guilford County to the Treasurer of said Board of School Commissioners for the use and benefit of said graded school, and the property of the said district shall become the property of said graded school, and shall be vested in said Board of School Commissioners in trust.

SEC. 6. That for the purpose of this act there is created a Board of School Commissioners of said district, and this Board shall consist of five members divided into two classes, one consisting of two members whose term of office shall expire at the end of one year; and one consisting of three members whose term of office shall expire at the end of two years; each class to date from the first Monday in May, 1901.

SEC. 7. It is further enacted that Richard S. Smith and Dr. M. F. Fox be and they are hereby named and appointed in the first class for the first year beginning the first Monday in May, 1901; and that L. L. Hobbs, Lee S. Smith and E. A. Pleasant be

Poll-holders.

Time of election.

Form of ballots.  
Declaration of result.

If authorized by majority of qualified voters, School Commissioners to levy special tax.

How collected.

Taxes, how disposed of.

State and County school tax for said district to be used for graded school.

District school property to become property of graded school.

Board of School Commissioners created.

Number, division and terms of office.

Names of Commissioners.

How successors elected.	and they are hereby named and appointed in the second class for the year beginning the first Monday in May, 1901; and it is further enacted that upon the expiration of the terms above named and fixed, the qualified voters in said district shall elect annually thereafter successors in each class for one and two years respectively.
Powers of Commissioners.	SEC. 8. That the Board of School Commissioners herein appointed and their successors shall have entire and exclusive control of the said graded school; shall employ and fix compensation of officers and teachers, and do all other acts that may be necessary, just and lawful for the successful management of said graded school, and said Board of School Commissioners shall be a body corporate under the name of the "Board of School Commissioners of Guilford Graded School," with power to sue and to be sued, plead and be impleaded, and by that name shall be capable of receiving gifts, grants or making purchases, of buying, holding and selling property; both real and personal for school purposes; of prosecuting and defending suits for and against the corporation hereby created. Conveyances and all other instruments to the said board shall be made to them and their successors in office; and all deeds and other agreements shall be deemed sufficiently executed when signed by the Chairman and Secretary of said Board of School Commissioners.
Created a body corporate.	SEC. 9. That said district of country, the bounds of which have been herein given shall constitute District No. 5 of the public school districts of Friendship Township in Guilford County.
Corporate name.	SEC. 10. That for the purpose of holding the elections herein authorized, a school-house which shall become the school building of the Guilford Graded School, established by this bill, either at its present site or at the place to which it may hereafter be removed, be and the same is established as a polling place for said elections.
Corporate powers.	SEC. 11. That all laws and clauses [of laws] in conflict with this act be and the same are hereby repealed.
Conveyances, how and to whom executed.	SEC. 12. That this act shall be in force from and after its ratification.
District No. 5, Friendship Township, Guilford County.	In the General Assembly read three times, and ratified this the 20th day of February, A. D. 1901.
Polling place.	
Conflicting laws repealed.	

## CHAPTER 220.

An act to repeal Chapter three hundred and forty-two, Private Laws of one thousand eight hundred and ninety-five, providing for the election of a Tax Collector for Buncombe County.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter three hundred and forty-two of the Private Laws of North Carolina, one thousand eight hundred and ninety-five, be, and the same is hereby repealed.

Chapter 342, Private laws 1895, repealed.

SEC. 2. That at the next general election now provided, or which shall hereafter be provided by law, for the election of members of the General Assembly of North Carolina, and every two years thereafter, there shall be an election held in the various precincts in the county of Buncombe, for the election of a tax collector for said county, under the same rules and regulations as are now, or may hereafter be prescribed by law for the election of members of the General Assembly for said county, whose term of office shall continue for two years, as hereinafter provided, or until his successor shall be elected and qualified, and whose duties, liabilities, fines and penalties shall be the same as are now or may hereafter be prescribed by law for tax collectors.

Election of Tax-Collector for Buncombe County provided for.

Proviso as to duties, liabilities, etc.

SEC. 3. That the Board of County Commissioners for said county shall hold a session of said board in the city of Asheville on the first Monday in May after each general election at which a tax collector has been or may be elected for said county, for the purpose of receiving the bond of said tax collector; and if said bond is in compliance with the laws in such cases provided, then the said board shall receive the same and certify to the said tax collector that the said bond is approved; but if the tax collector so elected under the provisions of this act shall, for any reason fail or neglect to qualify, the said Board of County Commissioners may then elect a tax collector for said county and require him to furnish such bond as is required by law for such officers: *Provided*, that nothing in this act shall be so construed as to relieve the tax collector from furnishing bonds in such sums as are now or may hereafter be provided by law, or to release him from the penalties, fines, imprisonments and other obligations now prescribed or which may hereafter be prescribed and applicable to said officer.

Tax Collector's bond.

Failure to qualify, County Commissioners to elect.  
Bond.  
Proviso.

SEC. 4. That the said tax collector elected as provided in this act, shall enter upon the duties of his office on the first day of June, following his election and qualification.

When to enter upon duties.

SEC. 5. That John K. Chambers, the present incumbent of said office in the said county of Buncombe, elected at the August elec-

Present incumbent to continue in office.

tion, nineteen hundred, under the laws and regulations providing for such election, shall continue to hold his office until the first day of June, nineteen hundred and three, or until his successor shall have been elected and qualified.

Present incumbent to collect all taxes for Buncombe County up to May 31, 1903.

SEC. 6. That the said John K. Chambers, is hereby authorized and empowered to collect all taxes on real and personal property and all poll taxes that have been or may hereafter be assessed for the said county of Buncombe up to and including the thirty-first day of May, nineteen hundred and three: *Provided*, that nothing in this act shall be so construed as to prevent the said tax collector from collecting all special taxes which have been or may hereafter be levied and all license taxes under the present revenue act or any revenue act which may hereafter be enacted.

Tax laws not abridged nor fees diminished.

SEC. 7. That nothing in this act shall have the effect to abridge or restrict the laws now in force for the collection of taxes, or to diminish the fees, commissions or emoluments of the office.

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 20th day of February, A. D. 1901.

## CHAPTER 221.

### An act to establish a supplementary school district in White House Township, Robeson County.

*The General Assembly of North Carolina do enact:*

School district created in White House Township, Robeson County.

SECTION 1. That all the territory embraced within the limits hereinafter described, in White House Township, Robeson County, shall be and is hereby constituted a school district for the white and colored children, to be known and designated as "The Olivet School District," beginning at the mile post standing in the main run of Ashpole Swamp on the old stage road, running from Lumberton to Marion, and run with said road to the South Carolina line at old Holmesville, thence with said State line about south 45 degrees east to the main run of Ashpole Swamp, thence up the main run of the said Ashpole Swamp to the beginning.

Name of district.

District limits.

On petition, County Commissioners to submit question of tax for supplemental schools, to voters.

SEC. 2. That the Board of Commissioners of Robeson County, upon the written application of the majority of the Board of Trustees of said school district, are hereby authorized and directed to submit, on the first Monday in May, nineteen hundred and one, and any year thereafter, to the qualified voters of said school district embraced in said county of Robeson, under such rules and regulations as now, or may hereafter exist for the election of members of the General Assembly, the question whether an



annual tax shall be levied therein for the support of supplemental schools for white and colored races of said district. Each voter shall vote a written or printed ballot with the words "For School" or "No School" thereon.

Form of ballots.

SEC. 3. That in the event a majority of the qualified voters of said district shall vote in favor of such tax, the same shall be levied by the Board of Commissioners of Robeson County and collected in the same manner as provided by law for the levying and collecting of State and county taxes. The Sheriff of Robeson County shall collect the taxes of said school district and pay over the same to the Treasurer of Robeson County under the same liabilities as are now provided by law for the collection and paying over of county school taxes: *Provided*, that the special tax so levied and collected shall not exceed twenty-five cents on each one hundred dollars worth of real and personal property, and seventy-five cents on each poll in said district, and the Tax Listers or Assessors for the township in which said school district is located shall make a return to the clerk of the Board of County Commissioners of all the personal and real property listed in said school district in the same manner in which the return for general county and State purposes are made.

If authorized by majority of qualified voters, tax to be levied and collected.

Sheriff to collect and turn over to Treasurer.

Amount of tax.

Tax listers and assessors to return property in district to Clerk of Board of Commissioners.

SEC. 4. That in order to ascertain the value of lands and other real property situated in said school district when the whole of said lands and other real property does not lie in said school district, but part in another district, the County Commissioners shall appoint three disinterested freeholders and residents of said district who shall assess the part or parts of land and other real property which shall lie in said school district for taxes, and shall report the value so assessed by them to the authorities legally empowered to levy taxes, and the value so reported shall be the basis on which said special taxes to be levied under this act shall be levied, and in all cases where the whole of any lands or other property lies within the boundaries of said school district the value of the same as assessed for State and county taxes shall be the basis upon which taxes shall be levied under this act for school purposes.

Method of ascertaining value of real estate partly situated in said district.

Report as to value.

Basis for tax levy on property within district.

SEC. 5. That the special taxes thus levied and collected from the taxable property and polls of said school district shall be expended in keeping up public schools in said district for the white and colored races of both sexes between the ages of six and twenty-one years of age, and the said special taxes shall be so used and expended as to give the children of each race, as nearly as may be, an equal number of months of school.

Special taxes, how expended.

SEC. 6. That R. M. Oliver, A. C. Oliver, Jr., C. T. Page, J. S. Oliver, D. H. Nance and D. M. Rogers be and they are hereby

Trustees.

Term of office.	constituted a Board of Trustees for said school district, and shall hold their offices until the next general election for members of the General Assembly, and until their successors are duly elected and qualified as hereinafter set out, and they are hereby authorized and directed to establish at least two public schools in said district, one distinct and separate and apart for the white race, and the other separate and apart for the colored race. That said board shall have power to fill all vacancies that may occur in said board by death, resignation or otherwise, to employ teachers and do all such acts as may be necessary and expedient in carrying on said schools and shall receive no compensation for their services.
To establish separate schools for white and colored races. Vacancies, how filled. Trustees to employ teachers.	SEC. 7. That if a majority of the votes cast at the election provided for in this act shall be "For Schools," then, at the next general election for members of the General Assembly, it shall be the duty of the election officers for White House Township to provide a separate box and hold an election for Trustees for said school, two for a term of two years, two for a term of four years and two for a term of six years, and the qualified voters residing in said school district shall be entitled to vote for said Trustees. And it shall be the duty of the election officers for White House Township biennially thereafter to hold an election in like manner for two members of said board who shall hold office for a term of six years and until their successors are elected and qualified. Said election shall be held under the same rules and regulations as provided for election of members of the General Assembly.
Election of Trustees.	
Terms of office.	
Who may vote for trustees.	
Subsequent elections.	
Election, how held.	
Application of County School Fund.	SEC. 8. That the per capita part of the school fund of the county, raised under the general school law, shall be applied to keeping up the public schools established by this act in said district, and shall be by said Board of Trustees disbursed as set out in section five of this act.
No Trustee to be a teacher.	SEC. 9. That no Trustees of said school shall, while acting as such be a teacher therein.
School buildings provided for.	SEC. 10. That the Board of Trustees are authorized and empowered to purchase and hold for the purposes of said schools, buildings and suitable grounds, or to purchase suitable lots and erect buildings thereon within the corporate limits of the district hereinbefore set out, and pay for the same out of the public school money for said district: <i>Provided, however,</i> that said schools shall not be located nearer each other than four hundred yards.
Proviso.	
Admission of non-resident children.	SEC. 11. That the Board of Trustees aforesaid, and their successors, may admit as pupils in said school children who reside out of the boundaries of said school district upon the payment of such sums as shall be fixed by said Board of Trustees.

SEC. 12. That the Board of Trustees aforesaid may fix the scale of prices for subjects other than those required to be taught under the general school law for the requirements of public schools, the said prices to be paid by the pupils resident in said school district and such others as may be admitted under the provisions of section eleven.

Tuition for studies outside public school course.

SEC. 13. That the said Board of Trustees shall have the right to assess each pupil of the said schools in a sum not exceeding fifty cents for each term of public school for incidental and other purposes.

Incidental fee.

SEC. 14. That the Board of Trustees of said school district shall not be subject to any restrictions or limitations as to the salary of teachers employed by them prescribed by law or statute but may pay the teachers employed such compensations as the Board of Trustees may deem just and proper.

Trustees to control compensation for teachers.

SEC. 15. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

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

In the General Assembly read three times, and ratified this the 22d day of February, A. D. 1901.

## CHAPTER 222.

**An act to pay J. S. Mann the balance due him as salary as Shell-Fish Commissioner under the Laws of 1891 and 1893.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Auditor of this State is hereby directed to issue to J. S. Mann, of Hyde County, a warrant against the oyster fund in the State Treasury, and the State Treasurer is directed to pay the same out of said fund for the amount of four hundred and ninety-seven dollars (\$497.00) with interest on same from March 30, 1895, in payment of balance of salary as Shell-Fish Commissioner under the Act of 1891 as amended by Act of 1893.

J. S. Mann to be paid \$497.00 out of State Treasury, balance on salary as Shell Fish Commissioner.

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. 1901.

## CHAPTER 223.

**An act to amend Chapter 397 of the Acts of 1897.***The General Assembly of North Carolina do enact:*

Burke and  
Yancey counties  
stricken out of  
Chapter 397, Pub-  
lic Laws 1897.

SECTION 1. That chapter three hundred and ninety-seven (397) of the Public Laws of 1897 be and the same is hereby amended by striking out "Burke" in line two and "Yancey" in line three of section 1 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 22d day of February, A. D. 1901.

## CHAPTER 224.

**An act for the relief of J. C. Burns of Macon County.***The General Assembly of North Carolina do enact:*

Macon County  
Treasurer to pay  
J. C. Burns, pub-  
lic school teacher,  
\$28.65.

SECTION 1. That the County Treasurer of Macon County be and is hereby directed, to pay out of the school funds of District No. 2, Sub-District No. 4, County of Macon, twenty-eight dollars and sixty-five cents to J. C. Burns or his order, balance for teaching school in said district.

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

In the General Assembly read three times, and ratified this 22d day of February, A. D. 1901.

## CHAPTER 225.

**An act to amend Chapter 169, Laws of 1899, relating to compensation of Commissioners of Washington County.***The General Assembly of North Carolina do enact:*

Section 4, Chapter  
169, Public Laws  
1899, repealed,  
and Section 709 of  
Code, re-enacted.

SECTION 1. That section four of chapter one hundred and sixty-nine of the Public Laws of 1899 be and is hereby repealed, and section 709 of The Code, so far as it relates to the subject-matter thereof, be re-enacted.

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 February, A. D. 1901.

## CHAPTER 226.

**An act to prevent the operators of locust pin factories from obstructing the streams of Mitchell County.***The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any operator or operators of a locust pin factory or factories to throw, or allow the shavings from said factories to run from said factories into the streams of Mitchell County.

Unlawful to allow  
pin factory  
shavings to enter  
streams in  
Mitchell County.

SEC. 2. That any person or persons who shall violate the provisions of section one of this act, shall be guilty of a misdemeanor, and upon conviction, shall be fined not more than twenty-five nor less than ten dollars for each and every offence.

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 the 22d day of February, A. D. 1901.

## CHAPTER 227.

**An act for relief of Henderson County Cattle Association.***The General Assembly of North Carolina do enact:*

That whereas the citizens of Henderson County are desirous of enforcing the laws of the State and United States against all infectious disease of cattle, by protecting them from coming in contact with cattle from the infected districts, as declared by the State and United States Department of Agriculture;

Preamble.

Therefore, be it enacted:

SECTION 1. That the Board of County Commissioners of Henderson County are required to appoint one or more inspectors to inspect and place in quarantine all infected cattle found in said county, as required by the rules of the State and United States Departments of Agriculture.

Cattle inspectors  
for Henderson  
County.  
Duties.

SEC. 2. That said inspectors shall be appointed upon recommendation of the members of the Henderson County Cattle Association.

Upon whose  
recommendation  
appointed.

SEC. 3. That the compensation of said inspectors shall be two dollars per day for the time actually employed, which amount shall be paid out of the general county fund.

Compensation.

SEC. 4. 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 February, A. D. 1901.

## CHAPTER 228

**An act to appoint certain Justices of the Peace in Iredell County.***The General Assembly of North Carolina do enact:*

Justices of the  
Peace for Iredell  
County  
appointed.

SECTION 1. That C. L. Shinn, J. C. Shinn and D. R. Howard, in Barringer Township; W. W. Redman, N. F. Blackwelder and W. H. Crawford, in Bethany Township; W. S. Clendenin, T. J. Conger and J. F. Daston in Chambersburg Township; A. L. Stimson, E. E. Smith and P. B. Kennedy, in Eagle Mills Township; C. H. Cornelius, J. A. Alexander, V. J. Brawley and A. S. McKay, in Davidson Township; E. F. Wilson, J. B. Parks and F. B. Gaither, in Turnersburg Township; M. H. Shoemaker, E. F. Cass, S. A. Godfrey and Tilden Williams, in New Hope Township; A. A. Rush, Z. R. Thorpe, W. M. Parks and N. T. Summers, in Union Grove Township; J. A. Ingram and W. T. Watt, in Shiloh Township, be and they are hereby appointed Justices of the Peace in their respective townships in Iredell County, for the period of six years from and after the ratification of this act.

To enter upon  
duties upon  
qualification.  
Proviso.

SEC. 2. That upon their qualification they shall be entitled to enter upon the duties incident to said office: *Provided*, that they shall qualify within ninety days from the ratification of 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 the 22d day of February, A. D. 1901.

## CHAPTER 229.

**An act to establish the township line between Toe River Township and Roaring Creek Township in Mitchell County.***The General Assembly of North Carolina do enact:*

Line between Toe  
River and Roar-  
ing Creek Town-  
ships.

SECTION 1. That the boundary line between Toe River Township and Roaring Creek Township shall be as follows: Beginning at a point on top of the Firescald Ridge near the place where the League Ridge joins said Firescald Ridge, and running down said League Ridge to the mouth of Powder Mill Creek, then east crossing Toe River to the point of the Mill Ridge, then a southeastwardly course with the top of said ridge to a point due west opposite the Lick-log Gap, then east passing through said Lick-log Gap to Linville Township line.

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 February, A. D. 1901.



## CHAPTER 230.

**An act to revise the jury list of Chatham County.**

WHEREAS, It appears that prior to December 1, 1900, the boxes containing the names of jurors of Chatham County were not kept locked as required by law, leaving the same subject to being tampered with, and whereas it is of the highest importance that the integrity of the jury and every step in choosing the same should be above suspicion; now, therefore,

Preamble.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Commissioners of Chatham County be and they are hereby directed to cause their clerk to lay before them at their regular meeting on the first Monday in March, 1901, the tax returns of the year 1900 of said county of Chatham from which list they shall proceed at said March meeting, 1901, to select the names of such persons only as have paid their taxes for the year 1900 and are of good moral character and sufficient intelligence, and that the said clerk shall at once proceed to make out a list of the names so selected which shall constitute the jury list of said county until the next general revision under existing law.

Chatham County Commissioners to select names for jurors from tax lists.

Clerk to make out jury list.

SEC. 2. The said Board of Commissioners shall cause the names on the said list to be written, by the said clerk, on small scrolls of paper of equal size and put into the regular jury boxes, which must have two divisions marked Nos. 1 and 2 and two locks, said boxes to be locked, the key to the one to be kept by the Sheriff of the county, the other by the chairman of the Board of Commissioners and the boxes to be in the care, possession and custody of the said clerk to said board: *Provided*, that before the said list is made out as above directed the said Board of Commissioners shall take from the said boxes all the names therein, on and before the said first Monday in March, 1901, all the names and destroy the same.

Names to be written and placed in jury box.

Description of boxes.  
Keys to locks, by whom kept.Custody of boxes.  
Proviso.

SEC. 3. At the regular meeting in April, 1901, the said Board of Commissioners shall proceed according to law to draw the jury for May Term, 1901, of Chatham Superior Court from the new list herein provided for.

Commissioners on first Monday in April to draw jury for May term Superior Court.

SEC. 4. The said clerk shall be allowed the usual fee for the services herein required of him.

Clerk's fees.

SEC. 5. That all laws in conflict herewith are hereby repealed.

Conflicting laws repealed.

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

In the General Assembly read three times, and ratified this the 22d day of February, A. D. 1901.

## CHAPTER 231.

**An act for the benefit of the office of Clerk of the Superior Court for Scotland County.***The General Assembly of North Carolina do enact:*

Secretary of State  
to furnish office of  
Clerk Superior  
Court, Scotland  
County, Supreme  
Court Reports,  
Acts and Journals  
of General  
Assembly, and  
Code.

SECTION 1. That the Secretary of State shall furnish to the office of Clerk of the Superior Court for Scotland County as many of a full set of the State Supreme Court reports as he may have on hand, and the remainder of set as they may be published, the various acts of the General Assembly and journals that have been published, and that may be published hereafter, together with the two volumes of The Code of the laws of the State.

To furnish offices  
of Sheriff and  
Register of Deeds  
The Code.

SEC. 2. That the said Secretary of State shall furnish to the office of Sheriff and Register of Deeds for said county the two volumes of The Code of the laws of the State.

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

In the General Assembly read three times, and ratified this the 22d day of February, A. D. 1901.

## CHAPTER 232.

**An act to establish stock law in a portion of Pamlico County.***The General Assembly of North Carolina do enact:*

Boundary of  
stock law territory  
in Pamlico  
County.

SECTION 1. That the following territory in Pamlico County, N.C., be included within the stock law territory of said county, to-wit: Beginning at the Miller Bridge across the southwest prong of Bay River and running from said bridge down and on the east side of the Lupton road to the main road leading from Newbern to Bayboro, thence with said road eastwardly to a point opposite the southeast corner of Joseph B. Gibbs' land, thence across the above-mentioned main road and northwardly with the dividing line between Joseph B. Gibbs' and Mrs. Viola Campen's land to the north line of said Joseph B. Gibbs' land, thence a northwardly course to the southeast corner of T. G. Stilley's farm, thence westwardly and with his line of fence to the main mill pond road, thence with the road northwardly to the turn of said road to the old Griffin grave yard, thence across the road and with T. G. Stilley's fence to the dividing line between W. C. Gibbs and T. G. Stilley, thence with said dividing line to the thick or briary ground of the swamp. And said territory shall in all respects and for all purposes become a part of stock law No. 2, of Pamlico County, N. C., and within said territory after the fence around the same shall have been erected, it shall be

When fence built  
around said territory,  
unlawful for  
stock to run at  
large.

unlawful for any person or persons to allow his or her live stock to run at large. Any person violating this act shall be guilty of a misdemeanor and fined or imprisoned at the discretion of the Court. Penalty.

SEC. 2. On the first day of April, 1901, there shall be an election held at the court-house in Bayboro, N. C., under the authority of the officers of the town of Bayboro by the people within said territory to determine whether a levy shall be made on the people within said territory. The tickets at said election being written or printed, shall be "For Levy" and "Against Levy;" and if a majority of the qualified voters as aforesaid shall vote "for levy," then there shall be a tax of thirty cents (30 cts.) on the one hundred dollars worth of taxable property and ninety cents (90 cts.) on the poll or such amount not in excess thereof, as the Commissioners of Pamlico County may direct for the purpose of building a fence around the above-described territory. And the Commissioners at their first meeting shall order said levy, and the Sheriff of said county shall collect the said tax with the same authority as other taxes collected by him in said county: *Provided*, if a majority of the qualified voters in said territory shall vote "For Levy" it shall be lawful for the Commissioners of said county to contract for the building of the fence around said territory and pay the same out of the taxes when collected; and that such levy may be made from time to time by said Commissioners as may be necessary to keep said fence in repair. Stock law election.  
  
Form of ballots.  
  
Tax to build fence.  
  
Levy and collection of tax.

SEC. 3. That the Commissioners of the town of Bayboro shall order a registration of voters within said territory under the general law of the State, giving ten days' notice before the day of election and keeping the registration books open each day between the hours of 10 a. m. and 4 p. m., and only those people qualified under the general law shall be allowed to register or right to vote in said election. Contract for building fence.  
Tax to keep fence in repair.  
  
Registration of voters.

SEC. 4. That the thick woods or briary ground beginning at the northwest corner of T. G. Stilley's land, the dividing line between W. C. Gibbs and T. G. Stilley, and running east and along with the farms touching said thick woods or briary ground, to the northeast corner of the Hahn land in Pamlico County, shall be declared a lawful fence. Certain thick woods declared lawful fence.

SEC. 5. The Commissioners of the stock law territory, No. 2, shall have the same authority over the territory within this act, and the fence around the same, as of stock law No. 2, of said county. Commissioners of Stock Law Territory No. 2 to have authority over this territory.

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

In the General Assembly read three times, and ratified this the 22d day of February, A. D. 1901.

## CHAPTER 233.

**An act to empower the Commissioners of Hertford County to levy a special tax.***The General Assembly of North Carolina do enact.*

Hertford County  
Commissioners  
authorized to levy  
special tax.  
Amount.

SECTION 1. That the Board of Commissioners of Hertford County be and are hereby authorized and empowered to levy a special tax of twelve and one-half ( $12\frac{1}{2}$ ) cents on the one hundred dollars valuation of property in said county, and thirty-seven and one-half ( $37\frac{1}{2}$ ) cents on each poll, annually for two year, viz.: for the years nineteen hundred and one (1901) and nineteen hundred and two (1902) to be expended for the purpose of repairing the common jail of the county; that said special tax shall be collected as are other taxes in said county.

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 the 22d day of February, A. D. 1901.

## CHAPTER 234.

**An act to allow the 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.

SECTION 1. That the Commissioners of Wilkes County are hereby authorized and empowered to levy a special tax for the years nineteen hundred and one (1901) and nineteen hundred and two (1902) at their meeting in June of said years, the said tax not to exceed in either year the sum of fifteen cents on the one hundred dollars worth of property and forty-five cents on the poll, the constitutional equation to be observed in each case.

How collected  
and accounted  
for.

SEC. 2. That taxes authorized to be levied in the preceding section shall be collected and accounted for at the same time and under the same penalties as are prescribed for the collections and accounting for other State and county taxes and shall be used exclusively to pay off and defray the county expenses of the county as the Commissioners may direct.

Purposes and  
use.

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

In the General Assembly read three times, and ratified this the 22d day of February, A. D. 1901.

## CHAPTER 235.

**An act to authorize the Commissioners of the county of Johnston to work convicts upon the public roads of said county.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Commissioners of the county of Johnston be and they are hereby authorized and empowered to establish and maintain a system for the working of the public roads and highways of said county by the convicts of said county.

Johnston County Commissioners to work convicts on roads.

SEC. 2. That all persons sentenced to jail by any Justice of the Peace of said county and all insolvents who shall be imprisoned by any Court in the same for non-payment of costs or fine in criminal cases, may be retained in imprisonment and worked on the public roads of said county until they shall have paid the fine and costs, the rate of compensation to be allowed for said fine and costs, to each defendant for work on the public roads to be fixed at a just and fair sum by the Board of County Commissioners.

Persons sentenced to jail by Justice of Peace, and insolvents imprisoned for non-payment of costs, to be worked on public roads.

SEC. 3. That upon application of the Board of Commissioners of said county it shall be lawful for and the duty of the Judges holding Courts in the said county to sentence to imprisonment and hard labor on the public roads and highways and bridges of said county for such terms as are prescribed by law for their imprisonment in the county jail, or in the State prison, the following classes of convicts, 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 wholly or in part be imprisonment in the penitentiary for a term not exceeding five years.

What classes of convicts judges may sentence to work on public roads.

SEC. 4. That the Mayors of the various towns in said county of Johnston, who are ex officio Justices of the Peace may also sentence such persons as come under the provisions of section 2 of this act to said public roads.

Mayors may sentence to work on public roads.

SEC. 5. That said Board of County Commissioners are hereby authorized to accept convicts from other counties, sentenced by the Superior Court Judges, whenever in their judgment it is convenient to do so.

Commissioners may accept convicts from other counties.

SEC. 6. That the convicts sentenced to hard labor under this act shall be under the control of the Board of 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 said public roads and high-

Powers of County Commissioners as to convicts sentenced to work public roads.

ways, and they may appoint a superintendent or overseer for said convicts, and commit to him 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 is necessary to carry out the rules and regulations of said Commissioners in the working of the public roads of Johnston County, or any other work to which said convicts may be put by order of the said Board of Commissioners to the same extent as is allowed by law to the authorities of the penitentiary in the custody and control of convicts committed to the State prison.

Powers of Commissioners over such convicts.

SEC. 7. That the said Board of Commissioners in their discretion may work said convicts upon any other public works in said county and on any other public roads, highways or bridges in the county of Johnston, 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.

Maintaining and safe keeping of said convicts.

SEC. 8. That for the purposes of equipping and maintaining said convict system, the said Commissioners are hereby authorized and empowered to use the county jail for the safe keeping of said convicts, or to build and equip a convict camp for said purpose. The said Commissioners are duly authorized to provide for the keeping and maintaining said convicts at, or in connection with the Home for the Aged and Infirm, also, the said Commissioners are hereby authorized to dispose of the present site of the Home for the Aged and Infirm, and to establish one elsewhere if in their opinion they deem it best to do so.

Commissioners may dispose of present site of Home for Aged and Infirm, etc.

Purchase of material and implements.

SEC. 9. The said Commissioners are hereby empowered to purchase materials and implements, as in their opinion they deem necessary to successfully conduct the working of said convicts.

Superintendent, overseers, etc.

SEC. 10. That the said Commissioners are hereby authorized to employ a superintendent, overseer and other officers and employees as may be necessary to work said convicts, and to define their duties and affix their compensation. The said Commissioners shall prescribe all regulations as to the management of said convicts, and the work done on said road, highways and other public works.

Regulations as to management and work done.

Superintendent of Health to attend sick convicts.

SEC. 11. The Superintendent of Health of said county shall attend the convicts as though they were confined in the county jail.

Township convict road-working system

SEC. 12. That any township in said county, may, upon petition by 50 of its freeholders, apply to the County Commissioners for the convict system for their township, and the said Commissioners may grant such petition if in their judgment they deem it best, in which case a special levy of taxes shall be authorized for the maintenance of same. The said levy not to exceed a

Special tax levy for same.



tax of 25 per cent on each \$100.00 of property and 75 cents on each poll, observing the constitutional equation between the property and polls of said township.

SEC. 13. That should the Commissioners grant the petition of any township it is hereby understood that this act shall in all respects apply to the system of said township alone and not to the county at large.

This act to apply to township systems.

SEC. 14. That in case a township system is adopted, the special taxes shall be levied and collected as other taxes and the County Treasurer shall keep said funds separate and pay out same only upon order of the Court, like other funds.

Levy and collection of special township taxes. How kept and paid out.

SEC. 15. That the expenses of said convict system shall be borne by the county, unless a township system shall be adopted, in which case the said township shall pay said expenses.

Expenses of convict system, how borne.

SEC. 16. That all laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 17. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 22d day of February, A. D. 1901.

#### CHAPTER 236.

#### **An act to authorize the Commissioners of Haywood County to levy a special tax to meet general and special indebtedness.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Commissioners of Haywood County are hereby authorized and empowered at their regular meeting in June, nineteen hundred and one and nineteen hundred and two, to levy a special tax upon property and polls in said county, for the purpose of discharging and paying the general and special indebtedness of said county.

Haywood County Commissioners empowered to levy special tax.

SEC. 2. That the amount of tax levied as aforesaid under this act shall be determined by said Board of Commissioners, but shall not in either year exceed twenty-five cents on the hundred dollars worth of property and seventy-five cents on the poll, and the constitutional equation between the property and the poll shall always be observed in making such levies.

Amount of tax.

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 tax in said county.

How collected and accounted for.

SEC. 4. 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 February, A. D. 1901.

## CHAPTER 237.

**An act to amend Chapter 280, Laws of 1897, relating to the payment of jurors in Durham County.***The General Assembly of North Carolina do enact:*

Chapter 280, Public Laws 1897, amended.

SECTION 1. That chapter two hundred and eighty of the Public Laws of 1897 be amended by striking out in line six of section one the word "without;" and inserting in lieu thereof the word "with" and by striking out in line seven the word "Durham."

Application restricted to Durham County.

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

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

In the General Assembly read three times, and ratified this the 22d day of February, A. D. 1901.

## CHAPTER 238.

**An act for the relief of J. L. Griffin, J. M. Edwards, Ostia Perry and J. M. Griffin.***The General Assembly of North Carolina do enact:*

Chatham County Treasurer to pay Joseph L. Griffin, Superintendent of Schools, \$67.00.

SECTION 1. That the Treasurer of Chatham County be and he is hereby authorized and directed to pay out of the school fund of Chatham County the sum of sixty-seven dollars and fifty cents, to Jos. L. Griffin, as Superintendent of Schools.

To pay J. M. Edwards \$14.00; Ostia Perry \$16.25 and J. M. Griffin \$10.75 as school directors.

SEC. 2. That the said Treasurer is further authorized and directed to pay to J. M. Edwards, fourteen dollars; to Ostia Perry sixteen dollars and twenty-five cents, and to J. M. Griffin the sum of ten dollars and seventy-five cents amount due them as School Directors of said county.

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

In the General Assembly read three times, and ratified this the 22d day of February, A. D. 1901.

## CHAPTER 239.

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

Unlawful to cut timber trees while hunting in Wilkes County.

SECTION 1. That it shall be unlawful for any person or persons while hunting in the county of Wilkes to cut down for any purpose any timber tree on the lands of another out of which

any marketable lumber can be made, without the consent of the owner of the land.

SEC. 2. That any person or persons violating the provisions of section one of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than five nor more than twenty-five dollars. 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 the 22d day of February, A. D. 1901.

#### CHAPTER 240.

**An act to prohibit hunting and fishing on any lands in Mitchell County except by written consent of the owner.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person to hunt or fish upon the land of another in the county of Mitchell, with gun or dogs, except by written consent of the owner. Unlawful to hunt or fish in Mitchell County without written consent of land owner.

SEC. 2. That any person violating this law shall be guilty of a misdemeanor and shall upon conviction be fined not less than \$5.00 or more than \$10.00 for each and every offense. 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 22d day of February, A. D. 1901.

#### CHAPTER 241.

**An act to amend Chapter 471 of the Public Laws of 1899 in reference to the appointment of the Judges of the Criminal Courts.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter 471 of the Public Laws of 1899, be and the same is hereby amended by striking out in section seven (7) thereof the words "and elected by the General Assembly of North Carolina" in lines three and four, and inserting in lieu thereof the words "by the Governor." Providing for appointment of Criminal Court judges by the Governor.

SEC. 2. That said chapter of the Laws of 1899, be further amended by striking out all of section (8) eight after the word "Governor" in the fourth line thereof. Section, 8, chapter 471, Public Laws 1899, amended.

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

In the General Assembly read three times, and ratified this the 23d day of February, A. D. 1901.

## CHAPTER 242.

**An act to authorize the Commissioners of McDowell County to issue bonds for the improvement of the court-house in Marion.***The General Assembly of North Carolina do enact:*

McDowell County  
Commissioners  
authorized to  
issue bonds.

SECTION 1. That for the purpose of improving and enlarging the court-house in Marion, the Board of Commissioners of McDowell County are hereby authorized and empowered to issue coupon bonds, or county script, in an amount not exceeding the sum of five thousand dollars.

Amount.

Maturity.

Interest.

Selling price.

How applied.

SEC. 2. That the bonds, or script, issued under the provisions of this act shall run for ten years, shall bear interest at the rate of six per centum per annum, payable semi-annually, and shall not be sold for less than their par value.

SEC. 3. That the said bonds, or script, when issued and sold, shall be applied by the said Board of Commissioners exclusively for the improvement and enlargement of the said court-house, and for no other purpose.

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 22d day of February, A. D. 1901.

## CHAPTER 243.

**An act to repeal Chapter 16, volume 2 of The Code, and for other purposes.***The General Assembly of North Carolina do enact.*

Chapter 16, vol-  
ume 2, of The  
Code, relative to  
holding elections,  
repealed.

Sections 47, 48 and  
52, of chapter 1,  
Laws of  
adjourned session  
1899, amended so  
that prosecutions  
begun under said  
sections shall  
commence  
within thirty  
days after com-  
mission.

SECTION 1. That chapter 16, Volume 2 of The Code be and the same is hereby repealed.

SEC. 2. That sections forty-seven (47), forty-eight (48), and fifty-two (52) of chapter one (1) of the Laws of 1900, enacted at the adjournment session in June, 1900, and ratified June 13, 1900, be and the same are hereby amended by adding at the end of each of said sections the words: *Provided*, that no indictment shall be found or prosecution begun, or maintained, under the provisions of this section, or for any violation of the provisions of this act unless such indictment be found or prosecution be begun within thirty days after the alleged commission of such 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 the 22d day of February, A. D. 1901.

## CHAPTER 244.

**An act supplemental to an act entitled "An act to increase the number of Superior Court Judges and Judicial Districts," ratified the 18th day of February, A. D. 1901.**

WHEREAS, Heretofore an act has passed this General Assembly entitled "An Act to increase the number of Superior Court Judges and Judicial Districts," in which it was provided that there be an increase of Superior Court Districts in this State to the number of sixteen; and, Preamble.

WHEREAS, In the enrollment and ratification of the said act a mistake was made and by oversight and inadvertence the number of such districts was put at fifteen, instead of sixteen; and, Preamble, showing mistake in enrollment and ratification of original act.

WHEREAS, It was the clear intent and purpose of the General Assembly to increase the number of such districts to sixteen; therefore, Preamble, intent of General Assembly.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Secretary of State be and he is hereby authorized and directed to strike out the word "fifteen" in section one of an act ratified on the 18th day of February, 1901, entitled "An Act to increase the number of Superior Court Judges and Judicial Districts" and to insert in lieu thereof the word "sixteen" and that such correction be made in the body of the said act and also upon any book, manuscript or copy where said act has been recorded or copied. Secretary of State directed to strike out word "fifteen" in section 1 of original act, and insert "sixteen."  
Correction to be made in body of act and upon any copy.

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 February, A. D. 1901.

## CHAPTER 245.

**An act to amend an act relating to the Board of Health, Chapter 214, Laws of 1893.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That section 2 of chapter 214, Laws of 1893, be amended by striking out in line two the words "two years," and inserting in lieu thereof the following: "Two for four years, and two for six years and their successors for six years," and by striking out in line five the words "two years" and inserting in lieu thereof the following: "One for two years, two for four years and two for six years, and their successors for six years." Section 2, chapter 214 Public Laws 1893, amended.

Section 1 of said chapter amended.

SEC. 2. That section 4 be amended by striking out in lines three and four respectively the word "two," and inserting in lieu thereof the word "six."

Section 5 of said chapter amended. Auxiliary Board of Health in each county.

SEC. 3. That section five as amended by chapter 201, Laws of 1897, be stricken out and the following substituted therefor: Section 5. There shall be an auxiliary Board of Health in each county in the State, whose function shall be upon the call of the chairman of the Board of County Commissioners to advise the county authorities in all matters pertaining to the public health.

Of whom composed.

These boards shall be composed of all registered physicians resident in the county. From this board two physicians shall be selected, one by the chairman of the Board of County Commissioners and one by the Mayor of the county town, who, together with the Board of County Commissioners, shall constitute the County Sanitary Committee, of

County Sanitary Committee, how selected and of whom composed.

which committee the chairman of the Board of County Commissioners shall be *ex officio* chairman. Their term of office shall be

Term of office.

Compensation.

conterminous with that of the Commissioners with whom they serve, and when on duty they shall receive the same compensa-

Responsibility.

tion as is received by County Commissioners. The County Sanitary Committee shall have the immediate care and responsibility

Rules and regulations.

of the health interests of their county. They shall make such rules and regulations, pay such fees and salaries and impose such

Salaries and fees.

penalties as in their judgment may be necessary to protect and advance the public health. And any person violating such rules

Penalties.

and regulations shall be guilty of a misdemeanor and may be

Violation of rules and regulations a misdemeanor.

Penalty.

fined not exceeding fifty dollars, or imprisoned not exceeding thirty days. They shall elect a registered physician, not a mem-

County Superintendent of Health.

ber of the Sanitary Committee, to serve two years, with the title of County Superintendent of Health and shall fix his compensa-

His duties.

tion. The duty of the County Superintendent of Health shall be to carry out as far as possible such work as may be directed by

the County Sanitary Committee and by the State Board of Health. He shall always promptly advise the Secretary of the

State Board of Health of the unusual prevalence of disease in his county, especially of typhoid fever, scarlet fever, diphtheria, yel-

low fever, smallpox and cholera. He shall make the medico-legal post-mortem examinations for Coroners' inquests, attend

the inmates of the Home for the Aged and Infirm, and the prisoners in the jail or convict camp of his county, and make exami-

nations of lunatics for commitment. He shall be the sanitary inspector of the home and jail, including convict camps of his

county, making monthly reports to the Board of County Commissioners and to the secretary of the State Board of Health."

To be Sanitary Inspector.



SEC. 4. That section 8 be stricken out and the following substituted therefor: "The meeting of the State Board of Health for the election of officers shall be on the second day of the annual meeting of the Medical Society of the State of North Carolina in the year 1901 and every six years thereafter, and of the County Sanitary Committee for the election of a County Superintendent of Health on the first Monday in May, 1901, and every two years thereafter."

Section 8, chapter 244, Public Laws 1893, stricken out.  
Time fixed for election of health officers.

SEC. 5. That section 14 be amended by inserting after the word "Commissioners" in line five, the words "or County Sanitary Committee."

Section 14, chapter 244, Public Laws 1893, amended.

SEC. 6. That section 15 be amended by inserting between the words "town" and "near," at the end of line two, the words "or the Sanitary Committee of a county" by striking out after the word "town" in line fourteen the words "or County Board of Health" and inserting in lieu thereof the words "Board of Health or County Sanitary Committee," and by striking out after the word "town" in line twenty-one the words "or County Board of Health," and inserting in lieu thereof the words "Board of Health or County Sanitary Committee."

Section 15, said chapter amended.

SEC. 7. That section 23 be amended by striking out all of said section from the beginning of line ten and inserting in lieu thereof the following: "The Sanitary Committee of any county may make such regulations and provisions for the vaccination of its inhabitants and impose such penalties as they may deem necessary to protect the public health; and any person violating such regulations shall be guilty of a misdemeanor and may be fined not exceeding fifty dollars, or imprisoned not exceeding thirty days."

Section 23, chapter 244, Public Laws 1893, amended.

Regulations for vaccination.

Violation a misdemeanor.

Penalty.

SEC. 8. That section 25 be amended by adding thereto the following: "And any person violating such regulations shall be guilty of a misdemeanor, and may be fined not exceeding fifty dollars or imprisoned not exceeding thirty days."

Section 25, said chapter, amended.

Violation of regulations a misdemeanor. Penalty.

SEC. 9. That section 7 having been repealed, the number of section 8 be changed to 7 and of all subsequent sections in accordance therewith.

Change of numbers of sections by reason of repeal of section 7

SEC. 10. 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. 1901.

## CHAPTER 246.

**An act to prohibit live stock from running at large in certain parts of Alleghany County, and hogs from running at large in the residue of the county.**

*The General Assembly of North Carolina do enact:*

Unlawful for hogs to run at large in Alleghany County.  
Unlawful for stock to run at large in Glade Creek and Cherry Lane townships, said county.

Stock running at large contrary to section 1, may be impounded.

Impounder to report to nearest Justice of the Peace.

Justice to advertise.

When impounded stock may be sold.

Owner may reclaim stock; provisions.

Proceeds, how disposed of.

SECTION 1. That it shall be unlawful for any person to allow his hogs to run at large on the lands of another in Alleghany County, and it shall be unlawful for any person to allow his live stock to run at large on the lands of another in Glade Creek and Cherry Lane Townships in said county.

SEC. 2. That any hogs or other live stock found running at large contrary to the provisions of section one of this act may be impounded by any citizens 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 at three public places in his township, and at the end of five days sell the same between the hours of 10 a. m. and 4 p. m. to the highest bidder for cash, at the residence of said Justice: *Provided*, that the owner thereof may at any time before sale reclaim such live stock upon paying all costs and expenses already incurred.

SEC. 3. That the proceeds of any sale made under the provisions of this act shall be applied to the costs 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-five 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 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 same owner then these fees shall be for entire lot.

SEC. 5. That all laws relating to stock law territory not inconsistent with this act shall apply to the territory embraced in section one hereof, and all the pains and penalties prescribed

Costs and fees.

Owner to pay fees before delivery of stock.

Fees of Justice.

Proviso.

General stock law not inconsistent herewith, applicable.

by law for violations of laws prescribed for no-fence territory shall apply to violations of this act, and all laws and clauses of laws inconsistent herewith are hereby repealed.

SEC. 6. That this act shall be in force and effect from and after the 15th day of March, 1901.

In the General Assembly read three times, and ratified this the 23d day of February, A. D. 1901.

When act to be in force.

## CHAPTER 247.

### An act to establish a dispensary in Township No. 1, Edgecombe County, North Carolina.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person, firm or corporation to sell, barter or exchange any spirituous, vinous, malt or intoxicating liquors of any kind in Number 1 Township, Edgecombe County, except as hereinafter provided; and anyone 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 dispose of intoxicating liquors in number 1 Township, Edgecombe County, except as herein provided. Violation a misdemeanor. Penalty.

SEC. 2. That L. L. Staton, J. M. Baker, and W. O. Howard be, and they are hereby appointed a Dispensary Board of Commissioners for No. 1 Township, Edgecombe County, whose term of office shall begin on the 1st day of May, 1901, and continue four years, and until their successors are elected 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 township; and every four years thereafter at such general election for members of the General Assembly preceding the end of the term of office of such Commissioners their successors shall be elected by the qualified voters of said township. 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 said Commissioners when it shall be made to appear that he has violated his oath or been guilty of a malfeasance; and the said Dispensary Commissioners shall be paid fifty dollars each per annum for their services: *Provided*, the said Board shall select one of its members as Chairman and one as Treasurer, and may

Dispensary Board of Commissioners.

Term of office.  
Successors, when elected.

Vacancy, how filled.

Oath of office.

Removal.

Compensation.

Chairman and Treasurer.

Compensation. Bond of Treasurer.	allow the Treasurer such additional compensation as they may see fit, and said treasurer shall give bond payable to the town of Tarboro, conditioned upon the proper accounting for the moneys that may come into his hands as such Treasurer, in a sum not less than five thousand dollars to be fixed by said Dispensary Board: <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 or trust company as surety, and charge the expense of giving such bond as an expense of said dispensary.
Location of dispensary.	SEC. 3. That said Dispensary Board on the 1st day of July, 1901, or as soon thereafter as possible, shall establish one dispensary in the town of Tarboro, to be located on one of the principal streets, for the sale of spirituous, vinous, and malt liquors, and there shall be no prosecution under this act for the sale of liquor until said dispensary shall be opened. The said dispensary Board shall elect a manager for said dispensary, who shall be a man of good character and sobriety, who shall have charge of the same under the supervision of said board, and who shall hold said position of manager at the pleasure of said Dispensary Board, subject to be discharged without notice. The said dispensary may appoint such assistants or clerks as they may deem necessary, and may discharge them at pleasure without notice.
Purposes.	
Manager.	
Assistants and clerks.	
Bond of manager.	The said manager shall be required to give bond payable to the town of Tarboro, in such sum as the Dispensary Board may determine not less than one thousand dollars conditioned upon the proper accounting for all the moneys that may come into his hands as such manager and for the faithful performance of the duties of his office of manager, as prescribed in this act and the rules and regulations of said Dispensary Board, and the said manager shall receive such salary or compensation as may be fixed by said Dispensary Board, which shall not exceed one hundred 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.
Compensation.	
Bonds of clerks or assistants.	
Attorneys, agents and detectives.	SEC. 4. The said Dispensary Board shall have power to employ attorneys, agents and detectives to assist in the detection and prosecution of persons, firms or corporations violating this act and for other purposes; may employ chemists or other competent persons to test liquors; may borrow money; and shall have power to do all other proper things not contrary to law to carry out the true intent of this act.
Chemists.	
Powers of Dispensary Board.	
Weekly payments.	SEC. 5. The manager of said dispensary shall on Monday of each week pay to the Treasurer of the Dispensary Board all moneys which he may hold as said manager, and shall keep a

strict account of all liquors received by him, the amount sold, and the amount on hand; and the said Treasurer shall hold and disburse all the funds belonging to said Dispensary, and after paying expenses and after reserving such a sum as the Dispensary Board may deem necessary to carry on the dispensary, shall on the first day of January, and on the first day of July of each and every year, pay over fifty per centum out of the profits of said dispensary to the Treasurer of the town of Tarboro and fifty per centum of said profits to the Treasurer of Edgecombe County to be used as the law directs the application of the moneys received from the issuance of liquor license.

SEC. 6. The manager of said dispensary shall, under the supervision of said Dispensary Board, purchase all liquors necessary and proper for said dispensary, and may purchase such pure liquors as may be in the hands of the liquor dealers in the town of Tarboro or in any other portion of said township: *Provided*, said Dispensary Board shall refuse to pay for all liquors found not to be pure.

SEC. 7. No liquor of any kind shall be sold in said dispensary on Sunday or election days, and said dispensary shall never be open, or liquor sold therein before sunrise 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 liquors 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 not more than fifty dollars or imprisoned not more than thirty days.

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 employes, 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 a [the] management of the dispensary.

Accounts to be kept by Manager.

Disposition of Dispensary funds.

Dispensary to purchase stock of liquor dealers in Township Number 1, Edgecombe County.

Sale of liquor on Sundays, election days, before sunrise or after sunset prohibited.

Prices, how fixed. Maximum profit.

Sold in unbroken packages only.

Quantity. Unlawful to open on premises.

No loafing or drinking on premises

Misdemeanor not to leave premises when so ordered.

Penalty.

Record of sales.

Restricted inspection.

Sale to minors prohibited.



Misdemeanor for manager to procure liquors from persons other than as directed by Dispensary Board; to adulterate or mix liquors or make false entry or return.

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 or returns required by this act he shall be guilty of a misdemeanor.

Misdemeanor to maintain club-room or place where intoxicating liquors are kept for use, sale or distribution.

SEC. 10. Every person who shall directly or indirectly keep or maintain by himself, or by associating or combining with others, or who shall in any manner aid, assist or abet in keeping or maintaining any club-room or other place in which intoxicating liquors are received or kept for barter or sale or for distribution or for division among the members of any club or association by any means whatever, shall be guilty of a misdemeanor.

Books kept by manager open for public inspection.

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 in a sum not less than one hundred dollars or imprisoned not less than three months or both, except where the penalty is otherwise provided.

Misdemeanor to violate the provisions of this act. Penalty.

SEC. 12. All laws and clauses of laws in conflict with the provisions of this act are hereby repealed: *Provided*, that this act shall not be construed so as to repeal any prohibitory laws already in force; and section three thousand one hundred and eleven of The Code shall not apply to this act.

Conflicting laws repealed, except prohibitory laws.

Section 3111 of Code not applicable.

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 23d day of February, A. D. 1901.

## CHAPTER 248.

### An act to authorize the commutation and settlement of certain indebtedness of Washington County.

*The General Assembly of North Carolina do enact.*

Sections 6 and 7, Chapter 141, Public Laws 1899, repealed.

SECTION 1. That sections six (6) and seven (7) of chapter one hundred and forty-four of the Public Laws of 1899, be and the same are hereby repealed.

Money collected under Chapter 212, Public Laws 1897, transferred to general fund.

SEC. 2. That all money which was collected under and by virtue of chapter two hundred and forty-two (242) of the Public Laws of 1897, and now in the hands of the Treasurer of Washing-



ton County is hereby applied to the general fund of the said county and the said Treasurer is hereby authorized and empowered to use and apply the same to the payment of the current expenses and debts of the said county in the same manner as any other funds paid into his hands under the general law.

Treasurer authorized to apply same to current county expenses.

SEC. 3. That the Board of Commissioners of said county are hereby authorize<sup>d</sup> and empowered, upon the surrender and return thereof in session assembled, to receive and cancel all warrants now outstanding and unpaid which were issued by said board for the payment of the contract price, for working of the public roads of said county under and by virtue of chapter two hundred and forty-two (242) of the Public Laws of 1897, and to commute, fund and discharge the said indebtedness by warrants drawn on the general fund of the said county in lieu thereof at a per centum not to exceed the amount actually paid for said orders without interest by the parties holding the same at the date of the ratification of this act.

Commissioners to fund and discharge outstanding indebtedness for road-working by warrants drawn on general fund.

SEC. 4. That this act shall not authorize such commutation, discharge or settlement nor any action therein unless the said warrants shall be presented for surrender and cancellation as herein provided on or before the first Monday in September, 1901.

Not applicable unless warrants presented before first Monday, in September, 1901.

SEC. 5. That it shall be the duty of the Treasurer of the said county to pay the warrants so issued in liquidation of the said indebtedness out of the general fund of said county.

Treasurer to pay warrants out of general fund.

SEC. 6. That before any of the said warrants issued under chapter two hundred and forty-two (242) Laws of 1897, shall be so cancelled, liquidated and discharged, the said board shall ascertain as far as possible the total amount of the face value of said warrants and the relation and ratio thereof to the amount of the fund mentioned in section one of this act, levied and collected under chapter 242, Laws of 1897, and the said warrants shall be paid and discharged so far only as an amount equal to the amount of the said fund will pay them in equal proportions: *Provided*, such payment shall constitute a full and complete discharge and settlement of each warrant so surrendered and cancelled.

Warrants to be paid only in proportion to amount mentioned in Section 1 of this act.

SEC. 7. That it shall be the duty of the Secretary of State immediately upon the ratification of this act to certify a copy to the said Board of Commissioners under the seal of his office.

Secretary of State to certify act to Board of Commissioners.

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 23d day of February, A. D. 1901.

## CHAPTER 249.

**An act requiring the Treasurer of Madison County to pay S. W. Hall balance for teaching school.***The General Assembly of North Carolina do enact:*

Treasurer of  
Madison County  
authorized to pay  
S. W. Hall school  
claim.

SECTION 1. The Treasurer of Madison County is authorized to pay to S. W. Hall, out of the school fund due Mars Hill District in said county, thirty dollars and sixty-two cents (\$30.62) being balance due for school taught in Mars Hill School District in 1897.

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 23d day of February, A. D. 1901.

## CHAPTER 250.

**An act to protect and promote the oyster industry of North Carolina.***The General Assembly of North Carolina do enact:*

Oyster Commis-  
sion.

Appointment.  
Salary.  
When payable.  
Traveling  
expenses, maxi-  
mum.  
County inspec-  
tion.

Appointment.  
Salaries.  
Sub-inspectors.

Appointment.

Salaries of Sub-  
inspectors.

Removal.

Term of office of  
Commissioner,  
and Inspectors.

How removed.

Official bonds.

SECTION 1. That for the purpose of executing and enforcing the oyster laws of this State there shall be an oyster commissioner appointed by the Governor whose salary shall be seven hundred dollars per annum payable monthly, and actual travelling expenses not to exceed in any one year the sum of three hundred dollars. There shall also be an Inspector from each of the following counties, viz: Hyde, Beaufort, Dare, Pamlico and Carteret, who shall be appointed by the Governor and receive a salary of four hundred dollars each per annum payable monthly. There shall also be a sufficient number of sub-inspectors in each of said counties, and at other places where necessary, to carry into effect and properly enforce the laws. The sub-inspectors shall be appointed by the Oyster Commissioner upon the recommendation of the Inspector of the county wherein they are to serve; but upon his own judgment if the service is to be in a county which has no Inspector. They shall receive a salary of thirty dollars per month during the oyster season and shall be subject to removal at any time by the Inspector of their county or by the Oyster Commissioner. The term of office of the Oyster Commissioner, and of the Inspectors for the counties named 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 ac-

counting for all moneys received by them. The bond of the Oyster Commissioner shall be two thousand dollars, that of each Inspector one thousand dollars, that of the sub-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 they may be given in a guarantee or an insurance company authorized to do business in this State. They shall be approved by and filed with the Clerk of the 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.

Amount of bond.

To whom payable.  
Sureties.

Approval and filing.

Oaths of office.

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 to the clerks of the several counties mentioned in this act, and to sub-inspectors stationed in other counties, receipt and record books, and all other kinds of stationery, necessary to keep a correct record and account of all money collected, and all information required 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 violators of the law, and whenever it is necessary he may employ counsel for this purpose. He and the Inspectors and sub-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 shall use the State's steamer Lillie for the purpose of enforcing the law, and may employ a captain and crew for the same. 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.

Duties of Oyster Commissioner.

To furnish receipt and record books and stationery.

Other duties.

Prosecute violators and employ counsel.

May arrest without warrant oyster law violators.

To use State steamer Lillie.

May employ other vessels.

Administer oaths, examine witnesses, etc.

Monthly statement to State Treasurer.

Biennial report to Governor.

SEC. 3. The Inspectors for the counties shall be charged with the special supervision under the Commissioner of all matters

Duties of County Inspectors.

Particular duties.	relating to the oyster industry in their respective counties, and each shall in addition perform the duties required of a sub-inspector. They are particularly charged with the rigid enforcement of the cull feature of the law; the provision 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 are prohibited, and with the collection of all taxes. Whenever oysters are offered for sale or loaded upon any vessel, car or train for transportation out of the State without having been properly culled, according to law, the Commissioner or Inspectors or sub-inspectors shall seize the boat, vessel, car or train containing the same, and shall cause the said oysters to be returned to and scattered upon the public grounds and the cost and expense of said seizure and transportation shall be a prior lien to all other liens on said boat, vessel, car or train, and if not paid on demand the officer making the seizure shall after advertisement for twenty days, sell the same and make title to the purchaser and after paying the expenses as aforesaid pay the balance if any into the oyster fund: and the owner or person offering 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 or received by them from sub-inspectors and from whom and for what purpose collected. They shall on or before the 15th day of each month mail to the Oyster Commissioner a report of all taxes collected by them and of all taxes received from the sub-inspectors, and showing from whom received, and at the same time they shall remit said taxes together with a similar statement direct to the Treasurer of the State.
Procedure upon attempt to transport unculled oysters out of State.	
Person owning, possessing or offering for sale unculled oysters, guilty of misdemeanor.	
Penalty.	
Further duties of County Inspectors.	
To keep record of taxes received.	
Monthly report to Oyster Commissioner.	
To State Treasurer.	
Duties of Sub-Inspectors.	SEC. 4. The duties of the sub-inspectors shall be to aid and assist the Oyster Commissioner and Inspectors to rigidly enforce the oyster laws of the State in every particular. They shall conform to the regulations made for this purpose by their superior officers. And they are hereby clothed with all the power and authority necessary for the proper performance of their duties. They shall keep a correct record of all taxes collected by them when and from whom and for what purpose collected; and shall on or before the 5th of each month report to the Inspector of their county or direct to the Commissioner in the event they have no County Inspector, all taxes collected for the preceding month and from whom collected and shall at the same time pay over said taxes to the said Inspector or Commissioner, and forward a copy of this report to the Commissioner. All reports of
Powers and authority.	
Duties.	
Monthly report.	
To pay over taxes.	
Copy of report to Commissioner.	

Inspectors or sub-inspectors required by this act to be made to the Oyster Commissioner shall be in such form as he may prescribe, and shall contain such detailed information as he may require including the name of the party from whom the tax was collected, the amount collected from each party and the number of bushels of oysters upon which the tax was collected.

Form of reports.

SEC. 5. The Clerks of the Courts of the several counties who are authorized to issue licenses 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 5 per cent as their commission direct to the State Treasurer. They shall at the same time mail to each Inspector a list of all persons to whom license has been issued, and of all boats or vessels licensed, and for what purpose.

Superior Court Clerks issuing license to report monthly to Commissioner.  
To remit monthly.

SEC. 6. 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. Every boat or vessel engaged in catching or selling oysters shall keep a permanent record showing where, when, and to whom said oysters were sold, the number of bushels and the price received therefor. All of these records shall at all times be open to the examination and inspection of the Oyster Commissioner and Inspectors, and upon request shall be verified by the parties making them, but shall not be disclosed as to price by the Commissioner or Inspectors except in the event of an alleged violation of the law. Any person violating 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 and every offense.

To mail monthly to each Inspector list of licensed persons, boats, etc.

Purchaser of oysters to keep record.  
What record to contain.  
Boats and vessels catching oysters to keep record.  
What to contain.

Records open to examination of Inspectors.

May be verified.

When contents disclosed.

Violation of this section, misdemeanor.

Penalty.

SEC. 7. It shall be unlawful for any person to catch oysters from the public grounds of this State without first obtaining license so to do; and no person shall be licensed for this purpose who is not a *bona fide* resident of the State and resided therein continuously for twelve months next preceding the date of his application for 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.

Unlawful to catch oysters from public grounds without license.  
Eligibility for license.

Eligibility of employes, agents or assistants.

SEC. 8. Any person desiring to catch oysters from the public grounds of this State shall first make and subscribe to the following oath before some officer qualified to administer oaths: "I, ....., being an applicant for oyster license, do sol-

Oath of applicant for office.



emply swear that I am a citizen of North Carolina and have been a resident of the State for the twelve months next preceding this day, that my place of residence now is 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; and that I will not knowingly or wilfully violate or evade any of the laws or regulations of the State relating to its oyster industry. So help me God." He shall then present to and file said oath with the Clerk of the Court of Hyde, Dare, Beaufort, Carteret or Pamlico County, but in each case with the Clerk of the county in which he resides if it be one herein named, but if not, then to the Clerk of any one of them; and the said Clerk, if satisfied of the truth of the statements 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 until the first day of next September. Witness my hand and official seal. This the ..... day of ....., 19.... Clerk Sup. Ct., ..... County, North Carolina." The said oath and a record of the license shall be kept by the Clerk and for issuing and recording same, he shall receive from the applicant a fee of twenty-five cents. If any person after having been thus licensed shall violate his oath of application, he shall be guilty of the crime of perjury and upon conviction punished accordingly.

Sec. 9. 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 of this State until the said boat or vessel has been duly licensed by a 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 by 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 a tax of three dollars. On any boat or vessel with cabin or deck and under custom-house tonnage six dollars. On any boat or vessel subject to custom-house tonnage a tax of two dollars and fifty cents per ton on gross tonnage. But no boat or vessel propelled by steam, gas or electricity; and no boat or vessel of more than thirty tons net tonnage; and no boat or vessel not the property absolutely of a citizen or citizens of this State or upon which any

Oath to be filed with Clerk Superior Court of certain counties.

Upon filing, clerk to issue license. Form of license.

Oath and record of license to be kept by clerk.

Fees for issue and recording. Violation of oath, perjury.

Unlawful to use boat or vessel to catch oysters from public grounds without license and payment of tax.

When license granted.

License taxes.

What boats and vessels can not obtain license.



non-resident of this State has any lien, or claim, whatever, shall under any circumstances be granted a license for use in taking or catching oysters from the public grounds of this State. All boats or vessels so licensed to catch oysters shall display on the port side of the jib above the reef and bonnet and on the opposite side of the main sail above all reef points in black letters not less than one foot long the initial letter of the county granting the license and the number on said license. 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 nor less than twenty-five dollars or imprisoned not more than thirty nor less than twenty days for the first offence, but for the second or any subsequent offence 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 place designated in the advertisement, and the proceeds paid into the oyster fund.

Sec. 10. It shall be unlawful for any person, firm or corporation to engage in the business of buying or purchasing oysters in the shell 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 Hyde, Carteret, Pamlico, Craven, Beaufort, Dare or Pasquotank County. Upon application to any one 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 be in force until the 1st day of the following September, 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 so continued.

Sec. 11. All dealers in oysters and all persons who purchase oysters for canning, packing, shucking or shipping, shall pay a tax of two cents on every bushel purchased by them: *Provided*, that all persons, firms or corporations who purchase oysters for canning, packing or shucking in this State shall be allowed to retain one-half cent per bushel as rebate upon such oysters as are chargeable with a tax of 2 cents per bushel. This tax shall be paid to and collected by either the Inspector or sub-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 or In-

Licensed vessels to display initial letter of county granting license.

Violation of this section, misdemeanor.  
Penalty.

Penalty for second or subsequent offence.

Purchasers of oysters in shell to obtain license.

Where to obtain.

Clerk's fee.

How long license in force.  
Clerk to mail duplicate.

Violation of this section, misdemeanor.

Dealers tax.

Proviso.

Tax, by whom collected.  
Receipt.  
Failure to pay tax, license void.

Commissioner or  
inspector to sue  
for tax.  
Proviso.

spector to institute suit for the collection of said tax: *Provided*, that when oysters thus purchased are imbedded in or covered by mussels, the Inspector or sub-inspector may collect a tax of not less than one cent per bushel.

Oysters to be  
culled.

Rules for culling.

SEC. 12. 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 larger oysters, and can not be removed without destroying the small oyster, and all shells taken with said oysters shall be returned to the public grounds when and where taken, and no oysters shall be allowed by the Inspector or sub-inspector to be marked which shall consist of more than 10 per cent of such small oysters and shells: *Provided*, this section shall not apply to oysters taken or caught from the public grounds between the 1st day of May and the 1st day of September for planting on private grounds, entered and held under the laws of this State, nor to oysters imbedded in or covered by mussels.

Not to apply in  
certain seasons  
to those taken for  
planting or  
imbedded in  
mussels.

Rules for measur-  
ing oysters.

SEC. 13. 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 measures shall have the following dimensions: A half bushel tub shall measure from inside to inside fifteen inches across the top, from inside to inside thirteen inches across the bottom, and seventeen inches diagonal from inside chimb to top. A bushel tub shall measure eighteen inches from inside to inside across the top, sixteen inches from inside to inside across the bottom, and twenty-one inches diagonal from inside chimb to top; a one and a half bushel tub shall measure from inside to inside twenty inches across the top, eighteen inches across the bottom from inside to inside, and twenty-three and a half inches diagonal from inside chimb to top. A two bushel tub shall measure from inside to inside across the top twenty-two inches, from inside to inside across the bottom twenty inches, from inside chimb to top, diagonal twenty-six inches; a two and a half bushel tub shall measure from inside to inside across the top twenty-three inches, across the bottom from inside to inside twenty-one inches, and twenty-seven and a half inches diagonal from inside chimb to top. A three bushel tub shall measure twenty-four inches across the top from inside to inside, and twenty-two inches from inside to inside across the bottom, and twenty-nine inches diagonal from inside chimb to top. It shall be unlawful for any person in selling oysters to use any other measure than those whose dimensions are herein specified. Any person violating this section shall be guilty of a misde-

Dimensions of  
measures.

Using other  
measures a mis-  
demeanor.

meanor and upon conviction shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days. Penalty.

SEC. 14. Any person or persons duly licensed and using a licensed boat or vessel, may use scoops, scrapes or dredges in catching or taking oysters, from December 1st in each year to the 1st day of May following from the public grounds in the broad, open waters of Pamlico Sound, Pamlico River and Long Shoal River, except in those portions of the said sound and rivers in which the use of such instruments or implements is prohibited by the succeeding section of this act. When and where scoops, scrapes or dredges may be used.

SEC. 15. It shall be unlawful for any person or persons to use any scoop, scrape or dredge or any other instrument or implement except hand tongs for the purpose of taking or catching oysters from the public grounds in any bay, river, creek, strait or sound or any tributary of such, which border upon or empty into Pamlico Sound, Pamlico River or Long Shoal River. It shall also 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 be unlawful to use any scoop, scrape or dredge or other instrument or implement except hand tongs along the shores of Pamlico County inside of a line beginning at Neuse River Light and running to the east end of Old Sow Island, thence to Pamlico Point. It shall be unlawful to use any scoop, scrape or dredge or other instrument or implement except hand tongs from February 1st in each year to April the 15th following, in the waters of Pamlico Sound north of a line running from Wild Boar Creek to Gull Shoal Life Saving Station. It shall be unlawful to use any scoop, scrape or dredge or any other instrument or implement except hand tongs to catch or take oysters from the public grounds in any of the waters of Carteret County. 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 offence. Times and places where use of scoops, scrapes, dredges or other implement, except hand tongs, is prohibited.

SEC. 16. 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 point of Marsh Buoy to Harbor Island Light, thence a line to Southwest Straddle Light, thence a line to middle of Ocracoke Inlet. Violation of this section a misdemeanor. Penalty.

SEC. 17. It shall be unlawful for any person to catch or take oysters with any instrument or implement whatsoever from any of the public grounds of this State at night or on Sunday. Boundary of Carteret County for purposes of this act only, fixed.

Taking oysters with implement or instrument, at night or on Sunday, prohibited.

Power, authority and duty of Oyster Commissioner to make rules, etc., to carry into effect this act.

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 intents and purposes.

Governor may suspend use of scrapes, scoops and dredges.

SEC. 19. Whenever in his judgment it may become necessary, and upon the 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 implement or instrument to catch oysters from any of the public grounds 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 used for this purpose shall be forfeited and shall be seized, advertised and sold by the Oyster Commissioner, or by the Inspector of the county wherein said illegal act was committed, and the proceeds paid into the oyster fund.

When suspended, use misdemeanor.

Penalty.

State Treasurer to keep oyster funds separate.

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.

How and where paid out.

Commissioner to investigate reports made to Clerks of Courts under Chapter 13, Laws 1897, Section 7, amended by Chapter 18, Laws 1899.

SEC. 21. The Oyster Commissioner is hereby authorized, empowered and directed to thoroughly examine and investigate all reports required by chapter 13 of the Laws of 1897, sec. 7, as amended by chapter 18 of the Laws of 1899, to be made to the Clerks of the Court in the oyster district by dealers in oysters or persons purchasing same for packing, shucking, shipping or sale, and to find if there has been any evasion or violation of the law in this respect and whether or not all such dealers or purchasers have paid the taxes or all of the taxes required of them by law, and if he shall find that all of said taxes have not been paid he shall at once demand the same, or whatever amount may be due, and upon refusal by them or any of them to pay the amount found to be due and unpaid he shall forthwith report the facts to the Attorney-General, who shall institute proceedings to enforce the collection of said tax.

If evasions of law discovered, procedure.

Violation of provision without specific penalty a misdemeanor.

SEC. 22. Any person or persons violating any of the provisions of this act, for which the penalty has not been specifically mentioned shall be guilty of a misdemeanor.

SEC. 23. That chapters 18, 19 and 21, Public Laws of 1899, and chapter 13, Public Laws of 1897, and chapter 160, Public Laws of 1893, and chapter 338, Public Laws of 1891, be and the same are hereby repealed, and all laws or parts of laws in conflict with this act are hereby repealed.

Former and conflicting laws repealed.

SEC. 24. This act shall be in effect on and after February 23, 1901.

In the General Assembly read three times, and ratified this the 26th day of February, A. D. 1901.

#### CHAPTER 251.

**An act supplemental to an act entitled an act to protect and to promote the oyster industry of North Carolina, ratified the 26th day of February, nineteen hundred and one.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That the words "Old Sow" wherever they occur in the act entitled an act to protect and promote the oyster industry of North Carolina, ratified the 26th day of February, nineteen hundred and one, be stricken out and in lieu thereof the word "Brant" be inserted.

Words "Old Sow" stricken out of oyster law wherever found, and word "Brant" inserted instead.

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

Conflicting laws repealed.

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

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1901.

#### CHAPTER 252.

**An act to restore to Governor the power to appoint the members of the Board of Internal Improvements.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter 68, Public Laws of 1899, be and the same is hereby repealed.

Chapter 68, Public Laws of 1899, 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 26th day of February, A. D. 1901.



## CHAPTER 253.

**An act supplemental to an act to protect and promote the oyster industry in North Carolina.***The General Assembly of North Carolina do enact:*

Oyster law amended.

License tax on boats without deck or cabin, under custom-house tonnage, which take oysters with tongs only.

SECTION 1. That an act entitled an act to protect and promote the oyster industry in North Carolina, ratified on the 26th day of February, 1901, be amended by adding to section 9 of said act the following words: *Provided*, that all boats or vessels without deck or cabin and under custom-house tonnage and which are used in taking oysters from the public grounds with hand tongs only, shall pay a license tax of \$1.50 instead of \$3.00.

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

In the General Assembly read three times, and ratified this the 14th day of March, A. D. 1901.

## CHAPTER 254.

**An act to pay W. H. Lucas and others certain claims out of the oyster fund.***The General Assembly of North Carolina do enact:*

Treasurer to pay certain persons amounts herein named.

SECTION 1. That the Auditor be and he is hereby authorized and directed to issue his warrant to the persons named in this act for the amounts specified. And the Treasurer of the State is authorized and directed to pay said warrants out of any money in the public treasury belonging to the oyster fund and not otherwise appropriated. To W. H. Lucas, balance of salary as Shell-Fish Commissioner, \$158.00; to W. B. Tooley, for services as captain of oyster patrol, \$171.00; to J. S. Rose, for services as member of oyster patrol, \$114.00; to R. E. Cox, for services as member of oyster patrol, \$159.00; to C. C. Spencer, for services as member of oyster patrol, \$114.00; to S. M. Rollins, for services as member of oyster patrol, \$45.00; to R. L. Brim, for services as member of oyster patrol, \$6.00; to J. G. Weston, balance of salary as oyster Inspector at Coinjock, \$491.57; to W. K. Jacobson, for printing forms for use of Clerks Superior Courts, \$30.00.

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

In the General Assembly read three times, and ratified this the 26th day of February, A. D. 1901.



## CHAPTER 255.

**An act to authorize the Commissioners of Tyrrell County to levy a special tax.***The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of County Commissioners of Tyrrell County is hereby empowered to levy a special tax in the year of 1901 of forty-five cents (\$.45) on every three hundred dollars (\$300.00) valuation of property and forty-five cents (\$.45) on poll, and the same amount set forth above shall also be levied and collected in the year of 1902.

Board of Commissioners of Tyrrell County authorized to levy special tax for years 1901 and 1902.

SEC. 2. That the taxes set forth in section 1 shall be for the special purpose of rebuilding and furnishing material and keeping in repair the five (5) public bridges crossing the rivers and creeks in Tyrrell County, and 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 purpose set forth above.

Purpose.

How collected.

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 the 26th day of February, A. D. 1901.

## CHAPTER 256.

**An act to allow the Board of Commissioners of Greene County to levy a special tax.***The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Commissioners of Greene County be and they are hereby authorized to levy a special tax for the years nineteen hundred and one (1901) and nineteen hundred and two (1902) at the times of levying the general taxes for said county, which special tax shall be levied upon the taxable property and polls and other subjects of taxation in said county, and may amount to, but shall not exceed the sum of four thousand dollars (\$4,000) one-half of the same to be levied and collected in each of the said years, observing the equation prescribed in the Constitution and the said special tax is authorized, and is to be levied and collected only for the purpose of paying off the

Board of Commissioners of Greene County authorized to levy special tax for years 1901-1902.

Amount.

One-half to be levied and collected each year.

Purpose.

indebtedness, of conducting and repairing bridges and public buildings and of making necessary provisions to secure the public health 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 the 26th day of February, A. D. 1901.

## CHAPTER 257.

### An act to appoint a cotton-weigher for the town of Wingate, Union County.

*The General Assembly of North Carolina do enact:*

Cotton sold in Wingate to be weighed by cotton weigher.  
Bond of.  
Approved by Commissioners.

SECTION 1. That all cotton sold in bales in the town of Wingate, Union County, shall be weighed by a sworn cotton weigher, who shall give a bond in the sum of five hundred dollars, to be approved by the Board of County Commissioners of said county, for the faithful performance of his duties.

Cotton weigher to provide scales.

SEC. 2. That such cotton weigher shall provide himself with suitable scales with which he shall weigh all baled cotton sold in said town and shall receive as compensation for his services eight (8) cents for each and every bale weighed by him, one-half of which shall be paid by the seller, and one-half by the buyer.

Compensation.

Election of cotton weigher.

SEC. 3. That said cotton weigher shall be elected by the Board of County Commissioners of said county, at their regular meeting in June, nineteen hundred and one (1901), and annually thereafter.

Term of office begins.

SEC. 4. That said cotton weigher shall be inducted into office on the first Monday in August next after his election, and shall hold said office until the first Monday in August of the following or succeeding year, and until his successor is elected and qualified.

Term of office.

Vacancy.

SEC. 5. That any vacancy in the office of said cotton weigher shall be filled by said Board of County Commissioners.

Cotton weigher to keep record.

SEC. 6. That said cotton weigher shall keep a record showing the names of the seller and buyer, the number and weight of each bale and date of sale, which record shall be open to the inspection of the public.

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 26th day of February, A. D. 1901.

## CHAPTER 258.

**An act to allow the Board of County Commissioners of Hyde County to levy a special tax.***The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of County Commissioners of Hyde County be and they are hereby authorized and empowered at their meetings on the first Mondays in June, 1901 and 1902, 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 purpose of paying the indebtedness of said county and for such other purpose as the same may be needed.

Board of Commissioners of Hyde County authorized to levy special tax for years 1901-1902.

Purposes.

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 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 said levies.

Levied 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.

Collected by sheriff or tax collector as other taxes.

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

In the General Assembly read three times, and ratified this the 26th day of February, A. D. 1901.

## CHAPTER 259.

**An act to place certain territory in Chatham and Moore counties under the stock-law.***The General Assembly of North Carolina do enact:*

SECTION 1. That from and after the first day of March, nineteen hundred and one, no person shall allow his or her live stock to run at large within the territory hereinafter described, it being a portion of Moore and Chatham Counties, and the provisions of the "Stock Law" as set forth in chapter twenty, Vol. two, of The Code, are hereby declared to be in full force and effect, in said territory, from and after said date.

Stock prohibited from running at large in certain portions of Moore and Chatham counties.

Chapter 20, volume 2 of Code, applicable.

SEC. 2. That the boundaries of said territory to be embraced in said Stock Law shall be as follows: Beginning at the corner of Deep River and Pocket Stock Law, at J. P. Gilliam's corner, in Moore County, thence with the line of Pocket Stock Law to

Boundaries.

Chatham County line, thence with Pocket Creek to Deep River, thence up Deep River to the county line between Moore and Chatham Counties at Carlbonton, thence with the county line east to where the Deep River Stock Law intersects the county line near George Wilcox's, thence southeast to the beginning.

Sec. 3. That this act shall be in force from and after the 1st day of March, 1901.

In the General Assembly read three times, and ratified this the 26th day of February, A. D. 1901.

## CHAPTER 260.

### An act to better regulate fishing in the waters of Currituck County.

*The General Assembly of North Carolina do enact:*

Unlawful to fish with nets or other appliances in waters of Currituck County, between 30th of April and 15th of October of each year, or to sell or ship out of county or State fresh fish between said dates.

May catch fish for home consumption.

Unlawful to set pound or Dutch nets or Fyke nets east of centre of Currituck Sound.

Unlawful to operate in the waters of Currituck County more than six pound, Dutch or Fyke nets, etc.

Unlawful not to pull stakes in thirty days.

Misdemeanor.

Misdemeanor.

Penalty.

SECTION 1. That it shall be unlawful for any person or persons to take, catch or capture any fish with nets or other appliances in the waters of Currituck County, between the 30th day of April, and the 15th day of October of each year, or to sell or to ship out of the county or State, any fresh fish, between said dates: *Provided*, that any citizen may catch fish at any time for home consumption and sell or give not more than ten pounds to one person in one day.

Sec. 2. That it shall be unlawful for any person or persons to set any pound or Dutch nets or Fyke nets to the east of the center of Currituck Sound.

Sec. 3. That it shall be unlawful for any person, company or corporation to operate or cause to be operated in the waters of Currituck County or to be interested in (in any manner whatsoever) more than six pound or Dutch nets or Fyke nets, or use more than one hundred cords of lead or hedging to a net, or set a stand of said nets exceeding four hundred yards in length, or over eight hundred yards from land to the extreme outward end.

Sec. 4. That any person or persons, company or corporation that may set pound or Dutch nets or Fyke nets in any of the waters of Currituck County and fail to pull or remove the stakes within thirty days after they remove or take up said nets, shall be guilty of a misdemeanor.

Sec. 5. Any person or persons violating any one of the preceding sections, or any part thereof, shall be guilty of a misdemeanor and upon conviction shall be fined not more than fifty or less than twenty dollars or imprisoned not more than 30 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.

One-half to prosecutor or informer, balance to school fund.

SEC. 6. That all conflicting laws 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 the 26th day of February, A. D. 1901.

## CHAPTER 261.

### An act to pay Anna Scales (colored) a certain amount out of the school fund.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Sheriff of Rockingham County is hereby authorized and empowered to pay to Anna Scales the sum of twenty dollars and sixteen cents out of any money now due or may become due District No. 2 for the colored race in Williamsburg Township in Rockingham County.

Sheriff Rockingham County authorized to pay Anna Scales school claim.

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

In the General Assembly read three times, and ratified this the 26th day of February, A. D. 1901.

## CHAPTER 262.

### An act for the relief of Marion Reed, a public school teacher of Onslow County.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the County Treasurer of Onslow County be and he is hereby authorized and directed to pay out of any funds in his hands belonging to District No. 4, for white race, in White Oak Township, the sum of eighty-one dollars and twenty-five cents (\$81.25) to Marion Reed, the same being the amount now due him for teaching public school in said district; and the receipt from said teacher for said amount shall be a valid voucher in the hands of said Treasurer in his settlement with the school authorities of Onslow County.

Treasurer Onslow County authorized to pay claim of Marion Reed, public school teacher.

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 26th day of February, A. D. 1901.

## CHAPTER 263.

**An act to amend and consolidate the Union County dispensary law.**

*The General Assembly of North Carolina do enact:*

Unlawful to manufacture or sell intoxicating liquors in Union County, except as herein provided.

SECTION 1. That it shall be unlawful for any person, firm or corporation to manufacture, sell, barter or exchange any spirituous or fermented liquors in the county of Union, except through a dispensary as hereinafter authorized: *Provided*, that proprietors of vineyards already established and consisting of five acres or more may sell the products of their own vineyards in bottles corked or sealed and not to be drunk on the premises, in quantities not greater than one gallon, and which shall not contain any mixture of spirituous liquors or adulteration of any kind.

Dispensary Board of Commissioners.  
Vacancy.

SEC. 2. That George S. Lee, John J. Crow and A. W. Biggers shall constitute the Dispensary Board of Union County, and they shall have the power to fill any vacancy in said board occasioned by death, removal, resignation, or otherwise, by the election of some suitable person from Monroe Township to fill such vacancy. The members of said Dispensary Board of Union County shall receive as compensation for their services one per centum each of the net proceeds of sales made by said Dispensary.

Location of dispensary.

SEC. 3. The Dispensary Board of Union County shall establish a dispensary for the sale of spirituous, vinous or malt liquors in the town of Monroe, and they may, in their discretion as may seem to them to be necessary, establish a dispensary in any township in said county, except Sandy Ridge and Jackson Townships, upon the petition of one-third of the qualified [voters] of such other township. Any branch dispensary established under this act shall be under the control and supervision of the Dispensary Board of Union County.

Board to elect Manager for each dispensary.

SEC. 4. The Dispensary Board of Union County shall elect or appoint a manager for each dispensary established, who shall have charge of the dispensary, under the control and supervision of the Dispensary Board of Union County, and who shall hold said position of manager or dispenser at the pleasure of the said board. The said manager or dispenser shall give bond payable to the State of North Carolina in such sum as the Dispensary Board of Union County shall determine, which shall not be less than five hundred dollars, and shall be conditioned for the payment to the officer entitled to receive the same of all moneys that may come into his hands as manager or dispenser, and for the faithful performance of his duties as such manager or dispenser as prescribed in this act, and under such rules and regulations as shall be established by the Dispensary Board of

Term of office.

Bond of Manager.



Union County for the effectual enforcement of the provisions of this act. The said manager or dispenser shall receive such compensation as shall be fixed by the Dispensary Board, which salary shall in no wise be dependent upon the amount of sales made by the manager or dispenser.

SEC. 5. The manager of the dispensary at Monroe, under the direction and supervision of the Dispensary Board of Union County, shall purchase all spirituous, vinous or malt liquors which shall be needed to supply said dispensary or dispensaries established under this act, in such quantities and of such grades as the Dispensary Board shall direct, and all debts contracted or incurred for the establishment of said dispensaries, purchase of liquors and maintenance of said dispensaries shall be paid out of the moneys arising from the sales of liquors by said dispensary or dispensaries. The manager of any dispensary created under this act shall sell for cash only, except that the manager of the dispensary at Monroe shall furnish to any dispensary established in any other township such supplies as shall be ordered to be furnished it by the Dispensary Board of Union County of which a record shall be kept by such manager showing the quantity furnished, the size of the bottles furnished and the date and prices to be charged for the same. The manager's or dispensers shall make quarterly reports of all liquors received by them and the amount of sales, and they shall pay over to the Treasurer of Union County all moneys received by them during the quarter at the end of the quarter, and they shall furnish to the Dispensary Board of Union County an account of their sales. The County Treasurer shall keep a separate account of all moneys paid to him by dispensers or managers of dispensaries, and for the faithful accounting for the moneys received by him his bonds given as County Treasurer shall be responsible.

SEC. 6. The Dispensary Board of Union County shall have authority, and it shall be their duty, to make from time to time such rules and regulations for the government of the dispensary or dispensaries as in their judgment shall seem necessary for the proper maintenance and operations of the dispensary or dispensaries, not inconsistent with this act or the laws of the land. All spirituous liquors shall be bottled at the dispensary at Monroe by the manager or dispenser of the dispensary at Monroe in bottles containing one-half pint, one pint, or one quart, and all malt liquors must be bottled, before purchased, by the manager of the dispensary at Monroe, and all spirituous, vinous and malt liquors shall be sold in the bottles and shall not be opened or drunk on the premises occupied by a dispensary: *Provided*, the dispensary at Monroe may sell spir-

Compensation.

Manager to purchase supplies.

Sell for cash only

Quarterly reports.

Funds to be paid to County Treasurer.

Render account sales.  
Treasurer to keep separate account.

Power of Dispensary Board to make rules and regulations.

Provision for bottling liquors.

Liquors to be sold in bottles and not opened or drunk on premises.

ituous liquors by the gallon or half gallon in jugs, such jugs not to be opened on the premises occupied by the dispensary.

Dispensary not to be opened on Sundays and election days, nor upon any day when sale is prohibited.

Dispensary may be closed in cases of urgent necessity.

SEC. 7. No dispensary shall be opened or remain open after sunset nor shall it be opened on Sunday, election days, or on any other days when the sale of liquor is prohibited by law. And whenever the Dispensary Board, or a majority of them, or any one of them in a case of urgent necessity, shall see the necessity for closing a dispensary temporarily to prevent riot, bloodshed or other infraction of law, it shall be his duty to do so, and under such circumstances the manager may refuse to sell liquors for the time.

Board to cause analysis to be made.

SEC. 8. It shall be the duty of the Dispensary Board to cause an analysis or inspection of the liquors kept in stock to be made by some person competent to determine whether any of the said liquors are adulterated or impure, to the end that no impure liquors may be sold by the dispensary. If upon analysis it shall be determined that such liquors are adulterated the Dispensary Board may retain the price of such liquors from the seller, or if they have been paid for, the Dispensary Board may recover the amount of the money paid for such liquors from the seller in any of the Courts having jurisdiction of the matter.

Sale to be refused to minors, lunatics or persons non compos mentis.

SEC. 9. It shall be the duty of the dispenser to refuse to sell any liquor to any person known to be a minor, lunatic, person *non compos mentis*, an intoxicated person, or one given to the excessive use of liquors, and if any of these persons upon being interrogated by the dispenser or his clerk shall falsely represent himself to be a person to whom liquor can be legally sold under this act, he shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

False representation a misdemeanor.

Penalty.

Dispensary Board to use funds to enforce this act.

SEC. 10. That the Dispensary Board may use so much of the funds arising from the sales of liquor by the dispensary as shall be necessary to enforce this act and to prevent its violation by the employment of special officers to detect its violations by offenders and of attorneys to prosecute such persons as are charged with violating this act, who shall be paid by an order drawn on the County Treasurer by said Dispensary Commissioners.

Special officer.

Compensation.

Disposition of funds.

SEC. 11. After the payment of the expenses of operating and maintaining the dispensary or dispensaries established under this act, and of the expenses necessary to enforce the law and secure its observance, one-fourth of the net profits from the sales of liquor at any dispensary shall be paid to the county public school fund; one-fourth to the graded school in Monroe; one-fourth to the city of Monroe, and one-fourth shall be paid

into the fund for paying the expenses of the chain-gang worked on the public roads of Union County: *Provided*, that whatever tax is or may be due and payable to the State on any dispensary created by this act shall be deducted from and paid out of the one-fourth of the net profits payable to the public school fund of Union County.

State tax, how paid.

SEC. 12. If any dispenser or clerk in a dispensary shall procure any intoxicating liquor from any person other than those whom the board shall direct and offer the same for sale, or shall adulterate, or cause to be adulterated, any intoxicating liquors which may be kept for sale in the dispensary, by mixing with coloring matter or any drug or ingredient whatever, or with other liquors of a different kind or quality, or with water, and expose the same to sale; he shall be guilty of a misdemeanor, and on conviction shall be fined not less than one hundred dollars or imprisoned not less than three months. If any dispenser appointed by the Dispensary Board shall misappropriate, or wrongfully dispose of, any moneys or other property belonging to said dispensary, or shall fail to account for and pay over the same when demanded, he shall be guilty of a misdemeanor and punished as for embezzlement.

Misdemeanor to sell adulterated liquors.

Penalty.

Misappropriation of funds a misdemeanor.

Penalty.

SEC. 13. Every dispenser or manager shall keep a correct account of all liquors received by him, the quantity and the number and size of the bottles or jugs in which it has been placed, which account shall at all times be open to the inspection of the Dispensary Board, the Solicitor of the Judicial District, the grand jury of the county, and of any officer whose duty it is to preserve the peace. The said book shall further show the sales, the price received, the quantity and price of the liquor sold, and at the end of every quarter the said dispenser or manager shall balance his books so as to show the amount sold as well as the amount still on hand of each kind of liquor, which said account shall be sworn to by the dispenser as correct; and if the dispenser shall knowingly make any false statement touching any matter in said account, or shall falsely make any return, he shall be guilty of perjury, and on conviction punished as for that crime.

Managers to keep account.

Account to be open for inspection of Board, Solicitor and Grand Jury.

Quarterly inventory.

False statement of account a felony.

Penalty.

SEC. 14. Every person who shall, by himself or by association with another or others, keep or maintain, or assist in keeping or maintaining, any club room, or other place where liquors shall be sold, exchanged, bartered, given away or divided among its members for the purpose of avoiding the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than one hundred dollars, or imprisoned not less than thirty days, or both, at the discretion of the Court.

Misdemeanor to maintain club room or place where intoxicating liquors are kept for use, sale or distribution.

Penalty.

Failure to make returns to be reported by Treasurer to Dispensary Board.

Notice to show cause.

Prosecution by Solicitor.

Duty of Solicitor to prosecute.

Penalty.

Sale by prescription of physician.

Sale on bogus prescription a misdemeanor.

Penalty.

SEC. 15. Upon the failure of any dispenser to make returns as required by this act to the Treasurer of the county, or to make any account which he is required to make, it shall be the duty of the Treasurer of the county to make a report of such failure to the Dispensary Board, stating such failure, thereupon the board shall proceed at once to summon such delinquent dispenser to appear before them to show cause why his appointment should not be revoked, and if, upon investigation, it shall be ascertained that the said dispenser has not complied with the requirements of this act, the said Dispensary Board shall notify the Solicitor of the Judicial District of the charge against said dispenser, and require him to prosecute the said offender for the violation of his duty under this act.

SEC. 16. It shall be the duty of the Solicitor prosecuting for the State to give special attention to any charges made against any person for violations of this act, and whenever it shall be reported to him by the Dispensary Board that abuses and violations of this act are being done he shall proceed to investigate, convict such persons as are guilty, and pray the judgment of the Court upon such persons. And any person who shall manufacture, sell, barter or exchange any spirituous or fermented liquors in violation of this act, shall be fined not less than one hundred dollars, or be imprisoned not less than three months.

SEC. 17. The manager of any dispensary established under this act shall sell spirituous or fermented liquors at any time upon the genuine prescription of a practicing physician known by the said manager to be of reputable standing in his profession, which prescription shall be in writing, signed by such physician, and shall specify the name of the person to be supplied and the kind of liquor to be supplied, but no physician shall give a prescription to any person except for *bona fide* medical purposes and in good faith to a patient of the physician giving the prescription. Every dispenser shall keep on file every prescription upon which any such sale was made, and shall number each prescription, and shall also keep in a book prepared for that purpose a record of all prescriptions, which book shall be open at all times to the inspection of the public and shall contain the name of the physician giving the prescription and the number of such prescription. Any dispenser who shall knowingly sell liquors on a bogus prescription, and any physician or other person who shall give, procure, or aid in procuring, any false or fraudulent prescription for any spirituous or fermented liquors in violation of the provisions of this act shall be guilty of a misdemeanor, and on conviction shall be fined or imprisoned at the discretion of the Court.

SEC. 18. Whenever the Mayor of the city of Monroe, or any Justice of the Peace of Union County, shall have good reason to believe that any person within their jurisdiction has knowledge of any illicit sale of spirituous or fermented liquor within their jurisdiction, and such person does not make voluntary information thereof on oath, then it shall be lawful and the duty of the Mayor, or such Justice of the Peace to issue to the Chief of Police of Monroe, or to the Sheriff or any Constable of Union County, according to the jurisdiction of such Mayor or Justice of the Peace, a subpoena *ad testificandum*, or summons in writing, commanding such person to appear immediately before said Mayor or Justice of the Peace and give evidence on oath as to what he may know touching any illicit sale of spirituous or fermented liquors, and the name or names of the person or persons making such illegal sale, and such evidence when obtained shall be considered and held in law as an information on oath, and said Mayor or Justice shall issue proper process for the arrest and prosecution of the person alleged to have made such illicit sale of spirituous or fermented liquors.

Duties of Mayor of Monroe and Justices of Peace to issue process.

SEC. 19. The Treasurer of Union County shall be entitled as compensation for handling the dispensary funds such sum as the Dispensary Board of Union County may allow him not exceeding the amount of one-half of one per centum on receipts and one-half of one per centum on disbursements, but he shall receive no commissions for disbursing the net profits of the dispensary.

Compensation of Treasurer.

SEC. 20. This act shall not have the effect of preventing any prosecutions for violation of the dispensary law of Union County under the law as it existed before the time this act takes effect; but all persons guilty of violating the said dispensary law prior to the time this act goes into effect shall be punished as provided by said dispensary law as it existed prior to the time this act goes into effect.

Prosecutions prior to this act not prevented.

SEC. 21. That all laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 22. That this act shall be in force and effect from and after the first day of May, 1901.

Effective May 1, 1901.

In the General Assembly read three times, and ratified this the 26th day of February, A. D. 1901.



## CHAPTER 264.

**An act to prevent the felling of timber in Neuse River in Durham, Wake and part of Johnston counties, and to protect bridges, dams and fish traps in said river.**

*The General Assembly of North Carolina do enact:*

Unlawful to fell timber or other wise obstruct Neuse River between N. C. R. R. bridge in Johnston County, and head of said river in Durham County.

Violation a misdemeanor.

Penalty.

SECTION 1. That it shall be unlawful for any person to fell or place timber, brush, or other obstruction in the nature of debris, in Neuse River, and to allow the same to remain in said river for five days in that portion of the river between the North Carolina Railroad Bridge in Johnston County to the head of Neuse River in Durham County.

SEC. 2. That every person violating this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$5.00 and not more than \$50.00, in the discretion of the Court, and the Court shall not have the power to suspend the judgment.

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 26th day of February, A. D. 1901.

## CHAPTER 265.

**An act to prohibit fast riding or driving over bridges in Stokes and other counties.**

*The General Assembly of North Carolina do enact:*

Unlawful to ride or drive across or over bridges faster than a walk.

Misdemeanor.

Penalty.

Applicable only to certain counties.

SECTION 1. That it shall be unlawful for any person to ride on horseback or to drive any vehicle faster than a walk on, over or across any bridge exceeding thirty feet in length maintained at public expense across a natural stream.

SEC. 2. That any person violating this act shall be guilty of a misdemeanor and on conviction shall be fined not more than ten dollars, or imprisoned not longer than ten days.

SEC. 3. That this act shall apply only to the counties of Stokes, Granville, Wilkes, Mitchel, Robeson, Cumberland, Person, Washington, Catawba, Burke, Mecklenburg, Jackson, Madison, Henderson, Onslow, Cherokee, Macon, Haywood, Tyrrell, Lincoln, Alexander, Transylvania, Lenior, Wayne, Duplin, Forsyth, Rutherford, Graham, Scotland, Rowan, Swain, Davie, Yadkin, Warren, Alamance, Durham, Caswell and Clay.

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 26th day of February, A. D. 1901.



## CHAPTER 266.

**An act to authorize the Board of Commissioners of Rowan County to issue bonds.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Commissioners for the county of Rowan are hereby authorized to cause an election to be held at the various polling places in said county at such time as said Commissioners may appoint, and to submit to the qualified voters of said county the question of issuing bonds to the amount of (\$200,000) two hundred thousand dollars, for the purposes and under the provisions hereinafter named in this act, and levying and collecting annually a special tax to provide for the payment of the interest thereon and to provide a sinking fund for the payment of the principal of said bonds when they shall become due.

Board of Commissioners, Rowan County, authorized to submit to voters question of issuing bonds.

Amount.

Special tax.

Interest.

Sinking fund.

SEC. 2. That said election shall be advertised for thirty days immediately preceding the day of election in some newspaper published in said county, and held by inspectors and judges under the same rules and regulations provided for the election of State and county officers.

Notice by publication.

How held.

SEC. 3. Those who are in favor of issuing said bonds and levying and collecting said taxes shall vote a written or printed ticket with the words "For Bonds" thereon, and those who are opposed shall vote a written or printed ticket with the words "Against Bonds" thereon.

Form of ballot.

SEC. 4. Said bonds shall be used for the purpose of improving, straightening, grading and macadamizing the public roads or highways of Rowan County, and no section of said roads or highways shall be graded, improved or straightened with said funds unless the section so graded, improved or straightened shall be immediately thereafter macadamized.

Purposes.

SEC. 5. For the purpose of carrying into effect this act, the said Commissioners shall have the right to condemn rights of way in the manner authorizing railroads to condemn rights of way, in chapter 44, volume one, The Code, but section 1952 of The Code shall not apply to this act.

Rights of eminent domain.

Section 1952, Code, not applicable.

SEC. 6. If a majority of the qualified voters of said county shall vote for bonds and the result entered of record by the said Board of Commissioners on their minutes and certified to by the chairman of said board, then the Commissioners for said county shall issue as needed, for the purposes herein expressed, bonds not exceeding in total amount two hundred thousand dollars, and in denominations of not less than five hundred dollars and

Bonds, how issued.

Amount.

Denomination.

- Interest. not more than one thousand dollars, bearing interest from the date of their issue at a rate not exceeding five per centum per annum, payable semi-annually at such places as said Commissioners shall name, on the first day of January and July of each year.
- Maturity. SEC. 7. The said bonds shall be made payable thirty years from the date thereof and shall bear on their face the purpose for which they were issued. The bonds and coupons shall be
- Numbered. 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 Rowan.
- Record to be made. SEC. 8. A record shall be kept by the 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.
- Special tax SEC. 9. 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 special tax upon all polls, all real and personal property and other subjects of taxation for State and county purposes, always observing the constitutional equation between the tax on property and the tax on polls.
- Misapplication a misdemeanor. SEC. 10. That said tax when collected shall be kept separate and apart from all other taxes and shall be used only for the purpose for which they were levied and collected, and any Commissioner or Treasurer or other person who shall by vote or otherwise appropriate said funds for any other purpose shall be guilty of a misdemeanor: *Provided*, that if the sum collected in any one year shall exceed the sum required to pay the interest the same may be used in purchasing any of said outstanding bonds.
- Sinking fund. SEC. 11. 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 twenty
- Special tax annually to pay bonds. years after the date of said election annually levy and collect a special tax in addition to the interest tax above mentioned, equal in amount to one-tenth of the total amount of bonds issued under this act, and shall continue to levy said tax until said bonds are paid.
- Investment of sinking fund. SEC. 12. 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 fund in the purchase of any of said bonds at a price deemed advantageous to the said county by said Commissioners, but, in case said bonds can not be purchased, the said Commissioners may lend said sinking fund or any part

thereof in such sums as they may deem proper, for a length of time not exceeding six months prior to the date of maturity of said bonds, taking as security for the payment thereof mortgages or deeds in trust on sufficient real estate, or bonds under this act may be taken as collateral security for such loan.

SEC. 13. That notes or other evidences of debt given for any loan under this act shall be executed to and in the name of the said Board of Commissioners, and the Treasurer of said county shall be named as the trustee, and shall bear interest at the highest legal rate, and in case said moneys can not be loaned as above described said Commissioners may deposit same with some bank or safe deposit company of undoubted solvency at the best obtainable rate of interest, and any and all interest from the investments as above directed shall be reinvested in the manner as above provided. But any county officer who shall be interested directly or indirectly in any such loan shall be guilty of a misdemeanor.

County Treasurer trustee.

Misdemeanor.

SEC. 14. That said bonds shall not be sold for less than par.

Sale price.

SEC. 15. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 26th day of February, A. D. 1901.

## CHAPTER 267.

**An act to amend Chapter 375 of The Acts of the General Assembly of 1899, relating to public roads in Lexington Township and other townships in Davidson County.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter 375 of the Laws of 1899 be and the same is hereby amended by inserting in section 2 line 14 after the word "necessary" and before the words "to designate" the words, "and pay any expense incident thereto out of the funds collected in the township of Lexington for road purposes."

Chapter 375, Public Laws of 1899, amended.

SEC. 2. That section three be amended by striking out all in line seven after the word "year" and before the word "and" in said line, and in lieu of the words stricken out, be inserted these words "made a separate item on the tax receipt."

Section 3 amended.

SEC. 3. That section one of chapter 375 of the Public Laws of 1899 be amended by inserting the word "five" in line five after the word "one" and before the word "seventeen."

Section 1, Chapter 375, Public Laws 1899, amended.

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 26th day of February.

## CHAPTER 268.

**An act to prohibit the sale of spirituous liquors within five miles of Concord church.***The General Assembly of North Carolina do enact:*

Unlawful to manufacture or sell intoxicating liquors within three and one-half miles of Concord M. E. Church, South, Alliance Hall, Person County.

Violation a misdemeanor.

Penalty.

Sections 3111 and 3112 of Code, not applicable.

Conflicting laws repealed.

When effective.

SECTION 1. That it shall be unlawful for any person to manufacture, make, sell or otherwise dispose of with a view to remuneration any spirituous liquors, or substance that produce or may produce intoxication, within three and one-half miles of Concord Methodist Episcopal Church, South, Alliance Hall, situated in Person County, North Carolina.

SEC. 2. That any person, firm or corporation violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned or both at the discretion of the Court.

SEC. 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 election shall not apply to this act.

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 the first day of June, 1901.

In the General Assembly read three times, and ratified this the 26th day of February, A. D. 1901.

## CHAPTER 269.

**An act to amend section nine hundred and twenty-six (926) of The Code of North Carolina.***The General Assembly of North Carolina do enact:*

Section 926 of Code, amended.

SECTION 1. That section nine hundred and twenty-six (926) of The Code of North Carolina be amended by adding thereto in line two (2) after the word "therefor" the words, "he may order the Sheriff to adjourn said Court to any day certain during said term, and on failure to hear from said Judge."

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 27th day of February, A. D. 1901.

## CHAPTER 270.

**An act to punish certain officers failing to discharge their official duties.***The General Assembly of North Carolina do enact:*

SECTION 1. That section 1090 of The Code is hereby repealed.

Section 1090, Code,  
repealed.

SEC. 2. If any Clerk of any Court of record, Sheriff, Justice of the Peace, County Commissioners, County Surveyor, Coroner, Treasurer, Constable or official of any of the State institutions, or of any town or city, shall wilfully omit, neglect or refuse to discharge any of the duties of his office, for default whereof it is not elsewhere provided that he shall be indicted, the said officer so offending shall be guilty of a misdemeanor. And if it shall be proved that such officer, after his qualification shall have wilfully and corruptly omitted, neglected or refused to discharge any of the duties of his said office or shall have wilfully and corruptly violated his oath of office according to the true intent and meaning thereof, such officer shall be guilty of misbehavior in office, and shall be punished by removal therefrom under the sentence of the Court as a part of the punishment for the offence; and shall also be fined or imprisoned in the discretion of the Court.

Failure to discharge official  
duties unlawful.

Misdemeanor.

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 26th day of February, A. D. 1901.

## CHAPTER 271.

**An act for the relief of D. W. Lee of Wilkes County.***The General Assembly of North Carolina do enact.*

SECTION 1. That the Treasurer of Wilkes County be and he is hereby authorized, empowered and directed to pay D. W. Lee of said county the sum of twelve dollars (\$12.00) out of any money that may now be due or hereafter become due District number thirty-five, for the white race in said county, for services rendered by him as teacher of the public school in said district in the year one thousand eight hundred and ninety-six (1896).

Treasurer of  
Wilkes County  
authorized to pay  
claim of D. W.  
Lee, school  
teacher.

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 26th day of February, A. D. 1901.

## CHAPTER 272.

**An act to regulate the manufacture and sale of spirituous, vinous and malt liquors in Transylvania County, North Carolina.***The General Assembly of North Carolina do enact:*Unlawful to sell  
intoxicating  
liquors.

Exception.

SECTION 1. That it shall be unlawful for any person, firm or corporation to sell or otherwise dispose of, for gain any spirituous, vinous or malt liquors or intoxicating bitters in Transylvania County: *Provided*, this act shall not be construed to prohibit manufacturers, rectifiers and wholesale dealers from shipping or otherwise transporting their goods or products from said county and for this purpose any manufacturer, rectifier or wholesale dealer shall be allowed to make contracts for the sale of their goods and products in the county, and may deliver the same at any depot or express office in said county, when sealed in packages containing not less than twenty gallons and directed to a consignee out of said county without being liable for a violation of this act.

Not applicable to  
druggists.

SEC. 2. That this act shall not be construed to prohibit the sale of such spirituous, vinous and malt liquors by a druggist authorized by law to compound medical prescriptions for sickness upon the written prescription of a regular practicing physician who shall state in each and every prescription that the person named therein is sick and a *bona fide* patient under his charge.

Distribution in  
county unlawful.

SEC. 3. That the place of delivering of any spirituous, vinous or malt liquors or intoxicating bitters within the county of Transylvania except as provided for the delivery at depots and express offices in section 1 of this act shall be construed to mean the place of sale. And any person, firm or corporation delivering to or placing at such depots and express offices any spirituous, vinous or malt liquors or intoxicating bitters for distribution in said county or for any other purpose than shipment out of said county, shall be guilty of a violation of this act: *Provided*, that this section shall not be construed to prevent the delivery of such liquors as are herein enumerated to a druggist as before provided in sufficient quantities for medical purposes only.

Exception.

Druggist guilty of  
retailing.

SEC. 4. That any druggist who shall duplicate the prescription mentioned in section 2 of this act without written directions of the physician who gave the same, shall be guilty of retailing within the meaning if this act.

Act not operative  
as to now licensed  
till May 1, 1901.

SEC. 5. That this act shall not be construed to affect or interfere with the lawful rights of parties now authorized by law to sell spirituous, vinous or malt liquors in said county before the



first day of May, 1901, but on and after the first day of May, 1901, there shall be no exemptions except as provided for drug-gist in section 2 and 3 of this act.

SEC. 6. 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, or imprisoned not less than twenty days for each offence or both in the discretion of the Court.

Misdemeanor.

Penalty.

SEC. 7. That any physician who shall make any prescription for the purpose of aiding and abetting any person, or persons who are not *bona fide* patients under his charge to procure 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.

Physician guilty of misdemeanor.

Penalty.

SEC. 8. That it shall be lawful under and by virtue of this act for the Mayor and Aldermen of the town of Brevard together with the County Commissioners of said Transylvania County, and the Finance Committee of said county, if there be any, to constitute and be styled the Advisory Board of Transylvania County, and the members of said board shall hold a public meeting in the court-house in the town of Brevard, after a petition asking for such meeting on a given day shall have been signed by a majority of the members of said Advisory Board at which time and place they shall organize by electing one of their number chairman, and if said board shall deem it advisable by a majority vote of said board to submit to qualified voters of said incorporated town of Brevard the question of a licensed bar-room, or no licensed bar room, then it shall be the duty of said board to submit said question to said qualified voters at an election, to be held on a day not less than thirty days thereafter, and according to the laws and regulations for holding elections for members of the General Assembly. And if at said election, a majority of the qualified votes cast shall be in favor of licensed bar-rooms, then said Advisory Board may under such rules, regulations, requirements and safeguards, as are lawful in such cases, permit the liquors, wines, etc., herein mentioned, to be sold by any person who shall meet all the requirements of the law governing such trade in an opened licensed bar-room: *Provided*, such person, firm or corporation, shall pay in cash to the county and town Treasurer as a license for such privilege, an amount to be fixed by the aforesaid Advisory Board of not less than five hundred dollars per annum, said license to be paid semi-annually in advance, one-half of which shall go to the public school fund of Transylvania County and the remainder to go to the town of Brevard: *Provided further*, that the amount

Advisory board.

Question of license submitted to voters.

Form of ballots.

License fixed by Advisory Board.

Disposition of funds.

of license tax fixed as provided for in this act shall cover all license taxes, for which said bar-room shall be liable.

Conflicting laws  
repealed.

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

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

In the General Assembly read three times, and ratified this the 26th day of February, A. D. 1901.

## CHAPTER 273.

### **An act to authorize the County Board of School Directors of Franklin County to settle certain claims against the towns of Louisburg, Franklinton and Youngsville in said county.**

Preamble.

WHEREAS, according to a recent decision of the Supreme Court of North Carolina all fines and penalties imposed and collected by Mayors of incorporated cities and towns for violations of the criminal laws and city or town ordinances, are held to be the property of the school fund of the counties in which said cities or towns may be situated, and, whereas, for a number of years in the towns of Louisburg, Franklinton and Youngsville such fines and penalties have been covered into the treasuries of the said towns under the belief that they should be so appropriated, and whereas, on account of the loss of the records of the aforesaid towns by reason of fire and other causes it is now impossible to have an accurate accounting between the Board of School Directors of the said county of Franklinton and the Commissioners of the respective towns and it is the desire of all interested that there should be a speedy and equitable and final settlement of the controversy arising out of the above recited facts; therefore,

*The General Assembly of North Carolina do enact:*

County Board of  
School Directors  
authorized to  
settle claims  
against certain  
towns.

SECTION 1. That the County Board of School Directors of Franklin County be and are hereby authorized and empowered to settle and compromise all claims and demands against the Commissioners of the towns of Louisburg, Franklinton and Youngsville in said county on account of fines and penalties due from said towns to the school fund of said county, and upon payment by any of said towns of such sum as may be agreed upon as a just and reasonable compromise of its indebtedness to the said school fund, the said Board of School Directors are hereby authorized and empowered to accept the same in full

satisfaction, settlement and compromise of all claims and demands which at the date of the ratification of this act may be owing by the said town upon the above recited account, and to release said town from any and all liability on such account: *Provided*, that the sum so received from any of said towns in full settlement of the aforesaid claim shall not be less than the total of such fines and penalties as may have been collected by such towns between May 1, 1900, and the date of the ratification of this act.

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 26th day of February, A. D. 1901.

#### CHAPTER 274.

#### **An act to authorize the Board of County Commissioners of Camden County, North Carolina, to levy a special tax.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of County Commissioners of Camden County be and they are hereby authorized and empowered to levy a special tax in the year of nineteen hundred and one (1901) and nineteen hundred and two (1902) at the same time with other levies of taxes in said years on all subjects of taxation in said county; the said special tax in each of said years not to exceed twenty cents on the hundred dollars of property and sixty cents on the poll and the constitutional equation between property and poll shall always be observed, said tax being for the purpose of paying the indebtedness of said county. Said tax shall be collected and accounted for by the Sheriff or other Tax Collectors of said county in the same manner and under the same penalties and within the time as the taxes levied for said county.

Board of Commissioners, Camden County, authorized to levy special tax for years 1901-1902.

Purpose.  
Collected as other tax.

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

In the General Assembly read three times, and ratified this the 26th day of February, A. D. 1901.

## CHAPTER 275.

**An act to authorize the Commissioners of Granville County to levy a special tax.**

Preamble.

WHEREAS, owing to two epidemics of small-pox in the county of Granville within the past twelve months, and the efforts to check and stamp out said disease, the expenditures of the county of Granville have largely exceeded the receipts; therefore,

*The General Assembly of North Carolina do enact,*

Board of Commissioners, Granville County to levy special tax for years 1901-1902.

SECTION 1. That the Board of Commissioners of Granville County are hereby authorized and empowered to levy a special tax for the years one thousand nine hundred and one, and one thousand nine hundred and two, not to exceed in each year, ten cents on every one hundred dollars worth of taxable property, and thirty cents on each poll for the purpose of paying the debts of the county and to meet the current expenses 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 the 26th day of February, A. D. 1901.

## CHAPTER 276.

**An act to amend section two thousand one hundred and forty-eight (2148) of The Code in regard to probate of wills.**

*The General Assembly of North Carolina do enact:*

Section 2148 of Code, amended.

SECTION 1. That section two thousand one hundred and forty-eight (2148) of The Code of North Carolina, be amended by adding after the word "will" at the end of sub-section one thereof, the following: *Provided*, that in all cases where the testator executed the will by making his mark, and where any one or more of the subscribing witnesses are dead or reside out of the State, or are insane or otherwise incompetent to testify, it shall not be necessary to prove the handwriting of the testator, but proof of the handwriting of the subscribing witness or witnesses so dead, absent, insane or incompetent shall be sufficient.

Probate of Wills validated.

SEC. 2. That the probate of all wills heretofore taken in compliance with the requirements of this act be and the same are hereby declared to be valid.

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

In the General Assembly read three times, and ratified this the 27th day of February, 1901.

## CHAPTER 277.

## An act for the better protection of wild fowls in Currituck Sound.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of County Commissioners of Currituck County shall on the first Monday in October, 1901, and every two years thereafter appoint a game keeper for said county, whose duty it shall be to enforce the laws now in force or that may hereafter be enacted upon the subject of hunting wild fowl in said county. His term of office shall continue for two years, unless sooner removed by said board.

Board of Commissioners of Currituck County authorized to appoint game keeper.

Term of office.

SEC. 2. Every game keeper shall be authorized and empowered to arrest all offenders against the hunting or fishing laws whom he may detect violating said laws and carry them before some Justice of the Peace in said county to be dealt with according to law. And he shall be authorized to execute any warrant that may be issued to him by any Justice of the Peace of said county for the arrest of any person offending against the laws regulating hunting and fishing in said county: *Provided*, that this authority shall not be in exclusion of like authority now conferred by law upon other officers to execute process.

Duties and powers.

SEC. 3. Every such game keeper shall have the right to appoint such deputies or assistants as he may deem necessary (not to exceed ten in number) to enable him to perform efficiently the duties devolved upon him by this act, and said deputies or assistants shall have the same powers as the principal: *Provided*, the compensation shall not exceed the sum of fifty dollars per month for principal game keeper and not more than thirty dollars per month for each assistant employed: *Provided further*, that nothing herein shall debar said principal game keeper or assistant from recovering in addition to their regular compensation one-half of any fine imposed by statute on any person or persons they may apprehend violating the gunning or fishing laws of Currituck Sound or any part thereof.

Powers to appoint deputies.

Compensation.

Proviso.

SEC. 4. That to provide sufficient funds for the purpose of carrying out the provisions of this act and paying game keeper and assistants, and all expenses connected therewith, a license tax shall be collected from those interested or engaged in hunting wild fowl in said county as provided in section 6 of this act, and placed in the hands of the County Treasurer for the purpose of paying said game keeper or keepers.

License tax.

SEC. 5. That the taxes in this act shall be imposed as license tax for the privilege of hunting wild fowl in the waters of Currituck Sound, and nothing contained in this act shall be construed to relieve any person from the payment of said tax as

License issued by Board of Commissioners for five months from November 1. of each year.

provided in the following section. The license under this act shall be issued by the Board of County Commissioners of Currituck County, and shall be for five months from the first day of November of each year: *Provided*, that any person applying for license to hunt wild fowl at any time between the 1st day of November and the 31st day of March following shall be granted same upon the payment of the amount herein specified.

Amount of tax.

SEC. 6. On every non-resident who is a member of a sporting club in Currituck County, a license for the purpose of shooting wild fowl, on payment of license tax of ten dollars on every member and each and every stand of decoys used; on every box or battery used for the purpose of hunting or shooting wild fowl by any citizen or citizens of said county or State, a license tax of ten dollars for every box or battery so used; on every citizen who engages in hunting wild fowl for profit with bush blind or in any other manner not herein specified, a license tax of five dollars on each rig or outfit so used.

Sailing or propelling boats on Currituck Sound for purpose of shooting wild fowl, prohibited.

Proviso.

SEC. 7. No person between the 10th day of November and the 31st day of March of each year shall sail or row or propel a boat in any way after wild fowl in the waters of Currituck Sound for the purpose of forcing them on the wing or shoot them with rifle or shot gun while sailing at any time: *Provided*, that this section shall not be construed to prevent ring shooting Boobies or Ruddy duck between the 15th day of February and the 31st day of March of each year.

Unlawful to shoot or kill pheasant or partridge in Currituck County for five years from March 31, 1901.

Not applicable to quail.

Misdemeanor to shoot wild fowl by fire-light.

Penalty.

SEC. 8. That no person shall shoot or kill any pheasant or partridge in Currituck County in five years from the 31st day of March, 1901: *Provided*, this act shall not apply to quail shooting in said county.

SEC. 9. That any person or persons who may fire light or shoot any wild fowl by fire light in the waters of Currituck Sound shall be guilty of a misdemeanor and fined not less than five hundred dollars and imprisoned not less than twelve months, and any person or persons who shall or may be apprehended in the act of violating this section shall pay to said apprehender or apprehenders the sum of five hundred dollars, and also forfeit to the said apprehender or apprehenders their entire outfit, and it shall be the [duty] of every game constable of Currituck County to use all diligent means to arrest all and every violator of this section, and it is further provided that any good citizen in Currituck shall be empowered to make arrests in pursuance of this section.

SEC. 10. 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, 1901.



## CHAPTER 278.

**An act to repeal Chapter three hundred and forty-three of the Public Laws of eighteen hundred and ninety-nine.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter three hundred and forty-three of the Public Laws of eighteen hundred and ninety-nine, entitled an act to change the township lines of certain townships in Alamance County is hereby repealed.

Chapter 343, Public Laws 1899, repealed.

SEC. 2. That all that portion of Melville Township and Faucette Township taken and annexed to Graham Township according to the aforesaid act shall be restored to the townships of Melville and Faucette according to their original lines and boundaries.

Portions of Melville and Faucette townships restored.

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

In the General Assembly read three times, and ratified this the 27th day of February, A. D. 1901.

## CHAPTER 279.

**An act to amend Chapter 392, Public Laws of 1897, relating to the establishment of graded schools in the city of High Point.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter 392, section 8, of the Public Laws of 1897, be and the same is hereby amended by striking out the words "of said town," in line 4, and inserting after the words "Treasurer," in line 4, the words "of the Board of School Commissioners who shall be one of their number." That said section shall be further amended by the striking out the words "separate and apart from other public moneys," in lines 5 and 6 of said section. That the said section shall be further amended by striking out the words "and the Mayor of said town," in lines 9 and 10 of said section.

Section 8, Chapter 392, Public Laws 1897, amended.

SEC. 2. That section 9 of said chapter 392, of the Public Acts of 1897, be and the same is hereby amended by striking out the words "of said town," after the word "Treasurer," in line 3 of said section, and inserting in their stead the words "of the Board of School Commissioners."

Section 9, said chapter, amended.

SEC. 3. That section 13 of said chapter 392, Public Acts of 1897, be and the same is hereby amended by striking out the words "of the town," in line 1 of said section and inserting in their stead the words "of the Board of School Commissioners."

Section 13, amended.

Town Treasurer to turn over to School Commissioners special tax funds, etc.

SEC. 4. That the Treasurer of said town shall turn over to said treasurer of the Board of School Commissioners all funds arising from special taxes mentioned in Article 4 of this act which he may have in his hands, together with all records, books, vouchers or memoranda connected with said funds.

Conflicting laws repealed.

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

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

In the General Assembly read three times, and ratified this the 27th day of February, A. D. 1901.

## CHAPTER 280.

### An act to regulate the State Printing.

*The General Assembly of North Carolina do enact:*

Chapter 250, Public Laws 1899, repealed.

SECTION 1. That chapter 250 of the Public Laws of North Carolina of 1899, be and the same is hereby repealed.

Council of State, Commissioner of Labor and Printing and Attorney-General to contract for, and Commissioner of Labor and Printing to superintend State Printing and Binding. Maximum contract prices.

SEC. 2. That the Council of State, Commissioner of Labor and Printing and the Attorney-General of North Carolina shall contract for, and the Commissioner of Labor and Printing shall superintend all printing and binding done for the State upon the best possible terms for the State: *Provided*, they shall not pay in excess of the following prices: For every 1,000 ems of plain composition thirty cents; for every 1,000 of ems of rule and figure work sixty cents; for every token of 240 impressions of press work twenty cents; for law sheep binding forty-five cents per volume of 600 pages; for halfbinding twenty cents per volume of 600 pages; for every forty-eight pages over 600 one cent per volume. The necessary freight, and other expenses to be incurred by accepting any proposition for the public printing shall be taken into consideration, so that the work may be done and printed matter delivered for distribution in the city of Raleigh so as not to exceed the above prices. All other work shall be classed as job work and shall not be charged for at a higher rate than thirty cents per hour for a first-class journeyman printer, and eighty cents per thousand impressions of press work.

Necessary freight and other expenses to be taken into consideration.

Other work classed as job work. Maximum charge for same.

Conflicting laws repealed.

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

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

In the General Assembly read three times, and ratified this the 27th day of February, A. D. 1901.

## CHAPTER 281.

## An act for the working of public roads in Graham County and Clay County.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of County Commissioners in their corporate capacity, shall have full control of the public roads, of their respective counties, and for that purpose shall be known and styled as the Board of Road Supervisors.

County Commissioners given full control of public roads under name of Board of Road Supervisors.

SEC. 2. That the Board of County Commissioners shall hold two regular road meetings in each year, to perform the public road business of the county, one meeting to be held at the regular May meeting of said Board of Commissioners, the other meeting to be held at the regular September meeting of said board: *Provided*, that the Board of Commissioners may perform road business at any of their said meetings.

Meetings to perform county road business; how many and when held.

Proviso.

SEC. 3. That the chairman of the Board of County Commissioners shall be the chairman of the Board of Road Supervisors, and that the Register of Deeds shall be styled the clerk *ex officio* to said board, whose duty it shall be to keep the books and papers of said board, and keep a true record of all the proceedings of said board in a book to be furnished for that purpose.

Chairman and clerk.

Duties of clerk.

SEC. 4. Said Board of County Commissioners shall at their first regular meeting in May, one thousand nine hundred and one, and annually thereafter, classify all the public roads as hereinafter provided, and lay out all the public roads into convenient lots or divisions and at the same time appoint overseers for the said several road divisions 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*, 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, and they shall be classed as first, second and third-class roads. First-class roads to be sixteen feet wide, second-class roads to be twelve feet wide, and third-class roads to be ten feet wide, except in case of solid rock in which case each class may be two feet narrower. All roads to be kept clear of stumps and runners and ditched on at least one side so as to carry off the water, except where impossible on account of solid rock.

Commissioners at May meeting to classify public roads, lay out into divisions, appoint overseers, allot hands, etc.

What considered public roads.

Classification.

Width of roads.

Proviso.

Roads to be kept clear of stumps and runners and ditched.

SEC. 5. 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

Special road supervisor.

Duties.

Report, what to contain and how disposed of.	work the roads to the best advantage, and report the conditions 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: <i>Provided further</i> , that
Compensation.	said Special Supervisor shall be paid 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.
Power of overseer to work hands.	SEC. 6. Each overseer shall have the power to work the hands so allotted to him on his said section of road, as many days in each year as is necessary to keep his road in good repair: <i>Provided</i> , that the overseer of any section of road, shall not work his hands more than three days in any one week, nor shall he work them oftener than every fifteen days, except in case of washouts, and great damage by floods or otherwise, rendering the roads impassable. The overseer shall warn each hand at least two days before each working by personal or written notice.
Hands warned by notice.	Written notice may be left at the usual place of residence of the hand, and shall constitute legal notice, stating therein the time, place and tool, and the length of time to be worked: <i>Provided</i> , that if any hand shall furnish a good, able-bodied hand, or shall pay to the overseer before the day or days to be worked the sum of seventy-five cents for each day to be worked, he shall be discharged from said work, and for the purposes of this act, nine hours shall constitute a day's work.
How served.	
Contents.	
Proviso for substitute or cash payment in lieu of work.	
Nine hours a day's work.	
Overseer's report.	SEC. 7. The overseer of each section of road shall make a written report to the Board of County Commissioners or to the Special Road Supervisors on or before the first Monday in May and September in each year, who shall file it with the Board of Commissioners, setting forth therein the number of days worked by each hand, since last meeting, and the amount of money received by him, if any, in lieu of road work, and the manner in which he has expended it, and whether any hand or hands have failed to work, after having been legally warned, and the said report shall be sworn to before any person authorized to administer oaths.
Contents.	
To be verified.	
Duty of overseer to prosecute delinquents.	SEC. 8. It shall be the duty of the overseer to prosecute all delinquent hands who shall fail to work after having been legally warned, before some Justice of the Peace, in said county.
Road-working age.	SEC. 9. All male persons between the ages of eighteen and forty-five years, shall be required to work on the public roads:

*Provided*, that the County Commissioners may excuse persons for both poverty and infirmity. Proviso.

SEC. 10. Any person failing or refusing to work on the public roads, or failing to pay to the overseer the sum of seventy-five cents for each day to be worked, shall be guilty of a misdemeanor and upon conviction shall be fined the sum of two dollars for each day that he was required to work and the cost of the action, or may be imprisoned not more than thirty days in the common jail of the county, and Justices of the Peace shall have jurisdiction of such cases: *Provided*, that either party may appeal to the Superior Court. Failure or refusal to work or pay cash instead, a misdemeanor.  
Penalty.  
Jurisdiction.  
Appeal.

SEC. 11. The Board of Supervisors or any member thereof or any overseer of any section of road in Graham County, 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 more than fifty, nor less than five dollars for each offence, or imprisoned in the discretion of the Court. Failure of supervisors or overseers to discharge duties a misdemeanor.  
Penalty.

SEC. 12. It shall be the duty of the Solicitor of the district to prosecute all Road Supervisors and overseers, and it shall be the duty of the grand jury to return all Road Supervisors and overseers, who shall fail or neglect to perform their several duties as contemplated in this act. Duty of Solicitor to prosecute and grand jury to return.

SEC. 13. That all overseers shall serve for one year, from the date of their appointment 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 payment to the Board of County Commissioners the sum of ten dollars, which shall go into the general road funds of the county. Overseers, term of service.  
Proviso.

SEC. 14. That Sheriffs and Constables of the county shall execute all orders of the Board of Road Supervisors of the county, and shall be paid by the county for the same as Sheriffs are now paid. Execution of road supervisor's orders.  
Compensation therefor.

SEC. 15. The Board of County Commissioners shall have power to establish, alter or discontinue any roads in the county, as heretofore provided in The Code. Power of County Commissioners to establish, alter or discontinue roads.

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, nor 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 Treasurer, to be used on the public roads of the county by order of the Board of County Commissioners, in putting up footways, building bridges, for blasting material and Road tax.  
Amount.  
  
How collected and disposed of.

Provided as to safe keeping of material and tools.

Misdemeanor to allow tools used for private purpose.

Two hundred copies to be printed and furnished Commissioners of Graham and Clay counties.

tools, in the discretion of said Board of Commissioners, where the necessity of the roads requires a hardship on the hands of any section or sections of road: *Provided*, that all material and tools furnished any overseer under the provisions of this act shall be placed in the hands of said overseers for 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 dealt with in the Court as hereinbefore provided.

SEC. 17. That two hundred copies of this act shall be published and furnished to the Board of County Commissioners of Graham and Clay Counties.

SEC. 18. That all laws and clauses of laws in conflict with this act, be and the same is hereby repealed.

SEC. 19. That this act shall apply only to Graham and Clay Counties, except as to section sixteen, which shall not apply to Clay County.

SEC. 20. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 27th day of February, A. D. 1901.

## CHAPTER 282.

### An act to amend section 1717 of The Code of North Carolina.

*The General Assembly of North Carolina do enact:*

Not applicable to rail or tram roads for transportation of logs, lumber and articles of road owners.

SECTION 1. That section 1717 of The Code of North Carolina be amended by adding at the end of said section the following: "*Provided*, that this act shall not apply to any narrow-gauge railroad or tram-road, the principal business of which is the transportation of logs, lumber and articles for the owners of such railroad or tram-road."

Conflicting laws repealed.

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

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

In the General Assembly read three times, and ratified this the 27th day of February, A. D. 1901.



## CHAPTER 283.

**An act in relation to the purchase of real estate by municipal corporations.***The General Assembly of North Carolina do enact:*

SECTION 1. That any municipal corporation of this State, upon the order of its Board of Aldermen or Commissioners, may purchase any real estate at private or public sale, for the use and benefit of the corporation: *Provided*, no debt is hereby incurred, and that the purchase is made with funds on hand or due said corporation: and in all cases where such corporations have so purchased land, and they or any person claiming under them have taken deeds therefor, such deeds are hereby ratified and shall have the same force and effect as if the purchase had been made under like circumstances by a private person.

When municipal corporations may purchase real estate.

Deeds for real estate so purchased ratified.  
Force and effect thereof.

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

In the General Assembly read three times, and ratified this the 27th day of February, A. D. 1901.

## CHAPTER 284.

**An act to pay a certain claim of Fred P. Latham for services rendered the State in the interest of the shell-fish industry of North Carolina.***The General Assembly of North Carolina do enact:*

SECTION 1. That the public Treasurer of the State of North Carolina be and he is hereby authorized and directed to pay, out of any money in the treasury belonging to the Shell-Fish Funds, the sum of sixty-six dollars and sixty-seven cents (\$66.67) to Fred. P. Latham, Belhaven, North Carolina, balance due said Fred. P. Latham for services rendered as Oyster Inspector at Belhaven, North Carolina.

State Treasurer to pay Fred P. Latham \$66.67 for services as shell-fish inspector at Belhaven, N. C.

SEC. 2. That the Auditor of the State be and he is hereby authorized and directed to draw his warrant upon the said Treasurer in favor of Fred. P. Latham for the amount directed to be paid in section one of this act.

Auditor to draw warrant for said amount.

SEC. 3. That the said Treasurer is hereby authorized to pay the said amount as set forth in section one of this act to the said Fred. P. Latham.

Treasurer authorized to pay same.

SEC. 4. That all 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 the 27th day of February, A. D. 1901.

## CHAPTER 285.

**An act to amend section seven hundred and seventy (770) of The Code and to fix the compensation of the Treasurer of Mecklenburg County.**

*The General Assembly of North Carolina do enact:*

Section 770, of The Code, amended.

Salary of Treasurer of Mecklenburg.

How fixed.

Not to apply to existing term.

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 Mecklenburg County shall receive as a compensation in full for all services required of him, a yearly salary not exceeding twenty-seven hundred and fifty dollars (\$2,750), to be fixed by the Commissioners of said county: *Provided*, that this act shall not apply to existing term of office of said Treasurer.

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 27th day of February, A. D. 1901.

## CHAPTER 286.

**An act for the protection of domestic animals in Yancey County from bears, wolves, panthers, wild cats, catamounts or coons.**

*The General Assembly of North Carolina do enact:*

Chapter 441, Public Laws 1899, repealed.

SECTION 1. That chapter 441 of the Public Laws of 1899 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 the 27th day of February, A. D. 1901.

## CHAPTER 287.

**An act to appoint C. A. Pitts a Justice of the Peace in Township No. 12 in Cabarrus County.**

*The General Assembly of North Carolina do enact:*

C. A. Pitts appointed Justice of Peace for Cabarrus County.

SECTION 1. That C. A. Pitts be and is hereby appointed a Justice of the Peace in Township No. 12, Cabarrus County, North Carolina.

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 27th day of February, A. D. 1901.

## CHAPTER 288.

**An act to amend Chapter four hundred and eighty-six (486) of the Public Laws of 1899, 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 1899 be and the same is hereby amended by striking out in lines four and five of section one of said chapter the words "three months after the ratification of this act," and in lieu thereof substituting the following words: "One year from the first Monday in May, 1901."

Section 1, Chapter 186, Public Laws 1899, amended  
Time for holding election 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 the 27th day of February, A. D. 1901.

## CHAPTER 289.

**An act to re-enact sections 2812, 2813 and 2814 of The Code relating to stock law.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter three hundred and fifty-three (353), Laws of eighteen hundred and ninety-seven (1897), is hereby repealed.

Chapter 353, Public Laws 1897, repealed.

SEC. 2. That section twenty-eight hundred and twelve (2812), twenty-eight hundred thirteen (2813) and twenty-eight hundred fourteen (2814) of The Code amended by said chapter 353, Laws 1897, be and the same are hereby re-enacted to be in as full force and effect as before the enactment of said chapter 353, Laws 1897: *Provided*, that this act apply only to Johnston County.

Sections 2812, 2813 and 2814, re-enacted.

Applicable to Johnston County only.

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 the 27th day of February, A. D. 1901.

## CHAPTER 290.

**An act for the relief of A. M. Jones, a public school teacher of Ashe County.***The General Assembly of North Carolina do enact:*

Ashe County  
Treasurer  
directed to pay  
A. M. Jones, pub-  
lic school teacher,  
\$7.16.

Proviso.

SECTION 1. That the Treasurer of Ashe County is hereby authorized and directed to pay A. M. Jones the sum of seven and 16-100 dollars, out of any public school funds due, or that may become due, School District No. 14, section 3, for the white race in Chesnut Hill Township in said county: *Provided*, the said A. M. Jones shall procure an order on said Treasurer from the School Committee of said District, the said amount being a balance due him on a school taught for the year 1898.

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 27th day of February, A. D. 1901.

## CHAPTER 291.

**An act to amend Chapter 184, section 3, of the Public Laws of the session of 1870 and 1871.***The General Assembly of North Carolina do enact:*

Misdemeanor to  
enter fair grounds  
other than  
through gates  
without permis-  
sion of keeper or  
officer in charge.

Penalty.

SECTION 1. That chapter one hundred and eighty-four of the Public Laws of North Carolina passed at the session of 1870-'1, be amended by adding at the end of section three the following, as a part of said section, to-wit: "And any person who shall break over the enclosing structures of said fair grounds and enter the same, or who shall enter the enclosure of said fair grounds by means of climbing over, under or through the enclosing structures surrounding the same, or who shall enter its enclosure through its gates without the permission of its gate keeper or the proper officer of said fair association, shall be guilty of a misdemeanor, and upon conviction before a Justice of the Peace shall be fined not more than fifty dollars, or imprisoned not more than thirty days.

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 27th day of February, A. D. 1901.

## CHAPTER 292.

An act supplemental to an act entitled "An act to prevent live stock from running at large in the counties of Watauga, Mitchell and Caldwell," ratified February 18, 1901.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person or persons to wilfully or intentionally allow any horse, mule, jack, jennett, cattle, hogs, sheep, or any other live stock to run at large off their owner's own premises in the counties of Watauga, Mitchell and Caldwell, and all that part of the county of Wilkes adjoining the counties of Alleghany, Ashe, Watauga and Caldwell that is not now in the stock law territory and all that part of the county of Ashe that lies south and east of the south fork of New River in said county and the said New River, the south fork thereof, is hereby declared to be a lawful fence, from the Alleghany County line to the Watauga County line.

Unlawful for persons to allow stock to run at large off their own premises in certain parts of Watauga, Mitchell, Caldwell and Wilkes counties.

South fork of New River made lawful fence from Alleghany to Watauga county line.

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 two (\$2.00) dollars or more than ten (\$10.00) dollars for each and every offence, for each head of stock so allowed to run at large: *Provided*, that if the citizens of any township in either of the said counties shall become dissatisfied with the provisions of this act and desire to be released from the same a majority of the qualified voters of said township may petition the Board of County Commissioners of their county, who shall order an election to determine the same. The date of election shall be fixed by the said Board of County Commissioners and they, the County Commissioners, of either of the said counties wherein such an election is desired, shall furnish such township or townships with ballots for said election, those wanting to remain in the stock law boundary shall vote a ballot with the words for "Stock Law" on it and those desiring to be released from the provisions of the stock law, shall vote a ballot with the words "Against Stock Law" on it. If a majority of the votes cast contain the words "For Stock Law" on them then such township shall remain as Stock Law Territory; but if a majority of the ballots at such election shall have on them the words "Against Stock Law," then the territory of such township shall be declared from under the provisions of the stock law. All such stock law elections shall be held under the same rules and regulations as other elections: *Provided further*, that if the qualified voters of any township in either of the said counties shall vote themselves from under the pro-

Violation a misdemeanor.

Penalty.

Provisions for release of any township from operation of this act.

visions of this act, then the Board of County Commissioners of the county in which such township is contained, shall levy a tax of not more per annum, than twenty-five (25) cents on each one hundred dollars worth of real estate in said township for as many successive years as is necessary to obtain funds to fence in such released territory; and the said Board or Boards of County Commissioners, shall cause all such released territory to be fenced in as fast as above named levy will pay for the same. But all such released territory shall remain as "Stock Law Territory" until it is lawfully fenced in.

Stock wandering from other States into said territory considered estrays

SEC. 3. That all stock wandering from other States and counties not enclosed in the above named stock law boundary shall be considered as "astrayed" and liable to be impounded.

SEC. 4. That this act shall be in force from and after the first day of May, 1901.

In the General Assembly read three times, and ratified this the 27th day of February, A. D. 1901.

#### CHAPTER 293.

**An act to repeal S. B. 327, H. B. 333, of the Laws of 1901, relating to hunting and fishing in the county of Wilkes.**

*The General Assembly of North Carolina do enact,*

An act passed at this session amending Chapter 360, Laws 1899, repealed.

Chapter 360, Laws 1899, re-enacted.

SECTION 1. That the act to strike out the word "written" in section 1, chapter 360, of the Laws of 1899, passed at this session of the General Assembly, be and the same is hereby repealed.

SEC. 2. That chapter 360 of the laws of 1899 is hereby re-enacted.

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 27th day of February, A. D. 1901.

#### CHAPTER 294.

**An act to amend Chapter 261, Public Laws of 1899, entitled an act to fix the fees of Register of Deeds for recording crop liens and chattel mortgages.**

*The General Assembly of North Carolina do enact:*

Section 1 Chapter 261, Public Laws 1899, amended.

SECTION 1. That all of section 1, after the word "Moore" in line three of said section, of chapter 261, of the Public Laws of the year 1899, is hereby repealed.

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

In the General Assembly read three times, and ratified this the 28th day of February, A. D. 1901.



## CHAPTER 295.

**An act to preserve and protect game and fish in the county of Rowan.**

WHEREAS, It is desirable to preserve and protect wild game and fish, in the county of Rowan, from destruction and extermination.

Preamble.

*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 or otherwise, any wild quail, partridge, grouse, pheasant, wild turkey, doves, robin or woodcock, before the first day of December, and after the first day of February following, in each and every year.

Unlawful to capture or kill game fowl except in December and January.

SEC. 2. That it shall be unlawful for any person or persons to take or catch any fish of any kind whatsoever, at any time, by the use of seine, or by hauling or dragging any seine, in any pond, creek, branch or river, in the county of Rowan.

Unlawful to catch fish with seine.

SEC. 3. That it shall be unlawful for any person or persons to have in his possession, for use or sale, or for any other purpose, any of the game mentioned in this act before the first day of December, and after the first day of February, in each and every year.

Unlawful to have in possession game for use or sale, except in December and January.

SEC. 4. That it shall be unlawful for any person or persons to sell or offer for sale any of the game mentioned in this act, at any time during the year, within the limits of the county of Rowan.

Unlawful to offer such game for sale in Rowan County.

SEC. 5. That it shall be unlawful for any person, or persons, to ship beyond the limits of the county of Rowan, any of the game mentioned in this act, at any time or season during the year.

Unlawful to ship game mentioned in this act, out of county.

SEC. 6. That any person or persons, who shall violate any provision of this act shall be guilty of a misdemeanor and shall pay a fine not to exceed one hundred dollars or be imprisoned not to exceed sixty days, in the county jail, or both, within the discretion of the Court.

Violation a misdemeanor.

Penalty.

SEC. 7. That it shall be the duty of the Judge of the Superior Court of Rowan County in his charge to the grand jury, at each and every term of the Court, to call the attention of the grand jury to this act, so that there may be a strict and prompt enforcement of the same.

Duty of judge to call attention to this act in charging grand jury.

SEC. 8. That it shall be the duty of any Justice of the Peace, within the county of Rowan, upon information of the violation of this act to issue a warrant for the arrest of the person or persons violating the same, and bind them to the next term of the Superior Court, to answer for the same.

Duty of justice of peace in regard to this act.

SEC. 9. 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. 1901.

## CHAPTER 296.

**An act to prevent the manufacture or sale of spirituous liquors in Buncombe County, except in the incorporated towns and cities in said county.**

*The General Assembly of North Carolina do enact:*

Unlawful to sell or manufacture liquors except in incorporated towns and cities, Buncombe County.

SECTION 1. That it shall be unlawful for any person or persons, firm, company or corporation to manufacture or sell spirituous, vinous or malt liquors or brandies anywhere in Buncombe County, except in the incorporated towns and cities in said county.

Violation a misdemeanor.

SEC. 2. That 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.

Penalty.

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

In the General Assembly read three times, and ratified this the 27th day of February, A. D. 1901.

## CHAPTER 297.

**An act to authorize the Commissioners of Northampton County to levy a special tax.**

*The General Assembly of North Carolina do enact:*

Northampton County Commissioners authorized to levy special tax.  
For what years.  
Purposes and use.

SECTION 1. That the Board of Commissioners of Northampton County are hereby authorized and fully empowered to levy a special tax for the years 1901, 1902 and 1903 for the purposes of paying off the debts and accrued and current interest incurred in the erection by the county of the present Clerk and Register of Deeds' offices, and other debts, they may see fit and for no other purpose: *Provided*, that in no one year shall the tax herein authorized to be levied exceed ten cents on the hundred dollars worth of property, and thirty cents on the poll.

By whom and how levied, collected and accounted for.

SEC. 2. That the said tax shall be levied, collected and accounted for by the Tax Collectors of said county as already provided, and in the same manner, and under the same bonds and penalties and within the same time as is now provided by law for other taxes levied in said county.

Conflicting laws repealed.

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

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

In the General Assembly read three times, and ratified this the 28th day of February, A. D. 1901.

## CHAPTER 298.

**An act to fund the bonded indebtedness of Murfreesboro Township in Hertford County.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That for the purposes of compromising, settling and funding the present bonded and judgment indebtedness of Murfreesboro Township, in Hertford County, created or incurred by the consent of the qualified voters of said township at an election held on the twenty-first day of July, eighteen hundred and eighty-seven, under and in pursuance of chapter three hundred and sixty-five of the acts of the General Assembly of North Carolina, the Board of Commissioners of Hertford County are hereby authorized and empowered, and it shall be their duty upon the written request of twenty-five resident freeholders of said Murfreesboro Township in said county to issue for and on behalf of said township bonds to an amount named in said written request, not exceeding in the aggregate the sum of twenty-three thousand dollars, of such form and tenor and of such denomination or denominations and payable or redeemable at such period or periods and in such place or places as may be set forth in such written request, said bonds to have interest coupons attached calling for interest at not a greater rate than six per centum payable annually by the Treasurer of said county.

Hertford County Commissioners authorized to issue bonds to fund indebtedness of Murfreesboro Township.

Maximum amount.  
Form, tenor and denominations, etc.

Interest.

SEC. 2. That to provide for the payment of the interest on said bonds that may be issued under the provisions of section one hereof the Board of County Commissioners shall at the time of levying other taxes and in addition to other taxes compute and levy upon all the subjects of taxation in said township a special tax sufficient to pay the interest on said bonds as it matures, and to provide a sinking fund for purchase or redemption of said bonds before maturity or the payment of the principal thereof at maturity. Said taxes shall be collected by such officer of the county of Hertford as is intrusted or may be intrusted with the collection of the county taxes, under the same rules and regulations as are provided for collecting other taxes, and he and his sureties shall be liable to the same penalties and subject to the same remedies as are now prescribed by law for the faithful collection and payment of taxes to the State and county. The proceeds of the collection of such special taxes shall be applied exclusively to the purpose for which they are collected, and any officer who shall misapply or divert any of the proceeds of said special taxes from the purposes for which they are or may be

Commissioners to levy special tax.

Purpose.

By whom and how collected.

Liability of collector and sureties.

Proceeds, how applied.

Misapplication a misdemeanor.

Penalty.	levied, and any person aiding or abetting in such misapplication or diversion, shall be guilty of a misdemeanor, and shall upon conviction thereof be fined one thousand dollars and shall also be imprisoned in the discretion of the Court.
Bonds, how executed.	SEC. 3. Said bonds hereinbefore authorized to be issued shall be signed by the chairman of the Board of County Commissioners of Hertford County and the clerk of said board, and shall have the common seal of said county affixed, and the coupons shall be signed by the chairman alone, or shall bear a lithographed <i>fac simile</i> of his signature.
Coupons, how signed.	SEC. 4. The coupons on said bonds shall be receivable for taxes due under this act, and it shall be the duty of the officer collecting said taxes to receive such coupons when tendered, if due and payable.
Coupons receivable for taxes due under this act.	SEC. 5. This act shall be in force from and after its ratification.
	In the General Assembly read three times, and ratified this the 28th day of February, A. D. 1901.

## CHAPTER 299.

**An act relating to the form of acknowledgment of deeds by husband and wife in section 8, Chapter 235, Public Laws of 1899.**

*The General Assembly of North Carolina do enact:*

Section 8, Chapter 235, Public Laws 1899, amended.	SECTION 1. That lines 25 of section 8, chapter 235, of the Public Laws of the year 1899, shall be amended by inserting the words "in substance" between the word "be" and "as" in said line so that lines 23, 24 and 25 of said section shall read as follows: "Where the instrument shall be acknowledged by both husband and wife or by other grantor before the same officer the form of the acknowledgment shall be in substance as follows."
Section as amended.	SEC. 2. That where deeds or other instruments have heretofore been acknowledged by husband and wife or by other grantors pursuant to any form of acknowledgment which was lawful before the enactment of said section, in every such case such acknowledgment is hereby declared to be sufficient and valid.
Legal acknowledgments made prior to enactment of said section, validated.	SEC. 3. That this act shall be in force from its ratification.
	In the General Assembly read three times, and ratified this the 28th day of February, A. D. 1901.

## CHAPTER 300.

## An act to amend Chapter 251, Laws of 1889, as to the drainage of Mud Creek in Henderson County.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one, chapter twenty-five of the Laws of 1889, be amended so as to read as follows: "That on the written petition of three or more owners of bottom land on the waters of Mud Creek and its tributaries in Henderson County, the County Commissioners of said county shall appoint three discreet and responsible men, freeholders, as Water Course Commissioners, whose duty it shall be to lay off into convenient sections said creek from French Broad River to the Singleton place above Hendersonville, and the tributary Creeks from their mouths to points to be fixed by them, and to appoint an overseer for each section, who shall hold his office for two years, and who shall be a freeholder in the section to which he is appointed overseer.

Appointment of Water Commissioners.

Duties.

Appointment of overseers.  
Term of office.  
Qualifications.

SEC. 2. That section two of said chapter is amended so as to read as follows: "That a majority of said Commissioners shall have power to elect one of their number chairman, and one secretary, and may fill vacancies in their own number or that of overseers, and in case they shall fail or neglect to fill vacancies caused by death or otherwise, the Board of County Commissioners of Henderson County shall, on application being made from time to time, appoint commissioners or overseers for the purposes herein mentioned. That the said Board of Commissioners shall have power to revoke the appointment of Water Course Commissioners and overseers from time to time for neglect of duty, and may accept or reject their resignations.

Chairman of Water Commissioners.

Vacancies, how filled.

Power of County Commissioners to appoint Water Course Commissioners or revoke appointments.

SEC. 3. That section three of said chapter is amended so as to read as follows: "That the said Water Course Commissioners shall fix the number of acres of bottom land on said water course and tributaries to be benefitted by the drainage herein provided for, of each individual and owner thereof, between the points fixed and to be fixed, as provided in section one of this act, and lying within one-half mile of said streams, and shall furnish each overseer with a copy of the estimate of his section, and upon notice of five days, to be given in writing by the overseer, the owners of said land shall each furnish one able-bodied hand, with the tools demanded in said notice, for every ten acres, and one for every fraction of ten acres of land, within the meaning of this act, and on failure of the land owner to furnish said hand or hands, he shall forfeit and pay \$2.00 per day

Power to fix number of acres to be benefitted.

Duty of land owners to furnish hands, etc., on notice given.

Penalty for failure.



Also guilty of  
misdemeanor.  
Service of notice.

Jurisdiction.

Water Course  
Commissioners to  
determine loca-  
tion, depth and  
width of canals,  
etc.

Power to employ  
surveyor and  
assistance.

Powers as to  
blowing out  
shoals, rock, etc.

Expenses, how  
paid.

Assessments,  
how collected.

To whom paid  
over and how  
disposed of.

Commissioners to  
determine dis-  
tance on either  
side of canal to  
be cleared of  
obstructions.

When to begin  
work and how  
long continued.

Subsequent work.  
County Commis-  
sioners to levy  
assessments.

Purpose.

To determine  
work necessary.

on each hand which he so fails to furnish, which may be recovered by the said overseer by summons and civil judgment or by warrant as in case of failure of hands to work on public roads and the said owner shall also be guilty of a misdemeanor: *Provided*, that the notice to be served by said overseer may be served by delivering to the owner, his agent or tenants personally, or, if they live beyond the limits of the county, then by mailing the same to the residence of the said owner or his lawful agent, and that Justices of the Peace in Henderson County shall have jurisdiction both as to the civil suit and as to the warrant mentioned above.

SEC. 4. That section four of said chapter is amended so as to read as follows: "That it shall be the duty of said Water Course Commissioners to determine, by a proper survey, the location, depth and width of all such canals as they may determine to have cut, opened, widened, changed or improved, by the owner or overseer and hands mentioned above in section three of this act for the purpose of draining the said Mud Creek and its tributaries, and for that purpose they shall have power to employ a Surveyor and such other assistance as may be necessary in order to ascertain and fix the work to be done, and shall also have the power to employ an overseer and hands and furnish tools, powder and other materials required in blowing out any shoals or rock that may be in the way of cutting said canals and effecting said drainage, the expense of which shall be paid by assessment to be made by the County Commissioners at a regular meeting, upon the lands to be benefitted by said surveying, blasting and removing of rocks, as mentioned in section three, which said assessments shall be collected as taxes are required to be collected by the Sheriff or Tax Collector of said county, and paid over by the Sheriff to the County Treasurer to be kept separate and paid out on the order of the Water Course Commissioners. That said Water Course Commissioners shall also determine the distance on each side of said canals to be cleared of all obstructions by said overseer and hands."

SEC. 5. That section nine of said chapter shall be amended so as to read as follows: "That the said Commissioners shall begin and continue said work necessary to be done immediately, and continue the same as rapidly as possible, until the same is completed, and shall thereafter, from time to time, do such work as may be necessary to perfect and keep perfected said drainage; and the County Commissioners shall by assessments as provided in section four above, levy such assessments upon said land as may be required, in order to remove obstructions caused by rock, and locate and determine such work as may



from time to time be necessary to be done by the Commissioners."

SEC. 6. That all laws and clauses of laws in conflict with these amendments are hereby repealed. Conflicting laws repealed.

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

In the General Assembly read three times, and ratified this the 28th day of February, A. D. 1901.

### CHAPTER 301.

**An act to authorize the Commissioners of Wake County to fund the floating debt of the county.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That for the purpose of settling and paying the floating debt of Wake County, incurred for necessary expenses and outstanding on the first day of February, 1901, it shall be lawful for the Board of Commissioners of said county, and they are authorized and empowered to fund the same by issuing the bonds of the county to the amount of fourteen thousand dollars in the aggregate, in denominations of one thousand dollars, with 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; 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. Wake County Commissioners authorized to fund county indebtedness by bond issue.

SEC. 2. That the clerk of the Board of Commissioners shall keep a book in which he shall keep an account of the numbers and denominations of the bonds issued as hereinbefore provided; said clerk shall also keep an accurate account of the bonds and coupons attached to said bonds which shall be paid, taken in or cancelled. Amount.  
Denominations.  
Interest.  
Maturity.  
Where coupons payable.  
Execution.  
Record of bonds.  
Account of cancelled bonds and coupons.

SEC. 3. That as soon as the said bonds are issued as aforesaid the said Commissioners shall place the same in the hands of the County Treasurer, who shall thereupon, under the direction and supervision of the said Commissioners, negotiate the same, making out and returning to the Board of Commissioners an accurate account of such sales. Bonds, when issued how disposed of.

SEC. 4. That the said coupons shall be receivable for taxes. Coupons receivable for taxes.

SEC. 5. That the bonds, when negotiated as hereinbefore provided, shall not be sold for less than their par value. Minimum selling price.

SEC. 6. That the proceeds from the sale of said bonds shall be Use of proceeds.

used exclusively for the payment and settlement of the floating debt of the county outstanding on the first day of February, 1901.

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 28th day of February, A. D. 1901.

### CHAPTER 302.

#### **An act prohibiting the sale or manufacture of liquors in Madison County.**

*The General Assembly of North Carolina do enact:*

Prohibition for  
Madison County.

Incorporated  
towns excepted.  
Proviso for hold-  
ing local option  
elections.

Violation a mis-  
demeanor.  
Penalty.

When effective.

SECTION 1. That it shall be unlawful for any person, corporation or firm, to sell or manufacture any spirituous liquors or other intoxicating drinks or bitters in the county of Madison: *Provided*, this act shall not apply to any incorporated towns in said county: *Provided*, that the proviso excepting towns from this act shall not be construed to prohibit or prevent the voters of said county or towns from holding an election to prohibit the sale or manufacture of liquors in said county or town as prescribed by law in such cases.

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

SEC. 3. That this act shall take effect from and after July 1, 1901.

In the General Assembly read three times, and ratified this the 28th day of February, A. D. 1901.

### CHAPTER 303.

#### **An act to allow the Sheriff of Rockingham County to pay J. M. Weatherly school claim**

*The General Assembly of North Carolina do enact:*

Rockingham  
County Sheriff to  
pay J. M. Weatherly,  
public school  
teacher, \$38.22.

SECTION 1. That the Sheriff of Rockingham County is hereby authorized to pay out of any monies in his hands due District No. six (6). J. M. Weatherly for services rendered as teacher for white race for said District in the year 1899, the sum of thirty-eight dollars and twenty-two cents (\$38.22).

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 28th day of February, A. D. 1901.

## CHAPTER 304.

**An act to refund certain taxes in Chatham County.**

WHEREAS, By virtue of chapter 208 of the Laws of 1885, Center Township, in Chatham County issued bonds in the sum of ten thousand dollars (\$10,000) to pay for its subscription to the capital stock of the Pittsboro Railroad Company; and, Preamble.

WHEREAS, The said bonds have been paid in full by taxes duly levied and collected in said township, the last levy and collection being in the year 1895; and,

WHEREAS, There is a surplus in the hands of the Sheriff of Chatham County left after paying the said bonds amounting to three hundred and eighty-two dollars and twenty-three cents (\$382.23); and,

WHEREAS, By section 7, Article 6, of the Constitution of North Carolina, this sum can be applied to no other purpose than that for which it was levied and collected; now, therefore,

*The General Assembly of North Carolina do enact:*

SECTION 1. That the said sum of three hundred and eighty-two dollars and twenty-three cents (\$382.23) be refunded to the tax-payers of said Center Township, who in 1895 paid the said special tax, less the expense of carrying this act into effect, in proportion to the amount paid by each of said tax-payers. \$382.23, surplus of tax from Center Township, Chatham County, left over after payment of township bonds, to be refunded.

SEC. 2. The Register of Deeds of Chatham County is hereby authorized and directed to compute and calculate the amount due to each of the tax-payers in said township from said fund, in proportion to the amount so paid by each tax-payer in 1895, and to report the same to the Sheriff of Chatham County, who will credit such sum due each of said tax-payers upon any tax due by such tax-payers for taxes heretofore or hereafter to be levied; and in the event that any such tax-payer of said year, 1895, is no longer a tax-payer in said county the amount so ascertained to be due to such tax-payer shall be refunded in cash to such tax-payer or his personal representatives, less the actual expense thereof. Register of Deeds to compute amount due each tax payer and report to Sheriff.

SEC. 3. That the Sheriff of Chatham County is hereby directed to pay to the Register of Deeds for making the said calculations the sum of fifteen dollars (\$15) out of the said surplus funds in his hands. Disposition thereof by Sheriff.

SEC. 4. That this act shall be in force from and after its ratification. Compensation of Register of Deeds.

In the General Assembly read three times, and ratified this the 28th day of February, A. D. 1901.

## CHAPTER 305.

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

Clay County  
Commissioners to  
purchase home  
for poor.

If not sufficient  
funds in treasury,  
to levy special  
tax.

Amount, etc.

SECTION 1. That the Board of Commissioners of Clay County are hereby authorized and empowered to use any county funds now in the treasury of said county not otherwise appropriated for the purpose of purchasing a home for the poor and infirm. And should there not be a sufficient amount now in the treasury to procure such suitable home and furnish the same, they are further authorized and empowered to levy a special tax to supplement the money now in the treasury, not to exceed ten cents on the one hundred dollars worth of taxable property nor thirty cents on the poll for the year nineteen hundred and one.

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 February, A. D. 1901.

## CHAPTER 306.

**An act to amend Chapter 487 of the Public Laws of 1899.***The General Assembly of North Carolina do enact:*

Section 9, Chapter  
487, Public Laws  
1899, amended.

Robeson County  
Commissioners  
authorized to  
apply stock law  
tax funds to pay-  
ment any stock  
law debt.

Conflicting laws  
repealed.

SECTION 1. That section nine of chapter 487, Public Laws of North Carolina, session 1899, be and the same is hereby amended by striking out the words "one-half of," in line five.

SEC. 2. That the Commissioners of said county be and they are hereby authorized to expend any funds now on hand, or now due, or which may arise from the tax levy for fence purposes, under said Act of 1899, for the year 1901, in the payment of any indebtedness now due from any part of the existing stock law territory in the county of Robeson.

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

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

In the General Assembly read three times, and ratified this the 28th day of February, A. D. 1901.

## CHAPTER 307.

**An act to authorize the Board of Commissioners of Currituck County to levy a special tax.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Commissioners of Currituck County be and they are hereby authorized and empowered, at their regular meeting on the first Monday in June, 1901, 1902, 1903, 1904, 1905, 1906, 1907 and 1908, to levy a special tax upon the taxable property and polls, of said county, for the purpose of paying outstanding county orders, and providing for payment of twenty-three bonds issued in the year 1897, and due 1901, 1902, 1903, 1904, 1905, 1906, 1907 and 1908.

Currituck County  
Commissioners  
authorized to  
levy special tax.  
Years of levy.

SEC. 2. That the amount of special tax to be levied under this act, shall be determined by the Board of County Commissioners, but shall not exceed forty-two cents, on the one hundred dollars worth of property, and one dollar and twenty-six cents on each poll. The County Commissioners shall observe the constitutional equation between the property and poll in making said levy.

Purposes.

Amount.

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 for the collection of other taxes in said county.

By whom and  
how collected and  
how accounted  
for.

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 28th day of February, A. D. 1901.

## CHAPTER 308.

**An act to establish a free ferry across the Cape Fear River at Elizabethtown.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Commissioners of Bladen County shall establish and maintain a free ferry across the Cape Fear River at the town of Elizabethtown in said county of Bladen for the crossing of said river by any and all persons, stock or vehicles.

Bladen County  
Commissioners to  
establish and  
maintain free  
ferry across Cape  
Fear River at  
Elizabethtown.

SEC. 2. That said Board of Commissioners shall keep and maintain good and sufficient flats and boats for transporting persons, horses and other live tock and vehicles across said river free of charge.

To keep and  
maintain  
sufficient flats for  
free transportation.

Contract for keeping ferry.

Keeper's bond.

How contract made.

Expenses paid out of general funds.

Rules for management of ferry.

Compensation to owner of existing ferry franchise.

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 may let out said ferry to the lowest bidder, and shall pay the expense of keeping said ferry out of the general fund.

SEC. 4. The said Board of Commissioners may make all necessary rules for the proper management of said ferry.

SEC. 5. 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 app a reasonable compensation to the owners of such right.

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

In the General Assembly read three times, and ratified this the 28th day of February, A. D. 1901.

#### CHAPTER 309.

**An act to amend section seven hundred and six, Chapter seventeen of The Code of North Carolina, with reference to special meetings of the Board of Commissioners for the county of Durham.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That section seven hundred and six, chapter seventeen, of The Code of North Carolina, be and the same is hereby amended by striking out the word "two" in line five of said section and substituting therefor the word "four."

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

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 1st day of March, A. D. 1901.

#### CHAPTER 310.

**An act to amend Chapter 639, section 3, of the Public Laws of 1899.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter six hundred and thirty-nine (639) and section 3 of the Public Laws of 1899, is hereby amended by inserting the words "or seine" just after the word "gig" in line three of said section.

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

In the General Assembly read three times, and ratified this the 1st day of March, A. D. 1901.

Section 706, Chapter 17, of Code, amended.

Applicable to Durham County only.

Section 3, Chapter 639, Public Laws 1899, relating to fishing in New River, Watauga County, amended.



## CHAPTER 311.

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

- 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 of the county, at their regular meeting in June, nineteen hundred and one, 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 twenty cents on the one hundred dollars worth of property and 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 Road Supervisor of township or district in which such person resides, at sixty cents per day, by applying to the Township Supervisor of Public Roads in the township where the tax-payer resides, and a certificate by the said Supervisor 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 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 Supervisor 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 April, nineteen hundred and one; and at their regular meeting in January of each and every year thereafter, one or more Supervisors of Roads in each township in the county, who shall be paid such compensation as may be fixed by the Board of County Commissioners: *Provided,* that the compensation shall not exceed one dollar per day, and to be paid out of the township road fund,

Haywood County Commissioners to levy special road tax.

Amount.

How collected.

Provisions for payment in labor.

Taxes to be kept separate.

How used. Materials and implements, how furnished and paid for.

Proviso.

Election of township supervisors of roads.

Compensation.

Term of office.	and who, after January, nineteen hundred and two, shall hold office for one year, or until his successor has been elected and qualified, as provided for in this act: <i>Provided further</i> , that
Removal of supervisors.	the said Supervisor 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.
Duties of supervisors.	SEC. 3. 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 his township, and he shall give a good
Official bond.	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, as a guarantee of the faithful and honest discharge of the duties of his office, which bond shall be duly registered in the office of the Register of Deeds and filed with the Clerk of the Superior Court of the county; and further, it shall be the duty of each Township Supervisor to submit to the Board
Quarterly reports.	of County Commissioners a quarterly report concerning the work
Contents.	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 an inventory of the tools, implements and other equipments on hand.
Road age.	SEC. 4. 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
How long those subject to road duty to work.	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 township that the Township Supervisor may direct, in each and every year, at such time and place and in such manner as may be designated by the Township Supervisor: <i>Provided</i> , that the said Supervisor in each township shall give to each person of his township who is subject to road duty
Notice, how served.	at least two days' notice by personal warning, or by leaving a written notice at the home or residence of such person, specifying
Contents.	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
When two days' notice unnecessary.	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 Supervisor of Roads, respond to such summons with reasonable promptness: *Provided further*, that any person may, in lieu of working six days on the public roads, pay on or before the first day of June, nineteen hundred and one and on or before the first day of April of each year thereafter, to the County Treasurer or Road Supervisor, the sum of three dollars and sixty cents, and it shall be the duty of said Treasurer or Road Supervisor, upon receipt of said money, or any part thereof, to issue 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 Supervisors, 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 Supervisor fails to turn over to the County Treasurer 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: *Provided*, 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.

Provision for cash payment in lieu of work.

Disposition of moneys so paid.

Failure to turn over to treasurer such money within fifteen days, a misdemeanor.

Penalty.

Place of work restricted.

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 Supervisor, 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 properly work after notice or pay cash in lieu thereof, a misdemeanor.

Penalty.

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 road fund of the township in which the said implements or tools are to be used: *Provided*, 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 Supervisor may designate in his notice or summons as being necessary.

Implements and tools, how provided and paid for.

Proviso.

Duties of supervisors and treasurer as to lists of persons subject to road duty.

Lists of those failing to work or pay to be submitted to a Justice of Peace residing in their township.

Duties of Justice of Peace in relation thereto.

Proviso.

Special road tax, how set apart as county and township fund respectively.

How expended.

SEC. 7. That on the first day of June, 1901, and on the first day of April of each succeeding year, or oftener if required to do so, said Township Supervisor of Roads in each township of the 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 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 4 of this act, and shall, within fifteen days and as often thereafter as may be necessary, furnish to the Township Supervisor 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 4 of this act, shall immediately be submitted by the 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 the special road tax, levied and collected on the property, and poll, under section one of this act, from each and every township in Haywood County shall be set apart as a special road fund for said county, and a special road fund for each and every township in said county upon which it is levied and from which collected so that one-half of the road tax collected from each and every township shall go into and be set apart on the Treasurer's books of said county, and in his office, as the special county road fund, and one-half levied and collected in each township upon the property and poll in each township shall go into 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 under the direction of the Board of County Commissioners, one-half by the Township Road Supervisors, the other half by the Superintendent of Roads for the county according to written instructions of the Board of County Commissioners, and only one-half of the money collected from each township in said county shall be used and expended by Township Road Supervisors in each and every township, and the other half of the road tax levied and collected on the property and poll in each and every township shall be expended by the County Road Superintendent under the written

instructions of the Board of County Commissioners; and after the expiration of the term of office for which the said County Road Superintendent has been elected expires, the said office shall be abolished, and the fund set apart to the general county road fund shall be expended under the direction of the Board of County Commissioners, by such person as said board may select, who shall give bond in the sum of two thousand dollars (\$2,000.00) for the faithful performance of his duties. That the Superintendent of Roads of the county shall be subject to the control and supervision of the Board of Commissioners, and shall receive as a compensation for his services during his term of office such sum as may be fixed by the said board not to be less than \$30.00 nor more than \$40.00 per month for the time actually engaged in the work. Said sum to be paid on the order of the Board of Commissioners out of the county road fund.

On expiration of term of road superintendent, office to be abolished.

General county road fund, how then expended.

Bond of official.

Supervision of Superintendent.

Compensation.

How paid.

SEC. 9. As soon as the Township Road Supervisors have been appointed, 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 needed 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 road 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 roads to work on said roads again until after fifteen days have intervened.

Duties of township road supervisors.

SEC. 10. That if any County Commissioners, County Road Superintendent or Township Road Supervisor 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.

Wilful neglect or failure to perform duties under this act a misdemeanor.

Penalty.

SEC. 11. For the purpose of this act the roads or ways of the county are hereby classified as follows:

Classification of roads or ways.

(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.

Highways.



Branch roads.	(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.
Cartways.	(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.
Provisions for improvement on construction of main thoroughfare.	SEC. 12. That the thoroughfares or the principal public roads, as defined above, to be improved or constructed in accordance with the provisions of this act, shall be first carefully surveyed and located by an engineer, trained and experienced in such work, aided by either the County Superintendent or Township Road Supervisors, and such assistance as it may be necessary for him to employ, the same to be paid out of the road fund of the county, for services and expenses as may be agreed upon by the County Commissioners. All such public roads shall be given a grade, nowhere greater than one foot in sixteen, and a width of not less than sixteen feet, clear of ditches, trees, logs and other obstructions. All such roads shall be thoroughly drained and whenever it may be necessary to turn water across the road, this shall be done by putting sewer pipes, or other forms of covered drains, culverts or bridges: <i>Provided</i> , that where, in the opinion of an experienced and competent engineer, insurmountable obstructions make the grade of one foot in sixteen impracticable, the grade may be increased to one foot in twelve, for distances of less than one hundred feet in any one place: <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.	
Specifications for branch roads.	SEC. 13. The neighborhood or branch roads, as defined in section eleven 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 Supervisor in that township or district subject to the approval of the Board of County Commissioners; and said roads may be relocated or otherwise changed, in the manner provided for in section sixteen 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 part thereof, shall be at the discretion of the Supervisor in charge of said roads.
Location.	
Labor in repairing or changing discretionary.	
Cartways, how kept in repair.	SEC. 14. Cartways, defined in section eleven of this act, are to be kept in repair by parties using the same. Any party desiring a cartway opened up over lands of other persons may file his petition for the same before the Board of County Commissioners through the Road Supervisor of the township or dis-
Procedure for opening up.	



trict in which such cartway is to be located, 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 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 proceeding as they may be first laid off, and upon such terms as to the Board of County Commissioners shall seem equitable and just. And any person through whose land a cartway may pass, may erect gates or bars across the same; and if any person shall leave open, break down, or otherwise injure such gates or bars, he shall forfeit and pay, for every such 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.

How changed or discontinued.

Gates or bars.

Penalty for leaving open, breaking or injuring.

If malicious, a misdemeanor.

SEC. 15. That for the purpose of carrying out the provisions of this act, the County Superintendent of Roads and the said Supervisor or Supervisors 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 to 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 though 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, watercourse or waste ground, and shall be kept open by the said Supervisor, 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 the said Supervisor, and paid over to the County Treasurer, and applied to the road

Provisions for entering lands adjacent to roads, cutting timber, obtaining gravel, sand or stone, making drains or ditches, etc.

Penalty for obstructing drains or ditches.

How collected and disposed of.

Provisions for  
compensating  
owner.

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 Township Road Supervisor at any regular meeting of the County Commissioners within thirty days after the taxing and carrying away of such timber, stone or gravel, it shall be the duty of said Commissioners to pay for the same such sum as may be agreed upon by them or by an impartial jury of three freeholders, one to be selected by the Township Supervisor of Roads, one by the party claiming damages, and the third to be selected by these two with the right of either party to appeal, as provided for in section seventeen of this act.

Power to locate,  
relocate or change  
public roads.

SEC. 16. That the County Superintendent of Roads or the Township Supervisor of Roads is hereby given power subject to the approval of the Board of County Commissioners with the aid of a competent engineer to locate and relocate, widen or otherwise change any part of any public road where in his judgment such location, relocation or change will prove advantageous to public travel. That when any person or persons on whose lands

Proceedings for  
assessment of  
damages therefor.

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 the 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. 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 county 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 road fund of the township in which the property concerned is located.

Fees of sheriff,  
constable and  
jurors.

Service by copy.

Proviso.

Damages, from  
what fund paid.

- SEC. 17. That in case either of the parties interested shall be dissatisfied with the finding of the juries provided for in sections fifteen and sixteen of this act, such dissatisfied party may appeal from the decision of said jury to the County Commissioners, and if dissatisfied with their decision, may in turn appeal to the Superior Court of the county of Haywood: *Provided, however,* that an appeal may be taken from the judgment of the Board of Commissioners by either party without bond, and the same shall be heard *de novo*; but the Judge may, in his discretion, require either party to give bond, when the case is taken by appeal to the Superior Court: *Provided further,* that the party to whom the damages are awarded, shall recover no more cost than a sum equal to the amount of damages so awarded.
- SEC. 18. 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 for 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 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 Road Superintendent or Supervisors and approved by the Board of County Commissioners.
- SEC. 19. The County Treasurer shall keep a separate account of the road fund of the county and of each of the several townships therein, and of his disbursements of the same, and he shall make a written report thereof to the Board of County Commissioners at their regular meetings on the first Monday in each month; and on the first Monday in July and January of each and every year, he shall present to the said Board of Commissioners a written report, giving a statement of the disbursements from the several road funds during the preceding six months, which reports, or the substance thereof, shall be published by said Commissioners in at least one newspaper published at the county seat for at least one insertion.
- SEC. 20. 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 or imprisoned, or both, at the discretion of the Court.
- SEC. 21. 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 ac-
- Appeal.
- Appeal without bond.
- Hearing *de novo*.  
Judge may require bond.
- Cost recoverable.
- County Treasurer to be treasurer of road fund.
- Bond liable.
- Commissions.
- When to pay accounts against road fund.
- Treasurer to keep separate account.
- Monthly reports.
- Semi-annual reports.
- To be published.
- Misdemeanor to obstruct roads or interfere with officer working same.  
Penalty.
- Commissioners authorized to borrow money.

How paid.	cordance 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: <i>Provided, however,</i> 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.
Maximum amount.	
Provision for election to increase road tax.	SEC. 22. 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 words "Increased Road Tax," and those opposed, "No Increased 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 of twenty cents authorized in 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 and said township, 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.
Who entitled to vote.	
Form of ballots.	
If authorized, commissioners to levy increased tax.	
How collected.	
To be paid to Treasurer.	
How and where expended.	
Time of election.	
Election officers.	
Vacancy, how filled.	
Conflicting laws repealed.	SEC. 23. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

SEC. 24. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 1st day of March, A. D. 1901.

## CHAPTER 312.

**An act to prohibit the manufacture and sale of whiskey in Sampson 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 or sell, either at whole-sale or retail any spirituous or malt liquors within the county of Sampson: *Provided*, 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.

Prohibition established in Sampson County.

Exception as to domestic wine and cider.

SEC. 2. That any person, firm or corporation violating the provisions of this act shall be guilty of a misdemeanor and fined or imprisoned or both at the discretion of the Court.

Violation a misdemeanor  
Penalty.

SEC. 3. That this act shall be in force as to the manufacture of spirituous liquor from and after the first day of June, 1901, and as to all other provisions from and after its ratification.

When act in force.

In the General Assembly read three times, and ratified this the 28th day of February, A. D. 1901.

## CHAPTER 313.

**An act to change dividing line between the 3rd and 9th Townships of Craven County.***The General Assembly of North Carolina do enact.*

SECTION 1. That so much of the dividing line between the 3d and the 9th Township in Craven County which now begins "at the mouth of Core Creek and runs up said creek to the A. and N. C. Railroad Bridge and thence a line south to the Jones County line" be changed and that the following shall be the dividing line between the 3d and 9th Townships aforementioned in lieu of the dividing line as it now exists, viz., the new dividing line beginning at the mouth of Core Creek, then up said creek to the mouth of Handies Branch, then up said branch to the culvert where the A. and N. C. Railroad crosses said branch, thence a line south to the Jones County line.

New boundary law defined.

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 28th day of February, A. D. 1901.



## CHAPTER 314.

**An act to issue bonds for road improvement in New Hanover County.***The General Assembly of North Carolina do enact:*

New Hanover  
County Commis-  
sioners to submit  
to qualified voters  
question of bond  
issue for road  
improvement.

SECTION 1. That the Board of Commissioners of New Hanover County be and they are hereby authorized, empowered and directed to submit to a vote of the qualified voters of New Hanover County on such a day as may be fixed by the Board of County Commissioners after thirty days' notice during the year A. D. one thousand nine hundred and one the question, "Shall New Hanover County, North Carolina, issue fifty thousand dollars of its bonds, with interest coupons attached, to repair, make and improve the public roads in said county?" Said Board of Commissioners shall for at least thirty days preceding said election give public notice of said election and the purpose thereof by publication in one or more newspapers published in said county.

Amount of bonds.

Notice.

Election, how  
held.

Appointment of  
election officers  
and challenges.

New registration.  
Counting and  
return of votes.

Tabulation and  
declaration of  
result.  
Record.

Form of ballots.

If majority of  
qualified electors  
vote "for good  
roads," commis-  
sioners to issue  
bonds.

Denominations.

SEC. 2. That said election shall be held and be conducted in the same manner as prescribed by law for holding elections for members of the General Assembly: *Provided, however,* that said Board of Commissioners shall appoint the registrars of elections and the judges and inspectors of election and any other election officers, and registrations of and challenge of voters shall be conducted in like manner as is provided for in election of the members of the Assembly, and said Commissioners may or may not order a new registration for said elections. The vote shall be counted at the close of the polls and returned to said Board of Commissioners on Thursday next following the election, and said Commissioners shall tabulate and declare the result of the election, all of which shall be recorded in the minutes of the Board of Commissioners, and no other recording and declaration of the result of said election shall be necessary.

SEC. 3. That at said election the ballots tendered and cast by the qualified electors shall have written or printed upon them "For Good Roads" or "Against Good Roads." All qualified electors who favor the issue of said bonds shall vote "For Good Roads." All qualified voters who are opposed to the issue of said bonds shall vote "Against Good Roads."

SEC. 4. In the event that the requisite majority of the qualified electors of said county shall vote ("For Good Roads") at said election and the result shall be declared and recorded as aforesaid, the Board of Commissioners shall have prepared and issue bonds in the denominations not exceeding one thousand dollars (\$1,000.00), and not less than one hundred dollars (\$100.00), the total amount not to exceed that provided for in



the first section of this act, and said bonds shall bear the rate of interest not exceeding five per centum per annum, with interest coupons attached payable semi-annually on the 1st day of January and July during the time of their running, and the principal thereof shall be payable or redeemable at said time or times not exceeding twenty-five years from the date of their issue, as the said Board of Commissioners of New Hanover County may determine, said bonds and coupons shall be payable at the National Bank of Wilmington in the city of Wilmington, North Carolina, said bonds and coupons shall be signed by the chairman of said Board of Commissioners and countersigned by the clerk of said board and said bonds shall have upon them the seal of said county, said bonds shall be styled New Hanover road bonds, and issued as such.

SEC. 5. That none of the bonds issued by this act shall be disposed of by sale, exchange, by hypothecation or otherwise for a less price than their face value, nor shall said bonds or their proceeds be used for any other purpose or purposes than those declared in this act. When said bonds shall be issued they shall be numbered consecutively and the coupons attached. The bonds and coupons shall state on their face when they are due and payable, and said bonds shall show by what authority they are issued. The said Board of Commissioners shall have all their proceedings in respect to said bonds, in the minutes of their meetings, and when any of the same are issued the number of the bond, its denomination, date of issue, to whom issued and the number of coupons attached, must be recorded in said minutes.

SEC. 6. When any of said bonds are sold the proceeds of sale shall be turned over to the County Treasurer of New Hanover County, who shall keep said funds and all other funds, provided for in this act, which may come into his hands separate from all other funds, and he shall keep separate accounts of the same and said County Treasurer before any fund provided for in this act, shall be paid over to him, shall execute an official bond payable in the usual manner in a sum at least fifty per centum greater than the sum that may come into his hands by reason of this act conditioned for his faithful safe keeping of the same, rendering true account in respect thereto and in all things holding and disbursing and accounting for the same as required by law, which bond shall be received by said County Commissioners as they pass upon, accept and receive other like bonds and all orders directed to said County Treasurer for payment of money under this act shall state on their face that they are road orders, and to what account they are chargeable.

Interest.

Maturity of bonds.

When payable.  
Execution.

How styled.

Minimum selling price.

Restricted use of proceeds.

Bonds to be numbered.

What face of bonds to show.

All proceedings concerning bonds, etc., to be recorded in minutes.

Proceeds to be turned over to County Treasurer.

To be kept separate.

Treasurer to execute bond.  
Amount.

Conditions.

How received.

Orders under this act, what to state.

Levy of special  
road tax provided  
for.

Amount.

Subjects of taxa-  
tion.

How collected  
and applied.

Sinking fund.

Auditing and  
settlement of  
accounts between  
sheriff and county  
for taxes collected  
under this act.

Failure to  
account; right of  
action.

Expenses of Com-  
missioners, how  
paid.

Funds derived  
from sale of  
bonds, how and  
for what purpose  
used.

SEC. 7. That in case the result of said election shall be in favor of issuing bonds as aforesaid that said Board of Commissioners of New Hanover County shall levy annually on the 1st Monday in June in each year a special road tax for said county of not exceeding ten cents on the \$100.00 worth of property and not exceeding 30 cents on each poll, the subject of taxation and levy of taxes is 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 in lieu of the tax provided for by chapter 531, 1899, the taxes so levied shall be collected as other taxes are paid and the same shall be a separate fund applied first to the payment of interest of said bonds and then to the creation of a sinking fund for redemption of said bonds not exceeding two thousand dollars per annum and the balance to be applied to the roads of the county as provided for in section 10 of this act.

SEC. 8. The Board of Commissioners of New Hanover County shall audit and ascertain the accounts of the Sheriff for all taxes levied and collected under this act, and make settlement of the same between said Sheriff and the County Treasurer and said Board of Commissioners may prosecute any necessary action for the recovery of any such road taxes against any officer failing to account for the same.

SEC. 9. That all expenses incurred by the County Commissioners on account of meetings held by reason of duties imposed by this act shall be paid on their order out of the funds provided for by this act.

SEC. 10. That said Board of County Commissioners shall use the funds derived from sale of said bonds for the purpose of constructing and improving the public roads in said county, in such manner as to them may be deemed most beneficial and effective and in all other respects as provided for in the act entitled "An act to provide for the better working of the public roads, and highways of the State and the same being chapter 561 of the Public Laws of 1899, or any other road law passed by the General Assembly of North Carolina for New Hanover County.

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

In the General Assembly read three times, and ratified this the 1st day of March, A. D. 1901.

## CHAPTER 315.

**An act to confer Police power on Deputy Sheriffs and for protection of persons and property in a certain section of Catawba County.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person to manufacture, sell, dispose of, directly or indirectly, for a remuneration any intoxicating drinks or liquors, on the lands of the E. L. Shuford Manufacturing Company in the county of Catawba, or to be found drunk along the public highways or in any public place on the said premises, or to use any profane or vulgar language or language calculated to bring about a disturbance of the peace in any public place on said premises, or to wilfully disturb any operative or any other person in the performance of his or her labor, trade or duties on the said premises; or to fire off any gun, pistol or other firearms of any kind on the said premises, except in case of necessity: *Provided*, the lands and premises of the said company, for the purpose of this act shall be construed to mean the lands owned and occupied by said company and the lands owned by E. L. Shuford, adjacent thereto, at the time of the ratification of this act. And any person violating any of the provisions of this section shall be guilty of a misdemeanor and fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Unlawful to manufacture or sell intoxicating liquors on E. L. Shuford Manufacturing Company's lands.

To be found drunk in public place.

To use profane or vulgar language, etc.

To fire guns or pistols.

Lands and premises construed.

Violation a misdemeanor.

Penalty.

SEC. 2. That it shall be the duty of any Deputy Sheriff in Catawba County living on or near the premises of the E. L. Shuford Manufacturing Company, or any Deputy Sheriff appointed by the Sheriff of Catawba County for that section of said county in which the said premises are situated shall have power to suppress all disturbances of peace and good order, on said premises and to arrest all offenders violating any of the criminal laws of the State, including the offences named in section 1 of this act. Any person or persons, arrested by such officer or Deputy Sheriff shall as soon as practicable be taken before some Justice of the Peace of Catawba County, where and where formal complaint shall be made against such offender and a warrant issued as prescribed by law to the end that such offender may have a speedy trial.

Duties and powers of deputy sheriffs as to said premises.

Arrested persons, how disposed of.

SEC. 3. Any such Deputy Sheriff shall have the same power and authority on the premises of the E. L. Shuford Manufacturing Company as policemen in incorporated cities and towns of this State have and exercise in cities and towns.

Powers and authority of deputy sheriffs same as policemen.

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

In the General Assembly read three times, and ratified this the 1st day of March, A. D. 1901.

## CHAPTER 316.

## An act to improve the public roads in South Point Township in Gaston County.

*The General Assembly of North Carolina do enact:*

Gaston County Commissioners directed to submit to voters of South Point Township question of issuing bonds.	SECTION 1. That the Board of Commissioners of Gaston County be and they are hereby authorized, empowered and directed to submit to a vote of the qualified voters of South Point Township in said county, on the first Thursday in August, <i>anno domini</i> nineteen hundred and one (1901), the question, " Shall South Point Township, in the county of Gaston, State of North Carolina, issue seventy-five thousand (\$75,000) 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. .
Amount.	
Purpose of issue.	
Notice of election.	
How held.	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 (597) 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: <i>Provided, however,</i> 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 shall be delivered by the Register of Deeds of said county to the registrars appointed under this act as soon after their appointment as practicable, and said registrars shall so revise said registration books as that they may show only the names of persons who are 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 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 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.
Registrar and judges.	
Registration.	
Revision of registration books.	
Counting and return of votes.	
Declaration of result.	
To be recorded.	
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."

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 in denominations not exceeding one thousand dollars and not less than one hundred dollars, the total amount not to exceed seventy-five thousand (75,000) dollars, and said bonds shall bear the rate of five (5) 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 thirty (30) years from the date of their issue as said Board of Commissioners of Gaston 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 bonds shall have upon them the seal of said county. Said bonds shall be styled "South Point Township road bonds," and issue as such, and liability for the payment thereof with 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 South Point Township as constituted at the aforesaid 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 Gaston County, and if any holder of such shall recover judgment against said Board of Commissioners, said political division known as South Point 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 townships 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 county of Gaston.

SEC. 5. That none of the bonds authorized by this act shall be disposed of in any way for a less price than their face value, nor shall said bonds or their proceeds be used for any other pur-

If authorized, commissioners to issue bonds.

Denominations

Amount.

Interest.

Maturity.

Where payable.

How executed.

Bonds, how styled and who liable for payment thereof.

Suit, who against.

Taxes for payment, upon whom levied.

Minimum selling price.



Use restricted.	pose than those declared by this act. When said bonds are issued
Bonds to be numbered.	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.
Proceedings in respect to bonds recorded.	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 coupons attached must be recorded in said minutes.
Proceeds to be paid to County Treasurer.	SEC. 6. When any of said bonds are sold the proceeds of sale shall be turned over to the County Treasurer of Gaston 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
To be kept separate.	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
Treasurer's bond.	under this act shall state on their face that they are road orders and to what account they are chargeable.
Form of orders on Treasurer.	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 Gaston County shall levy annually on the first Monday in June of each year a special road tax for said South Point Township in said county not exceeding forty (40) cents on the one hundred dollars worth of property and one dollar and twenty cents (\$1.20) 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
Special tax.	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
Amount.	on said bonds and then to the creation of a sinking fund for the
How collected.	
How applied.	
Sinking fund.	



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.

Investment  
thereof.

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 county roads in said township, the purchase of such material and implements as may be found necessary in the proper carrying out of this work: *Provided, however,* that the moneys derived from the sale of said bonds shall, as far as possible, be used for permanent improvements.

Use of proceeds of  
bonds.

SEC. 9. That the public roads to be improved or constructed in accordance with the provisions of this act prior to the inauguration of any such permanent improvement on the road 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 Township Supervisor and such assistants as it may be necessary for him to employ, the same to be paid out of the road fund of said township for services and expenses as may be agreed upon by the County Commissioners. All such public roads when changed or hereafter located or relocated shall be given a grade nowhere greater than five (5) feet in one hundred (100) feet: *Provided,* that when, in the opinion of an experienced and competent engineer, insurmountable obstructions make the grade just described impracticable the grade may be increased to the extent of one foot additional, and a width of not less than twenty feet, clear of ditches and 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.

Regulations and  
provisions for  
improvements  
and construction  
of public roads in  
said township.

SEC. 10. 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 South Point Township, who shall hold office until their next regular meeting in January thereafter, and at their regular meeting in January of each year thereafter a Supervisor of Roads for South Point Township shall be elected by them, who shall be a resident of said township, and who shall be paid such compensation as may be fixed by said Board of Commissioners out of the road fund of said townships, and who shall hold office for one year or until his successor shall be elected and qualified as provided for in this act: *Provided,* 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

Supervisor of  
roads.

Term of office.

When elected.  
Qualifications.  
Compensation.

Term of office.

Removal.

Duties.	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 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 South Point Township, and he shall submit to the County Commissioners a
Monthly report.	monthly report concerning the work in progress and the moneys
Quarterly report.	expended, and he 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
Bond of supervisor.	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 two thousand (\$2,000) 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
Election of successor.	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.
Who required to work roads.	SEC. 11. That all able-bodied male persons of South Point Township between the ages of twenty-one and forty-five years shall work on the public roads of said township 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 said Supervisor of Roads: <i>Provided</i> , that the Supervisor of roads for said township shall give to each person who is subject to road duty at least three days' notice by personal warning or by leaving a
Notice.	written notice at the home or residence of such person, specifying in such notice the time and place, when and where such work
Proviso in case of emergency.	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 shall upon being properly summoned by said Supervisor of Roads respond to such summons with reasonable promptness: <i>Provided</i>
Cash payment in lieu of work.	<i>further</i> , 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 Supervisor of Roads of said township the sum of two (\$2) dollars, and it shall be the duty of said Treasurer or Supervisor upon receipt of said money to issue to such person a receipt for the same stating in such receipt the amount and the year for which the same was
Moneys turned over to treasurer.	paid. All moneys paid to said Supervisor as provided for herein shall within thirty days after being received by him be turned

over to the County Treasurer and credited to the road fund of said township.

SEC. 12. That any person who shall after being duly notified as herein provided, fail to appear and work as required to do, except such as have paid the sum of two dollars as aforesaid, or any person who shall appear as notified and fail or refuse to perform good and reasonable labor as required by the said 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 Gaston County for not less than ten nor more than twenty days.

Failure to work when notified a misdemeanor.

Penalty.

SEC. 13. 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.

Tools, how provided for.

SEC. 14. 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.

Powers of supervisor as to lands and timber adjacent to roads.

Obstruction of drains or ditches a misdemeanor.

Penalty.

Payment of land owner for material.

Procedure to ascertain damages.

Appeal.

SEC. 15. That subject to the approval of the Board of County Commissioners, the Supervisor of Roads for South Point Township is hereby given discretionary power, with the aid of a com-

Power of supervisor to locate or change roads.

Procedure for  
ascertaining  
damages.

petent engineer or surveyor, to locate, relocate or change any part of any public road in said township when in his judgment the same will prove advantageous to public travel. That when any person on whose lands the new road or part of the road is to be located claims damages therefor, and within thirty days petitions 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 Supreme 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.

Appeal.

Appeal bond.

Failure to discharge official  
duties a misdemeanor.

SEC. 16. 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.

Act relative to  
and includes  
towns in township.

SEC. 17. That this act shall be held and construed to relate to and include the towns of Belmont, McAdenville and Lowell as well as the portion of said township outside the corporate limits of said towns.

If bonds issued,  
Chapter 581, Public  
Laws 1899, not  
applicable to  
South Point  
Township.

SEC. 18. That in the event the bonds hereinbefore provided for shall be issued and sold as herein provided for, then South Point Township in Gaston 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.

Bonds exempt  
from county and  
municipal taxes.

SEC. 19. That the bonds herein provided for shall be exempt from taxation for county and municipal purposes.

SEC. 20. This act shall be in force from its ratification.

In the General Assembly read three times, and ratified this the 1st day of March, A. D. 1901.

## CHAPTER 317.

**An act to amend Chapter five hundred and eighty-one of the Public Laws of eighteen hundred and ninety-nine, and to consolidate the road fund of the county of Durham.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter five hundred and eighty-one of the Public Laws of eighteen hundred and ninety-nine be and the same is hereby amended as follows: Chapter 581, Public Laws 1899, amended.

SEC. 2. Strike out in line thirty-one of section four of said act the words "of the township," and insert in lieu thereof the words "of the county," and that said section be further amended by striking out in line thirty-three of said section the words "in that township from which it was paid." Section 4 amended.

SEC. 3. That section six of said act be amended by striking out in line four thereof the word "townships" and insert in lieu the word "county." Section 6 amended.

SEC. 4. In lines two and three of section fifteen of said act strike out the words "of the several townships in the same," and in line nine of said section strike out the words "and of the several townships." Section 15 amended.

SEC. 5. In lines one and two of section sixteen of said act strike out the words "a separate account of the road fund of the county, and of each of the several townships therein," and insert in lieu thereof the words "a separate account of the road fund of the county." Section 16 amended.

SEC. 6. In line six of section seventeen of said act strike out the words "or of the township," and in line thirteen of said section strike out the words "or of the township owning the same." Section 17 amended.

SEC. 7. In line eight of section nineteen strike out the words "or township." Section 19 amended.

SEC. 8. That section twenty-one of said act be and the same is hereby repealed. Section 21 repealed.

SEC. 9. In lines four and five of section twenty-four of said act strike out the words "and the moneys raised under section one of this act in each township shall be expended in the townships paying the same," and strike out all of section twenty-four after the words "deem best," in line eleven thereof. Section 24 amended.

SEC. 10. That this act shall apply only to the county of Durham. To apply only to Durham County.

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 1st day of March, A. D. 1901.



## CHAPTER 318.

**An act to protect telephone lines.**

*The General Assembly of North Carolina do enact:*

Misdemeanor to disconnect, injure, etc., telephone lines.

SECTION 1. That it shall be unlawful for any person unnecessarily to disconnect the wire or in any other way to render any telephone line or any part of any such line unfit for use in transmitting messages, and any person who shall unnecessarily cut, tear down, or destroy, or in any way render unfit for the transmission of messages any part of the wire of a telephone line, shall be guilty of a criminal offence, and on conviction thereof shall be fined or imprisoned in the discretion of the Court for a term not exceeding two years.

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 28th day of February, A. D. 1901.

## CHAPTER 319.

**An act to establish South Williams Township in Columbus County.**

*The General Assembly of North Carolina do enact:*

South Williams Township established.

SECTION 1. That a new township is hereby created and established in the county of Columbus by the name of South Williams Township, to be carved out of Williams Township, and bounded as follows: Beginning at the intersection of Grissett and Juniper Swamps and running up the run of Grissett Swamp to its head, thence a direct northern line to the Fair Bluff public road, thence with said road to the Fair Bluff Township line, thence with the said line to the South Carolina line, thence with said line to the run of Juniper Swamp, thence down the run of Juniper Swamp to the beginning.

Boundaries defined.

Voting precinct.

SEC. 2. That the voting precinct in said new township be and is hereby established at J. C. Wright's Mill, until otherwise changed by the proper authorities.

Corporate rights.

SEC. 3. That the said township shall have all the rights, powers and privileges now granted to other townships by law.

Justices of the Peace appointed.

SEC. 4. That S. H. Baswell, J. W. Wright and C. M. Soles are hereby appointed Justices of the Peace for said township to serve until the next general election, and that Kinyon N. Faircloth be and is hereby appointed Constable for said township to serve until the next general election.

Constable.



SEC. 5. That the said new township shall be required to keep in repair all the public roads now worked and maintained by the territory embraced in the above boundaries, and shall be maintained by them until otherwise ordered by the proper authorities, whether located within said bounds or not.

To work and  
repair public  
roads.

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

In the General Assembly read three times, and ratified this the 1st day of March, A. D. 1901.

#### CHAPTER 320.

##### **An act to pay jurors who are drawn on special venires in the county of Madison.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That all jurors, who are drawn on special venires in the county of Madison, who attend, shall be paid mileage at the rate of five cents per mile each way.

Special venire-  
men to be paid  
mileage.

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

Conflicting laws  
repealed.

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

In the General Assembly read three times, and ratified this the 1st day of March, A. D. 1901.

#### CHAPTER 321.

##### **An act to permit P. E. Dancy, of Wilkes County, to sell and peddle medicines of his own manufacture without paying any taxes.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That P. E. Dancy, of Wilkes County, and late a soldier in the war with Spain, be permitted to sell and peddle without being required to pay any State, county or municipal taxes; and he shall not be required to have a peddler's license: *Provided*, this act shall apply only to Wilkes County.

P. E. Dancy per-  
mitted to peddle  
without paying  
State, county or  
municipal taxes.  
Applicable only  
to Wilkes County.

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

In the General Assembly read three times, and ratified this the 1st day of March, A. D. 1901.

## CHAPTER 322.

**An act to authorize the Board of Commissioners of Madison County to levy a special tax.***The General Assembly of North Carolina do enact:*

Special tax levy for Madison County authorized.

SECTION 1. That the Board of Commissioners of Madison County is hereby authorized to levy a special tax not to exceed eight cents (8c.) on each one hundred dollars worth of property and twenty-four cents (24c.) on each taxable poll, subject to taxation in said county, to be levied and collected as other taxes.

To be expended in paying jurors for services rendered from and after this date.

SEC. 2. That the above tax when collected shall be paid to the Treasurer of the county and shall be kept by him separate and apart from the other county funds, and shall be expended in paying off jurors for services rendered from and after this date, and shall not be used for any other purpose.

Commissioners authorized to levy for years 1901, 1902 and 1903, to be used to build a bridge across French Broad River at Hot Springs.

SEC. 3. That said Board of Commissioners is hereby authorized to levy a special tax for the years 1901, 1902 and 1903, not to exceed eight cents (8c.) on each one hundred dollars worth of property, and twenty-four cents on each taxable poll subject to taxation in said county, for each year to be used for the purpose of building a bridge across the French Broad River at Hot Springs, in the county of Madison, which tax shall be levied and collected as provided by law for the levying and collecting of other taxes.

Commissioners authorized to sell iron and wood of old bridge at Hot Springs.

SEC. 4. That said Board of Commissioners is authorized and empowered to sell at public sale, on giving due advertisement, the iron and wood of the old bridge heretofore erected at Hot Springs, and apply the proceeds thereof on the purchase of the new bridge provided for in section 3 of this act.

Special tax levy authorized to complete bridge across Ivy Creek at Palmer's Ford.

SEC. 5. That said Board of Commissioners is hereby authorized and directed to levy a special tax of two cents (2c.) on each one hundred dollars worth of property, and six (6c.) on each taxable poll, which sum shall be used for the completion of the public bridge across Ivy Creek at Palmer's Ford in said county, and said Commissioners shall complete said bridge for public use on or before November 1, 1901.

Special tax levy for years 1901, 1902, 1903 and 1904, authorized for purpose of building a bridge across Big Ivy Creek at or near its confluence with the French Broad River.

SEC. 6. That the said Board of Commissioners is hereby authorized to levy a special tax for the years 1901, 1902, 1903 and 1904, not to exceed two cents (2c.) on each one hundred dollars worth of property, and six cents (6c.) on each taxable poll, subject to taxation in said county, for each year, to be used for the purpose of building a bridge across Big Ivy Creek at or near its confluence with the French Broad River in the county

of Madison, which tax shall be levied and collected as provided by law for the levying and collecting of other taxes.

SEC. 7. That said Board of Commissioners is hereby authorized and directed to open a book in which a record shall be made of all the indebtedness of Madison County.

Commissioners to make a record of all county indebtedness.

SEC. 8. That the said Board of Commissioners of Madison County is hereby authorized, empowered and directed, on the first Monday in June, 1901, and annually thereafter, or the time fixed by law each year for levying taxes, to levy a special tax of twenty (20c.) on each one hundred dollars worth of property, and sixty cents (60c.) on each taxable poll, subject to taxation in said county, the equation between the property and the poll to be observed in the levying and collection of said tax, and the money derived from said tax to be used in paying off and discharging the outstanding indebtedness of said county contracted and incurred by said county for the necessary expenses thereof. Said tax to be annually levied during such period as it may be necessary to levy and collect the same, to pay off and discharge said indebtedness. The money derived from said tax to be applied to the payment of the said indebtedness of said county to this date, and the said Board of Commissioners shall apply the same *pro rata* on all of said indebtedness to be ascertained by the filing of the claims, or the amount thereof, in the book provided for in section 7 of this act.

Commissioners of Madison County authorized to levy a special tax first Monday in June, 1901, and annually thereafter, for purpose of discharging general county indebtedness. Constitutional equation to be observed.

Moneys applied pro rata to county indebtedness.

SEC. 9. All moneys raised by this act shall be applied to the purposes named therein, and none other.

Moneys raised to be applied to purposes named.

SEC. 10. That the Board of Commissioners of said county of Madison in levying the special taxes herein provided shall state the purpose for which each special tax is levied, and the Sheriff or Tax Collector of said county shall keep a record of the amount of the funds realized from each tax, and keep the same separate, and shall pay over the same to the Treasurer or other officer of said county authorized to receive the same, and shall submit therewith, upon payment of said funds to the Treasurer or such other officer, a statement of the amount of said funds so paid over, and take a receipt for the same; and that the Treasurer or other officer of said county, charged with the receipt and disbursements of said funds, shall use the same as herein directed, and shall keep a suitable book in which he shall keep the amount of said funds received by him from the Sheriff or Tax Collector, to whom paid, etc., which shall at all times be open to the inspection of the public.

Purpose of levy to be stated.

Sheriff or tax collector to keep a record of funds realized from each tax.

To pay over to treasurer and submit statement and take receipt.

Treasurer to use said funds as herein directed and keep record of receipts and disbursements.

Record to be open to public inspection.

SEC. 11. That it shall be the duty of said Board of Commissioners, on or before September 1, 1901, so far as it may be known to said Board, to furnish to each creditor a statement of

Board of Commissioners to furnish by September 1, 1901, statement to each creditor of name and amount due.

the name and amount due to each creditor holding said indebtedness.

Conflicting laws  
repealed.

SEC. 12. That all laws and clauses of laws in conflict with this act be and the same 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 1st day of March, A. D. 1901.

## CHAPTER 323.

### An act for the relief of certain citizens.

Preamble.

WHEREAS, The Supreme Court of North Carolina decided in the case of State *ex rel.* Eoonhill vs. V. G. Thompson at February Term, 1898, that the same person can not hold the office of County Commissioner, and also be a member of the Board of Education; and,

WHEREAS, Certain persons honestly believing that they had the right to hold both positions, did hold the same, till the rendition of said decision, and thereby incurred the penalty prescribed in section 1870 of The Code,

*The General Assembly of North Carolina do enact:*

Persons holding  
the offices of  
County Commis-  
sioner and mem-  
ber of Board of  
Education prior  
to July 1, 1898,  
relieved from  
penalty pre-  
scribed in Section  
1870 of The Code.

SECTION 1. That all persons who held the office of County Commissioner and the office of member of the Board of Education at the same time prior to and up to the first day of July, 1898, be and they are hereby relieved and shall not be held liable for the penalty prescribed in section 1870 of The Code, or for any other penalty by reason of the holding of the said two offices.

To apply to pend-  
ing suits.  
Proviso.

SEC. 2. This act shall apply to suits now pending for the collection of said penalties: *Provided*, that the Court in which such action is pending may order the cost in the action to be paid by either party in the event such action is dismissed by reason of the provisions of this act.

SEC. 3. 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. 1901.

## CHAPTER 324.

**An act to establish supplemental school district No. 3 in Chadbourn Township in Columbus County.***The General Assembly of North Carolina do enact:*

SECTION 1. That all territory embraced in the following boundaries: Beginning at the intersections of Bacon Branch and the north margin of the W. C. and A. Railroad and runs west with said railroad to Green's Branch, thence about southwest so as to strike the north line of the Sanka Frink place, thence following the north line to the corner and parallel with said line across Porter Swamp so as to include F. D. Page's home farm, thence with James Tyler's line so as to include said Tyler's premises, thence with said northeast line across the mill pond to Sugg's west line, thence southwest Sugg's and Tyler's line to C. M. Noble's northwest line, thence following the same to the Colony line, thence with said line to the east margin of the W. C. and A. Railroad, thence north along the east margin of said railroad to Bacon Branch, thence with said branch to the beginning, shall be and is hereby constituted a public school district and shall be called Chadbourn supplemental school district number three for the white and colored races.

School district boundaries defined.

District name.

SEC. 2. That the Board of Commissioners of Columbus County, upon the written application of a majority of the Board of Trustees of said school district is hereby authorized and directed to submit on the first Tuesday in May, nineteen hundred and one, and any year thereafter to the qualified voters of said school district embraced in said county of Columbus under such rules and regulations as now exist or may be hereafter established for the election of members of the General Assembly the question whether an annual tax shall be levied therein for the support of supplemental public schools for white and colored races of said district, each voter shall vote a written or printed ballot with the words "For School" or "No School" thereon.

Question of annual tax levy for support of supplemental public schools to be submitted to qualified voters.

SEC. 3. That in the event a majority of the qualified voters of said district shall vote in favor of such tax the same shall be levied by the Board of Commissioners of Columbus County and collected in the same manner as provided by law for the levying and collection of State and county taxes. The Sheriff of Columbus County shall collect the taxes of said school district and pay over the same to the Treasurer of Columbus County under the same liabilities as are now provided by law for the collection and paying over of county school taxes: *Provided*, that the special tax so levied and collected shall not exceed thirty

Tax voted, how levied and collected.

Proviso.



cents on each one hundred dollars worth of real and personal property and ninety cents on each poll in said district, and the Tax Listers or Assessors for the township in which said school district is located shall make a return to the clerk of the Board of County Commissioners of all the personal and real property listed in said school district in the same manner in which the return for general county and State purposes are made.

County Commissioners to appoint three freeholders to assess value of lands for taxation.

SEC. 4. That in order to ascertain the value of lands and other real property situated in said school district when the whole of said land and other real property does not lie in said school district, but part in another district the County Commissioners [shall] appoint three disinterested freeholders and residents of said district who shall assess the part or parts of land and other real property which shall lie in said school district for taxes, and shall report the value so assessed by them to the authorities legally empowered to levy taxes and the value so reported shall be the basis on which said special taxes to be levied under this act shall be levied. And in all cases where the whole of any lands or other property lies within the boundaries of said school district the value of the same as assessed for State and county taxes shall be the basis upon which taxes shall be levied under this act for school purposes.

Special taxes collected to be used for school purposes.

SEC. 5. That the special taxes thus levied and collected from the taxable property and polls of said school district shall be expended in keeping up public schools in said district for the white and colored races of both sexes between the ages of six and twenty-one years of age, and the said special taxes shall be used and expended as to give the children of each race an equal number of months of school.

School Trustees appointed.

Term of office.

SEC. 6. That D. Baughner, James Whitaker, J. Pervin be and they are hereby constituted a Board of Trustees for said school district and shall hold their offices until the first Tuesday in May, nineteen hundred and one and until their successors are duly elected and qualified as hereinafter set out and they are hereby authorized and directed to establish at least two public schools in said district, one district separate and apart for the white race, and the other separate and apart for the colored race. That said board shall have power to fill all vacancies that may occur in said board during the year to employ teachers and do all such acts as may be necessary to carry on said schools and shall receive no compensation for their services.

Duties and powers of trustees.

School Trustees to be elected by voters biennially.

SEC. 7. That there shall be held biennially on the first Tuesday in November an election in said school district under the same rules and regulations as now exist or may be hereinafter



established for holding of elections for members of the General Assembly at which time there shall be elected by the qualified voters of said school district three School Trustees, who shall hold their office for two years or until their successors are duly elected and qualified.

SEC. 8. That the per capita part of the school fund of the county raised under the general school law shall be applied to keeping up the public schools established by this act in said district and shall be by said Board of Trustees disbursed as set out in section 5 of this act.

Per capita part of county school fund to be used.

SEC. 9. That no Trustee of said school shall while acting as such, be a teacher therein.

No trustee to be a teacher.

SEC. 10. That the Board of Trustees are authorized and empowered to purchase and hold for the purpose of said school buildings and suitable grounds, or to purchase suitable lots and erect buildings thereon within the corporate limits of the district hereinbefore set out, and pay for the same out of the public school money for said district: *Provided, however*, that said schools shall not be located nearer each other than five hundred yards.

Trustees to purchase or lease lands and erect school buildings.

SEC. 11. That the Board of Trustees aforesaid and their successors, may admit as pupils in said schools children who reside out of the boundaries of said school district upon the payment of such sums as shall be fixed by said Board of Trustees.

Outside pupils, how admitted.

SEC. 12. That the Board of Trustees aforesaid may fix the scale of prices for subjects other than those required to be taught under the general school law for the requirements of public schools, the said prices to be paid by the pupils resident in said school district and such others as may be admitted under the provisions of section eleven.

Trustees to fix scale of prices for extra studies.

SEC. 13. That the said Board of Trustees shall have the right to assess each pupil of the said district in a sum not exceeding fifty cents for each term of public school for incidental and other purposes.

Trustees to assess pupils for incidental expenses.

SEC. 14. That the Board of Trustees of said school district shall not be subject to any restrictions or limitations as to the salary of teachers employed by them prescribed by any law or statute, but may pay the teachers employed such compensations as the Board of Trustees may deem just and proper.

Trustees to regulate teachers' salaries.

SEC. 15. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

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

In the General Assembly read three times, and ratified this the 1st day of March, A. D. 1901.

## CHAPTER 325.

**An act to establish a graded school at Smithfield, Johnston County,  
North Carolina.**

*The General Assembly of North Carolina do enact:*

Boundaries of  
"Smithfield  
Graded School  
District" defined.

SECTION 1. That the territory contained within the following limits shall be and constitute the Smithfield "Graded School District:" Beginning on the river opposite the mouth of Black Creek, runs a direct line to a point just beyond the Hasting's place (now owned by the Pous), where the branch crosses the river road; thence a direct line to the point where Bay Branch crosses the Stage Road near J. D. Hamilton's; thence a direct line to the point where the A. C. L. Railroad crosses Buffalo; thence with said Buffalo to Neuse River; thence down said river to the county bridge; thence across the river and with the public road to the fork of said road; thence up the Smithfield and Clayton road to a ditch running to the road from out of E. W. Pou's land; thence up said ditch and on a line with said ditch to the county road near E. W. Pou's old gin-house; thence with said road to the stock law fence; thence with the stock law fence to the river; thence down the river to the mouth of Black Creek, the beginning.

Question of  
annual tax for  
support of graded  
schools to be sub-  
mitted to voters  
first Monday in  
May, 1901.

SEC. 2. That the Board of Commissioners of the county of Johnston are hereby authorized and directed to submit to the qualified voters of said Smithfield Graded School District, on the first Monday in May, one thousand nine hundred and one, under such rules and regulations as they may prescribe, the question whether an annual tax shall be levied therein for the support of a graded public free school for the white children, and a graded public free school for the colored children therein, in said district. Each voter shall vote a printed ballot with the words "For School" or "No School" thereon, and said election shall be conducted under the same rules, regulations and penalties as are prescribed by law for the election of members of the General Assembly.

Election, how  
conducted.

If tax voted, how  
levied and col-  
lected.

SEC. 3. That in the event of a majority of the qualified voters of said district being in favor of such tax, the same shall be levied and collected in the same manner as provided by law, for the levying and collecting State and county taxes. The Sheriff of Johnston County shall collect and pay over the same to the treasurer of the Smithfield Graded Schools by the first day of January of each year, under the same liabilities as are now provided by law for the collection and paying over of the county school taxes: *Provided*, that the special tax so levied shall not

Sheriff to collect  
and pay over to  
treasurer

Proviso.

exceed one-fifth of one per centum on property and sixty cents on each poll.

SEC. 4. That the special taxes thus levied and collected from the taxable property and polls of white persons, shall be expended in maintaining and keeping up a graded public free school in said district for white persons of both sexes, whose names are on the school census list in said district, between the ages of six and twenty-one years; and the special tax thus levied and collected from the taxable property and polls of colored persons, shall be expended in maintaining and keeping up a graded public school in said district for colored persons of both sexes, whose names shall be on the school census list in said district, between the ages of six and twenty-one years.

Taxes collected from white persons to be applied to support of white schools.

Taxes collected from colored persons to be applied to support of colored schools.

SEC. 5. That W. S. Stevens, Ed. S. Abell, W. J. Stephenson, W. L. Woodall and T. R. Hood, be and they are hereby constituted a Board of Trustees for the graded schools for the whites; that said board shall have power to fill all vacancies in said board, to employ teachers and do any and all such acts as may be necessary to carry on said school for the white children.

Trustees for white graded schools.

SEC. 6. That Ashley W. Smith, Hardy Atkinson, George McIntyre, Levy Dublin and E. Russell Whitley, be and they are hereby appointed and constituted a Board of Trustees for the graded school for colored persons; that said board shall have the power to fill all vacancies, to employ teachers, and to do all such acts as may be necessary to keep up the school for colored persons.

Trustees for colored graded schools.

SEC. 7. That the public school money which shall from time to time be collected under the general school law for public school purposes in said district, shall be applied for keeping up the public graded schools for the children, under the orders and direction of the Board of Trustees of said graded school for white children.

General public school money, how applied.

SEC. 8. That the managers of the Smithfield Dispensary are hereby authorized and directed to pay to the Trustees of the Smithfield graded school any and all moneys that may come into their hands, which is set apart in the act establishing a dispensary in the town of Smithfield, for school purposes; and that said treasurer of the Smithfield Graded School shall receipt for said money so received from the managers of the Smithfield Dispensary, and pay out the same upon the order of the Trustees of Smithfield Graded School for white children.

Smithfield Dispensary Managers to pay certain moneys to graded schools.

SEC. 9. That the Board of Trustees for the graded school for the white children shall at the first meeting after the establishment of said school, and annually thereafter, elect a treasurer of the Smithfield Graded Schools. That the compensation of the

Board of Trustees for White Schools to elect treasurer.

Compensation of Treasurer.	treasurer of the Smithfield Graded Schools shall be the same as now paid to the Treasurer of Johnston County for like moneys received and disbursed by said County Treasurer. That the
Treasurer to give bond.	person so elected treasurer shall execute a bond with at least three sureties, who shall justify before the Clerk of the Superior Court of Johnston County and be approved by the president of the Board of Trustees for white schools, in an amount double that of the tax and other funds which may be paid to him. That said bond shall be payable to the State of North Carolina, and conditioned for the payment and accounting for all money or other property which shall come into his hands as treasurer.
Bond to be filed and recorded.	The said bond shall be filed and recorded in the office of Register of Deeds of Johnston County as other official bonds are and in the event of a breach of the conditions of said bond, an action may be prosecuted by the Board of Trustees for white children.
Trustees to purchase suitable lands for school building.	SEC. 10. That Board of Trustees of the graded school for whites in said district are authorized and empowered to purchase and hold for the purpose of said school, a building and suitable grounds within the limits of said district.
Treasurer to file statements.	SEC. 11. That the treasurer of said graded schools shall file statements of his receipts and disbursements in the same manner and under the same penalties as are prescribed for the Treasurer of Johnston County.
Conflicting laws repealed.	SEC. 12. All laws in conflict with the provisions of this act are hereby repealed.
	SEC. 13. This act shall be in force from and after its ratification.
	In the General Assembly read three times, and ratified this the 1st day of March, A. D. 1901.

#### CHAPTER 326.

**An act supplemental to an act entitled "An act to prevent persons from fishing and shooting from the bridges across the Neuse and Trent rivers in Craven County," ratified the twenty-ninth day of January, 1901.**

*The General Assembly of North Carolina do enact:*

Section 3 of act ratified January 29, 1901, stricken out, and new section inserted.

SECTION 1. That section three of an act ratified the 29th day of January, 1901, entitled "An act to prevent persons from fishing and shooting from the bridges across the Neuse and Trent Rivers in Craven County, be stricken out and in lieu thereof the following be inserted as section three of said act, to-wit: That so much of this act as prevents fishing from the bridges across

the Neuse and Trent Rivers shall not go into effect until the first day of March, 1903, and so much of this act as prevents shooting from said bridges shall be in force from and after its ratification: *Provided*, that nothing in this act shall be construed so as to permit any person to use other than lines in fishing.

When act to go into effect.  
Proviso.

In the General Assembly read three times, and ratified this the 1st day of March, A. D. 1901.

## CHAPTER 327.

### **An act for the relief of certain tax-payers.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That where any town, city or municipality has collected any tax or assessment upon property, real or personal, outside of the actual charter or incorporate limits of such town, city or municipality, or where any town, city or municipality shall have collected a privilege tax or assessment upon any person or persons doing business outside of the actual charter or incorporate limits or boundaries, as aforesaid, upon such business, said town, city or municipality shall refund to such person or persons, or their proper representative the amount of such tax or assessment.

Taxes collected by municipal bodies outside of corporate limits to be refunded.

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

In the General Assembly read three times, and ratified this the 1st day of March, A. D. 1901.

## CHAPTER 328.

### **An act to relieve Price's Creek School, in Price's Creek Township, Yancey County.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That the County Treasurer of Yancey County is hereby authorized to pay Price's Creek School in Price's Creek Township, Yancey County, \$37.00 out of the general school fund for the year 1901.

County Treasurer authorized to pay Price's Creek School \$37.00 out of school fund for 1901.

SEC. 2. 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. 1901.

## CHAPTER 329.

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

*The General Assembly of North Carolina do enact:*

To create a valid lien under Section 1799 of The Code.

SECTION 1. That for the purpose of creating a valid agricultural lien under section seventeen hundred and ninety-nine of The Code, and amendments thereto, for supplies to be advanced, and also to constitute a valid chattel mortgage as additional security thereto, and to secure a pre-existing debt, the following form shall be deemed sufficient, and for those purposes legally effective:

The form of lien or mortgage prescribed.

"*North Carolina, .....County.*

"WHEREAS, ..... ha.. agreed to make advances to ..... for the purpose of enabling said ..... to cultivate the lands hereinafter described during the year 19.., the amount of said advances not to exceed ..... dollars; and,

"WHEREAS, Said ..... is indebted to said ..... in the further sum of ..... dollars now due; now, therefore, in order to secure the payment of the same the said ..... do hereby convey to said ..... all the crops of every description which may be raised during the year 19.. on the following lands in ..... County, North Carolina, ..... Township, adjoining the lands of ..... , and also the following other property, viz.: .....

Power of foreclosure as under Section 1800 of Code, makes time of notice ten days; notice to be posted at court-house door and three other public places.

And if by the .... day of ....., 19.., said ..... fail.. to pay said indebtedness, then said ..... may close this lien as provided in section 1800 of The Code or otherwise, and may sell said crops and other property after ten days' notice posted at the court-house door and three other public places in said county, and apply the proceeds to the payment of said indebtedness and all costs and expenses of executing this conveyance, and pay the surplus to said ....., and the said ..... hereby represents that said crops and other property are the absolute property of ..... and free from incumbrance ..... Witness, ..... hand .. and seal, .. this the ..... day of ....., 19...

"Witness: .....

Waiver of landlord's lien on crops to extent of advances made by mortgagee.

"....., owner of the lands described in the foregoing instrument, in consideration of the advances to be made, as therein provided, do .. hereby agree to waive and release my



lien as landlord upon said crops to the extent of said advances made to said .....

"This the ..... day of ....., 19...

"Witness: ..... (Seal)."

"North Carolina, ..... County.

"The due execution of the foregoing instrument was this day Form of probate.  
proven before me by the oath and examination of .....,  
the subscribing witness thereto.

"This the ..... day of ....., 19...

"..... (Seal.)"

"North Carolina, ..... County.

Clerk's fiat to  
Register of Deeds.

"The foregoing certificate of ....., a ..... of  
..... County, is adjudged to be correct. Let the instru-  
ment with the certificate be registered.

"This the ..... day of ....., 19...

".....,

Clerk Superior Court."

SEC. 2. That the fees for the probate and registration of liens executed according to the forms set out above, shall be as follows: To the Clerk for probating ten (10) cents, and to the Register of Deeds for registering the instrument, together with the probate and all necessary acknowledgments and certificates, fifty (50) 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.

Fees prescribed;  
Clerk, ten cents;  
Register of Deeds,  
fifty cents.

SEC. 3. If any person after executing a lien as aforesaid for advances, shall fail to cultivate the lands described therein, or shall do any other act calculated to impair the security therein given, then the person to whom the lien was executed shall be relieved from any further obligation to furnish supplies, and the debts and advances theretofore made shall become due and collectable at once, and the person to whom the instrument was executed may proceed to take possession of, cultivate and harvest said crops, and to sell the other property described therein. It shall not be necessary to incorporate such power in the instrument, but this section shall be sufficient authority for the same: *Provided*, that the sale of any property described in any instrument executed under the provisions of this act may be made at any place in the county where such property is situated after ten days' notice published at the court-house door and three other public places in said county.

Fees same for lien  
on crops and  
conveyance of  
chattels.  
Proviso.

Person to whom  
lien is executed  
to be relieved of  
obligation on  
failure of person  
executing to cul-  
tivate crops.

Debts and  
advances to be-  
come due and col-  
lectable at once,  
on failure to cul-  
tivate, and person  
advancing sup-  
plies to take pos-  
session of crops  
and sell property  
conveyed.

Proviso as to  
place of sale.

County Commissioners to furnish record books with printed forms to the Register of Deeds.

SEC. 4. The Commissioners of every county to which this act applies shall forthwith have record books made with the aforesaid forms printed therein, and the cost of said books and the printing of said forms and also such other books as may be required hereafter shall be paid by the said Commissioners, and the said books furnished to the Register of Deeds of the respective counties.

Secretary of State to furnish certified copies to counties affected.

SEC. 5. That the Secretary of State is hereby directed immediately after the ratification of this act to send a certified copy of the same to the Register of Deeds of each county to which the same shall apply.

To what counties applicable.

SEC. 6. This act shall apply only to the counties of Harnett, Granville, Cumberland, Nash, Edgecombe, Greene, Wayne, Person, Wilson, Rockingham, Robeson, Bladen, Brunswick, New Hanover, Beaufort, Chowan, Carteret, Pitt, Catawba, Gaston, Gates, Tyrrell, Mecklenburg, Pamlico, Transylvania, Cabarrus, Hyde.

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

SEC. 8. That chapter thirty-one (31) of Public Laws of 1899 is 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 the 1st day of March, A. D. 1901.

## CHAPTER 330.

### **An act to increase the number of Commissioners for Robeson County**

*The General Assembly of North Carolina do enact:*

Robeson County to elect five County Commissioners.

SECTION 1. That there shall be elected in the county of Robeson at the general election to be held in the year nineteen hundred and two and every two years thereafter by the duly qualified electors thereof five persons to be chosen by the body of the county, who shall be styled the Board of County Commissioners of Robeson County.

J. W. Carter and W. P. Barker appointed commissioners.

SEC. 2. That until said election J. W. Carter and W. P. Barker be and they are hereby appointed and elected Commissioners for the county of Robeson from the ratification of this act until said election.

Conflicting laws repealed.

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

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

In the General Assembly read three times, and ratified this the 2d day of March, A. D. 1901.

## CHAPTER 331.

**An act to establish a supplementary school district in Williams Township, Craven County.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That all territory embraced in the following boundaries: Beginning at the intersection of Peacock Road and Beaver Dam Swamp, and runs south with Peacock Road to Thomas Worley's well; from said Worley's well by the old saw-mill site on Emanuel Wright's land to Gum Swamp; thence down Gum Swamp to the mouth of Kates Branch; thence up said branch to the Big Branch; thence with Big Branch to Beaver Dam Swamp; thence up Beaver Dam Swamp to the beginning, shall be and is hereby constituted a public school district, and shall be called "the Lebanon Supplemental Public School for the White and Colored Races."

Boundaries of Lebanon Supplemental School District in Columbus County, defined.

SEC. 2. That the Board of Commissioners of Columbus County, upon the written application of a majority of the Board of Trustees of said school district is hereby authorized and directed to submit on the first Tuesday in May, nineteen hundred and one, and any year thereafter, to the qualified voters of said school district embraced in said county of Columbus under such rules and regulations as now exist for the election of members of the General Assembly the question whether an annual tax shall be levied therein for the support of supplemental public schools for white and colored races of said district. Each voter shall vote a written or printed ballot with the words "For School" or "No School" thereon.

Question of annual tax levy for support of supplemental schools to be submitted to qualified voters on first Tuesday in May, 1901.

SEC. 3. That in the event a majority of the qualified voters of said district shall vote in favor of such tax the same shall be levied by the Board of Commissioners of Columbus County and collected in the same manner as provided by law for the levying and collecting of State and county taxes. The Sheriff of Columbus County shall collect the taxes of said school district and pay over the same to the Treasurer of Columbus County under the same liabilities as are now provided by law for the collection and paying over of county school taxes: *Provided*, that the special tax so levied and collected shall not exceed thirty cents on each one hundred dollars worth of real and personal property and ninety cents on each poll in said district, and the Tax Listers or Assessors for the township in which said school district is located shall make a return to the Clerk of the Court or County Commissioners of all the personal and real property

Tax authorized, County Commissioners to levy same.

Sheriff to collect and pay over to Treasurer.

Proviso.

Tax-lister to make returns of property in said school district.

listed in said school district in the same manner in which the returns for general county and State purposes are made.

County Commissioners to appoint three freeholders to assess property for purpose of school tax levy.

SEC. 4. That in order to ascertain the value of lands and other real property situated in said school district when the whole of said lands and other real property does not lie in said school district, but part in another district, the County Commissioners shall appoint three disinterested freeholders and residents of said district who shall assess the part or parts of lands and other real property which shall lie in said school district for taxes, and shall report the value so assessed by them to the authorities legally empowered to levy taxes and the value so reported shall be the basis on which said special taxes to be levied under this act shall be levied, and in all cases where the whole of any lands or other property lies within the boundaries of said school district the value of the same as assessed for State and county taxes shall be the basis upon which taxes shall be levied under this act for school purposes.

Use and purpose of the tax defined.

SEC. 5. That the special taxes thus levied and collected from the taxable property and polls of said school district shall be expended in keeping up public schools in said district for the white and colored races of both sexes between the ages of six and twenty-one years of age, and the said special taxes shall be so used and expended as to give the children of each race an equal number of months of school.

Board of Trustees appointed.

SEC. 6. That J. K. Harper, James Hughes and W. K. Todd be and they are hereby constituted a Board of Trustees for said school district, and shall hold their offices till the first Tuesday in May, nineteen hundred and one and until their successors are duly elected and qualified as hereinafter set out, and they are hereby authorized and directed to establish at least two public schools in said district, one distinct and separate and apart for the white race, and the other separate and apart for the colored race. That said board shall have power to fill all vacancies that may occur in said board during the year, to employ teachers and do all such acts as may be necessary to carry on said school and shall receive no compensation for their services.

Term of office.

Duties of Board.

May fill vacancies, employ teachers, etc.

School Trustees to be biennially elected.

SEC. 7. That there shall be held biennially on the first Tuesday in November an election in said school district under the same rules and regulations as now exist or may be hereafter established for holding of elections for members of the General Assembly, at which time there shall be elected by the qualified voters of said school district six School Trustees, who shall hold their office as follows: Two for one year, two for two years, and two for four years, or until their successors are duly elected and qualified.

Term of office.

SEC. 8. That the per capita part of the school fund of the county raised under the general school law shall be applied to keeping up the public schools established by this act in said district, and shall be by said Board of Trustees disbursed as set out in section 5 of this act.

General school fund, how applied.

SEC. 9. That no Trustees of said school shall, while acting as such, be a teacher therein.

No trustee to be a teacher.

SEC. 10. That the Board of Trustees are authorized and empowered to purchase and hold for the purposes of said schools, buildings and suitable grounds, or to purchase suitable lots and erect buildings thereon within the corporate limits of the district hereinbefore set out, and pay for the same out of the public school money for said district: *Provided, however,* that said schools shall not be located nearer each other than five hundred yards.

Board of Trustees empowered to purchase suitable grounds and buildings for school purposes.

SEC. 11. That the Board of Trustees aforesaid, and their successors, may admit as pupils in said schools children who reside out of the boundaries of said school district upon the payment of such sums as shall be fixed by said Board of Trustees.

May admit outside pupils on such terms as they may prescribe.

SEC. 12. That the Board of Trustees aforesaid may fix the scale of prices for subjects other than those required to be taught under the general school law for the requirements of public schools the said prices to be paid by the pupils resident in said school district and such others as may be admitted under the provisions of section eleven.

May fix scale of prices for extra studies.

SEC. 13. That the said Board of Trustees shall have the right to assess each pupil of the said district in a sum not exceeding fifty cents for each term of public school for incidental and other purposes.

May assess pupils for incidental expenses.

SEC. 14. That the Board of Trustees of the said school district shall not be subject to any restrictions or limitations as to the salary of teachers employed by them prescribed by any law or statute, but may pay the teachers employed such compensation as the Board of Trustees may deem just and proper.

May fix salaries of teachers.

SEC. 15. 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, A. D. 1901.

## CHAPTER 332.

**An act to amend Chapter 198 of the Laws of 1889, for the relief of certain Confederate soldiers and widows.***The General Assembly of North Carolina do enact:*

Pensions of Confederate soldiers and sailors to be paid by State Treasurer on warrant by Auditor.

Proviso as to widows.

First-class pensioners to receive \$72.00.

Second-class, \$60.00.

Third-class, \$48.00.

Fourth-class and widows, \$30.00.

Pension fund inadequate, Treasurer to make up deficit out of general fund.

Proviso.

Section 3, Chapter 198, Laws 1889, amended.

Section 1, Chapter 198, Laws 1889, repealed, and Section 1, of this act, substituted.

All persons entitled to pensions to appear before County Pension Board on or before first

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 State of North Carolina or of the Confederate States of America, during the war between the States, and to the widow remaining unmarried of any deceased officer, soldier or sailor who was in the service of the State of North Carolina or of the Confederate States of America during the war between the States (*Provided*, said widow was married to said soldier or sailor before the first day of April, 1865), 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 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; to such as have lost one eye, and to widow remaining unmarried, and all other soldiers who are now 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, 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.

SEC. 2. That section 3 of chapter 198 of the Laws of 1889 be amended by striking out all of said section after the word "grades" in line 4. And section 1 of said chapter 198 of the Laws of 1889 is hereby repealed and section 1 of this act substituted in place thereof. That all persons entitled to pensions under this act, whether heretofore drawing pensions or not, shall appear before the County Board of Pensions on or before the first Monday in July, 1901, for examination and classification in compliance with the provisions of this act: *Provided*, that



all such as are unable to attend in person shall present a certificate from a creditable physician, living and practising medicine in the community in which said applicant resides, that the applicant is unable to attend.

SEC. 3. That all laws and clauses of laws enacted since the first day of January, 1890, granting pensions to any particular individual named therein, are hereby repealed.

SEC. 4. 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 the United States, shall be entitled to a pension under this act.

SEC. 5. That all ex-Confederate soldiers and sailors who have become totally blind since the war, or who lost their sight or both hands or both feet in the Confederate service, shall receive from the public treasury one hundred and twenty dollars (\$120.00) a year, to be paid monthly by the Clerk of the Superior Court of their respective counties, as provided in the Public Laws of 1879, chapter 193, and the amendment thereto in chapter 341 of the Laws of 1883 and chapter 619 of the Laws of 1899.

SEC. 6. 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, A. D. 1901.

Monday of July, 1901, for examination and classification. Proviso.

All laws enacted since January 1, 1890, as to pensions, repealed.

Inmates of Soldiers' Home at Raleigh, nor any person who was a deserter, not entitled to pensions.

Soldiers and sailors who are totally blind, or who lost their sight, or both hands, or both feet in the Confederate service, to be paid \$120.00 annually. To be paid monthly by the Clerk of the Superior Court.

## CHAPTER 333.

### An act to authorize the Commissioners of Nash County to levy a special tax.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Commissioners of Nash County are hereby authorized and empowered to levy a special tax not to exceed ten cents on every one hundred dollars worth of taxable property, and thirty cents on the poll for the years 1901 and 1902, respectively, for the purpose of building bridges, and reindexing the records of the office of the Register of Deeds, and to meet other and further necessary improvements and current expenses of the county.

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 the 2d day of March, A. D. 1901.

Commissioners of Nash County authorized to levy special tax for years 1901 and 1902, for building bridges and reindexing the public records.

## CHAPTER 334.

**An act to allow the Commissioners of Macon County to levy a special tax.***The General Assembly of North Carolina do enact:*

County Commissioners empowered to levy special tax, at June meeting, 1901, and annually thereafter.  
How levied and collected.

One-half of special tax to be applied to payment of county indebtedness.

One-half to be set apart as a road and bridge fund.

Proviso.

Special township tax levy authorized for road purposes.

SECTION 1. That the Commissioners of Macon County are hereby authorized and empowered to levy, at their June meeting in nineteen hundred and one and annually thereafter, if necessary, a special tax not to exceed twenty cents on the one hundred dollars worth of taxable property and sixty cents on the poll, the constitutional equation to be observed in making said levy. Said tax to be collected as other taxes, one-half of which shall be applied to the payment of the outstanding interest-bearing bonds of said county; the other half of said levy to be set apart as a road and bridge fund, to be used by the County Commissioners in furnishing bridges or blasting material when needed, and in payment of assessed damage, and other expenses incurred in laying off new roads: *Provided*, that any of said levy not expended as aforesaid, may be used for the improvement of such portions of the Western Turnpike Road and any other main thoroughfare in said county, where the number of road hands is not sufficient to keep said roads in passable condition.

SEC. 2. That if the Road Supervisors of any township in said county shall make a written request of said Board of Commissioners, signed by the chairman and secretary of said Board of Supervisors, to levy a special township tax for the construction and improvement of public roads, in said township and that a majority of the tax-payers of said township desire a special township tax levied, the said Board of County Commissioners shall at said June meeting in nineteen hundred and one and annually thereafter, if requested as above, levy a special tax not to exceed ten cents on the one hundred dollars worth of taxable property in said township and thirty cents on the poll, to be collected as other taxes and kept separate from other funds, and applied as aforesaid, as the Board of Supervisors may direct.

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, A. D. 1901.

## CHAPTER 335.

**An act to secure better drainage of Big Long Creek in Gaston County.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That L. L. Suggs, C. S. Stowe, Hal. McDonald, C. P. Leinberger and Phillip Jenkins be appointed Commissioners to supervise and enforce the better drainage of Big Long Creek in Gaston County from its mouth to White and Jenkins' mill-dam.

Drainage Commissioners for Big Long Creek, Gaston County, appointed.

SEC. 2. That in case of a vacancy it shall be the duty of the County Commissioners of Gaston County upon application of any interested land owner upon said creek to appoint some suitable person owning land upon said creek to fill such vacancy.

Vacancy, how filled.

SEC. 3. That said Commissioners shall appoint an overseer who shall serve for a term of two years from his appointment and until his successor is appointed and qualified.

Commissioners to appoint overseer.

SEC. 4. It shall be the duty of such Commissioners at least once in each year to examine said stream and notify said overseer 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 alterations 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 (5) days thereafter to notify the respective land owners what work is needed along said stream and which is required to be done by them.

Commissioners' duty to examine streams annually and notify overseer of work to be done.

Duty of overseer.

SEC. 5. That each land owner 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 shall keep the banks thereof for a distance of four (4) feet from said banks clean, and shall widen and straighten and change the channel of said stream when deemed necessary by said Commissioners.

Land-owners to keep banks of stream clear of obstructions.

SEC. 6. That each land owner shall within fifteen days after notification by said overseer begin and continue until he has completed any work required of him in accordance with the directions of said overseer.

Land-owners to begin required work when notified by overseer.

SEC. 7. That such land owners as aforesaid shall be required to furnish such implements and means for working, clearing and removing obstructions, and straightening and changing the channel of said stream, as are necessary and proper, and shall be required to work such time as said Commissioners may deem necessary and proper, not exceeding thirty (30) days in a year,

Land-owner to furnish necessary tools and implements.

Land-owner to work not exceeding thirty days per year, or may pay money in lieu of work.

or, in lieu thereof, may pay to said overseer such sum of money as may be fixed by said Commissioners.

Penalty for failure or refusal to work after notice given

SEC. 8. That any person who shall fail or refuse to perform any such work as may be required of him as aforesaid for the space of fifteen (15) days after such notification shall forfeit and pay the sum of fifty dollars to be recovered by said overseer by suit in the Court of some Justice of the Peace of Gaston County, and shall also be guilty of a misdemeanor, and upon conviction shall be fined not less than five nor more than fifty dollars, or imprisoned not exceeding thirty days.

All moneys for failure to work, and all fines and forfeitures, to be used in improving said stream.

SEC. 9. That all moneys arising from failure to work on said creek, and all forfeitures collected under the provisions of this act shall be paid to said overseer, and by him expended under the direction of said Commissioners in improving said stream and in performing the work neglected by said land owners.

Overseer neglecting or failing to discharge duties, guilty of a misdemeanor.  
Penalty.  
Proviso.

SEC. 10. That any overseer who shall neglect or fail to perform the duties required by this act 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: *Provided*, no person shall be elected such overseer without his consent.

SEC. 11. That this act shall be in force from and after the first day of July, A. D. 1901.

In the General Assembly read three times, and ratified this the 2d day of March, A. D. 1901.

## CHAPTER 336.

### An act to authorize the Commissioners of Franklin County to levy a special bridge tax.

*The General Assembly of North Carolina do enact:*

County Commissioners to levy special tax at meeting in June, 1901, and annually thereafter.  
Tax levy.

SECTION 1. That the Board of County Commissioners of Franklin County are hereby authorized and empowered at their regular meeting in June, 1901, and at each annual meeting thereafter in each and every year to levy a special tax on all property subject to taxation of not more than fifteen cents (\$0.15) on one hundred dollars (\$100.00) worth of property and forty-five cents (\$0.45) on each poll, the constitutional equation to be always preserved, 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 bridge fund and to be used in the construction, improvement and maintenance of the public bridges and culverts in the said county.

To be collected as other taxes

To be kept separate from other funds and set aside as a special bridge fund.

SEC. 2. That the said County Commissioners are hereby fully authorized to pay out of the fund arising under this act all debts heretofore contracted for the building, improving or maintenance of the bridges or culverts in the said county.

County Commissioners authorized to pay existing bridge debt out of such fund.

SEC. 3. That the bond of the Sheriff of the said county shall be responsible for the collection and accounting for of all the taxes collected under the provisions of this act as it is for the collection and accounting for of all other public taxes in said county and the bond of the Treasurer of said county shall be responsible for the proper accounting for of said funds as it is in respect of all other public funds paid to him by virtue of his office as such Treasurer.

Official bond of sheriff responsible for collection and accounting of this tax as all other taxes.

Treasurer's bond responsible as in other funds.

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 2d day of March, A. D. 1901.

#### CHAPTER 337.

#### **An act to authorize the Commissioners of Caswell County to levy a special tax.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of County Commissioners of Caswell County are hereby authorized and empowered to levy a special tax in the years nineteen hundred and one (1901) and nineteen hundred and two (1902), not to exceed twenty cents on every hundred dollars worth of taxable property in said county, and sixty cents on the poll, the constitutional equation to be observed in said levies, the said special tax being for the purpose of meeting the ordinary expenses of the county.

Special tax levy authorized for 1901 and 1902, to meet ordinary county expenses.

SEC. 2. That the said special tax shall be levied at the same time with the other levies in said years and collected and accounted for by the Sheriff or other Tax Collector of said county in the same manner under the same penalties and within the time that the other taxes levied for said county are collected.

To be levied at same time as other taxes and collected in same manner

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, A. D. 1901.

## CHAPTER 338.

**An act to establish a State Board of Embalming, to regulate the practice of embalming and the care and disposition of the dead.**

*The General Assembly of North Carolina do enact:*

State Board of Embalming established.

To consist of five members appointed by State Board of Health, three to be members of State Board of Health and two to be practical embalmers.

Vacancies, how filled.

Term of office.

SECTION 1. That there is hereby established and created a Board to be known as the State Board of Embalming of North Carolina. Said board shall consist of five members to be appointed by State Board of Health, three of whom shall be members of the State Board of Health and the remaining two shall be practical embalmers having experience in said business and the care of and the disposition of dead human bodies, and all vacancies occurring on said board shall be filled by the State Board of Health.

SEC. 2. Each member shall serve for the term of five years from the date of his appointment going into effect, except those first appointed, who shall serve as follows: One for one year, one for two years, one for three years, one for four years, and one for five years, respectively, the State Board of Health shall designate the number of years each shall serve and any one having served as a member of the board shall be eligible for reappointment.

Time of appointment of first board.

State Board of Health may remove members from office.

Board of Health to furnish certificate of appointment.

Appointees to qualify within ten days after appointment.

SEC. 3. The first board shall be appointed on or before the first day of June, nineteen hundred and one, and one member annually thereafter, who shall serve for a term of five years from the first day of July next ensuing. The State Board of Health shall have power to remove from office any member of said board for neglect of duty, incompetency or improper conduct.

SEC. 4. The State Board of Health shall furnish each person appointed to serve on the State Board of Embalmers, a certificate of appointment. The appointee shall qualify by taking and subscribing to the usual oath of office before some person authorized to administer oaths, within ten days after said appointment has been made, which oath shall be filed with the Board of Embalmers.

First meeting of Board July 2, 1901.

SEC. 5. The first meeting of said board shall be held on the 2d day of July, 1901, or as soon thereafter as may be practicable. Three members shall constitute a quorum.

President and Secretary to be elected.

Term of office.

Secretary to give bond.

Common seal.

SEC. 6. There shall be elected at the first meeting a president and a secretary, from the members of said board, who shall serve for one year, or until their successors shall be elected and have qualified. The secretary shall furnish such bond as may be required of him by the board. The board may adopt a common seal and shall have and enjoy all the powers and privileges



onferred on such board by the laws of the State. The president of said board (and in his absence a president *pro tempore* elected by the members present) is hereby authorized to administer oaths to witnesses testifying before said board.

President may administer oaths.

SEC. 7. The said board shall, from time to time, adopt rules, regulations and by-laws, not inconsistent with the laws of this State, or of the United States, whereby the performance of the duties of said board and the practice of embalming of dead human bodies shall be regulated.

Board may adopt necessary by-laws, rules and regulations.

SEC. 8. The said board shall meet at least once in each year, and as often as the proper and efficient discharge of its duties shall require.

Meetings.

SEC. 9. From and after the passage of this act, every person now engaged, or desiring to engage in the practice of embalming dead human bodies within the State of North Carolina, shall make a written application to the State Board of Embalmers for a license, accompanying the same with a license fee of five dollars, whereupon the applicant, as aforesaid, shall present himself or herself before said board at a time and place to be fixed by said board, and if the board shall find, upon due examination, that the applicant is of good moral character, possessed of skill and knowledge of said science of embalming and the care and disposition of the dead, and has a responsible knowledge of sanitation and the disinfection of bodies of deceased persons and the apartment, clothing and bedding in case of death from infectious or contagious diseases, the board shall issue to said applicant a license to practice said art of embalming and the care and disposition of the dead, and shall register such application as a duly licensed embalmer. Such license shall be signed by a majority of the board and attested by its seal. All persons receiving a license under the provision of this act, shall also register the fact at the office of the Board of Health of the city, and where there is no Board of Health, with the Clerk of the Superior Court in the county or counties in which it is proposed to carry on said practice, and shall display said license in a conspicuous place in the office of such licentiate.

Persons engaged, or desiring to engage in business of embalming, to make application to Board for license.

License fee of \$5.00 to accompany application. Applicant to be examined by Board.

Examination satisfactory, license to issue.

License to be signed by majority of Board and attested by seal.

Persons licensed to register at office of City Board of Health, or with Clerk of Superior Court where there is no Board of Health.

SEC. 10. Every registered embalmer who desires to continue the practice of his profession, shall annually thereafter, during the time he shall continue in such practice, on such day as said board may determine, pay to the secretary of said board a fee of two dollars for the renewal registration.

Embalmer to pay annual fee of \$2.00 to Secretary of Board.

SEC. 11. All expenses, salary and per diem to members of this board shall be paid from fees received under the provisions of this act, and shall in no manner be an expense to the State. All moneys received in excess of said per diem allowance and other expenses provided for, shall be held by the secretary of

Expenses, salary and per diem of Board, how paid.

Excess of receipts over per diem allowance to be held by secretary as a special fund

for meeting expenses of Board.

Unlawful to practice embalming after January 1, 1902, unless registered under this act.

Does not apply to officers of local or State institutions, nor to persons simply furnishing receptacles for burial, or burying without embalming.

Failure to comply with provisions of this act a misdemeanor.

Penalty.

Fines for violation of this act to be paid into public school of the State.

Embalming Schools to have same privileges for use of dead bodies for dissection, as Medical Colleges.

Persons holding certificates from Embalmers' Associations of other States, not prohibited from practicing.

said board as a special fund for meeting the expenses of said board.

SEC. 12. On and after the first day of January, 1902, it shall be unlawful for any person not a registered embalmer to practice or pretend to practice the art of embalming unless said person is a registered embalmer within the meaning of this act.

SEC. 13. Nothing in this act shall apply to or in any manner interfere with the duties of any officer of local or State institutions, nor shall this act apply to any person engaged simply in the furnishing of burial receptacles for the dead and burying the dead not embalmed.

SEC. 14. Any person who shall practice or hold himself or herself as practicing the art of embalming without having complied with the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof before any Court shall be sentenced to pay a fine of not less than fifty dollars nor more than one hundred dollars for each and every offense. All fines assessed for the violation of any of the provisions of this act shall be paid into the public school fund of this State.

SEC. 15. Schools for teaching embalming shall have extended to them the same privileges as to the use of bodies for dissection while teaching as those granted in this State to medical colleges.

SEC. 16. That nothing in this act shall be construed so as to prevent any person holding a certificate from any embalmers' association from any other State, from practicing the art or trade of embalmers in this State.

SEC. 17. 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. 1901.

## CHAPTER 339.

### **An act to prevent the felling of timber in Tar River in Granville County.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That any person who shall wilfully fell or in any way put timber, or trees, in Tar River in Granville County, and let the same remain there longer than two days, shall be guilty of a misdemeanor, and on conviction shall be fined not exceeding ten dollars, or imprisoned not exceeding twenty days.

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. 1901.

Misdemeanor to fell timber or trees in Tar River, in Granville County, and let same remain over two days.

Penalty.

Effective from ratification.

## CHAPTER 340.

**An act to improve and preserve the public roads of Charlotte Township in Mecklenburg County.***The General Assembly of North Carolina do enact:*

SECTION 1. That in addition to the property tax now levied for road purposes in Charlotte Township, Mecklenburg County, under existing laws, a license tax shall be imposed and collected annually for road purposes, from every resident of Charlotte Township owning and operating any wagon upon any of the public macadamized roads or streets therein, as follows: On each one-horse wagon, a tax of \$1.50; on each two-horse wagon a tax of \$3.00; on each three-horse wagon, a tax of \$4.00; on each four-horse wagon, a tax of \$5.00: *Provided*, that for the purposes of this act, all wagons with skeins  $2\frac{1}{2}$  by  $7\frac{1}{2}$  inches, or spindles 1 1-4 by 7 inches or under, shall be known as one-horse wagons. All wagons with skeins over  $2\frac{1}{2}$  by  $7\frac{1}{2}$  inches, or spindles 1 1-4 by 7 inches, and not over 3 by 9 inches for skeins, or 1 5-8 by 9 inches for spindles, shall be known as two-horse wagons; all wagons with skeins over 3 by 9 inches or spindles 1 5-8 by 9 inches, and not over  $3\frac{1}{2}$  by  $10\frac{1}{2}$  inches, for skeins, or 1 3-4 by 10 inches, shall be known as four-horse wagons, and taxed accordingly. And no person shall use any of such wagons upon any of the public macadamized roads in said township without first having obtained a license thereto, in the manner hereinafter prescribed: *Provided, however*, that this act shall not apply to what are known as narrow-tired wagons, now in use, so long as the tires now on said wagons shall remain thereon: *Provided further*, that this act shall not apply to what are known as standard broad-tired wagons, which wagons may be used upon any of the public roads of said township without a license for the privilege of so doing. For the purposes of this act, the standard broad tires for a one-horse wagon shall be 2 inches wide; for a two-horse wagon, 3 inches wide; for a three-horse wagon, 4 inches wide; for a four-horse wagon, 5 inches wide.

SEC. 2. That the tax provided for under section one of this act, shall be imposed and collected from the person or persons owning or using such wagon or wagons, for the privilege of operating the same upon the public macadamized roads in said township; and it shall be the duty of every such person desiring to use any wagon not hereby exempt from a license tax, to first apply to the Supervisor of Public Roads for said township, for a license in accordance with the provisions of this act, whereupon it shall be the duty of said Supervisor, upon the receipt of

License tax on persons owning and operating vehicles in Charlotte Township to be applied to road improvement.

Schedule of taxes.

one, two, three and four-horse wagons defined.

No person to use wagons on roads of said township without first obtaining license. Proviso.

Further proviso. Standard broad-tired wagons exempt. Definition.

Tax, how imposed and collected.

Persons desiring to use wagons on roads, to apply to supervisor of public roads for license.

Duty of supervisor to issue license.

License or tax tag to be securely fastened to wagon.

Supervisor to keep record of licenses, with date and amount of payments.

Supervisor's fee for issuing license.  
Proviso.

Taxes to be applied to road fund, Charlotte Township.  
Proviso as to taxes for wagons operated in city of Charlotte.

Penalty for failure to pay license tax.

How collected.

Proviso.

Violation of act a misdemeanor.

Penalty.

Conflicting laws repealed.

When act effective.

the amount of the required tax, to issue to such person a metal tag, with the number, the words "Tax Paid," and the year in which it is issued, all stamped thereon. Said tax tag, when so issued, shall be securely fastened or attached to said wagon, in some conspicuous place, and it shall be kept so attached during the current year for which said tax is paid. It shall also be the duty of said Supervisor to keep a book in which he shall enter the name of each person applying for and obtaining a license under this act, with the date when issued, the amount paid by each, and the number of the tax tag so issued; and said Supervisor shall receive out of the monies so collected a fee of 25 cents for each tag issued: *Provided, however,* that any person losing any tax tag which shall have been lawfully issued to him, shall, upon satisfactory proof of such loss, be entitled to receive from said Supervisor, a duplicate of the same, upon paying to him the sum of 25 cents, which he shall receive as a fee for issuing such tag.

SEC. 3. That the taxes collected under the provisions of this act, shall be applied to the road fund of Charlotte Township: *Provided,* that all taxes on wagons chiefly used and operated within the corporate limits of the city of Charlotte shall be paid to the Tax Collector of said city, whose duty it shall be to issue tags in accordance with the provision of section two of this act; and the monies so collected shall be applied to street purposes.

SEC. 4. Any person violating this act by failing to pay the tax hereby imposed, shall be liable to a penalty of double the amount of said tax, to be sued for in a civil action in the name of the Supervisor of Public Roads for Charlotte Township; one-half of the recovery to go to the road fund of said township, and the other half to the informer: *Provided,* that in case any person shall violate this act by failing to pay any tax required to be paid to the Tax Collector of the city of Charlotte, the civil action in this section provided for shall be prosecuted in the name of such Tax Collector, instead of the Supervisor of Public Roads for said township.

SEC. 5. Any person violating any of the provisions of this act shall be guilty of a misdemeanor, and shall, upon conviction, be subject to a fine of not more than fifty dollars, or imprisoned for not longer than thirty days.

SEC. 6. All laws in conflict with the provisions of this act are hereby repealed.

SEC. 7. This act shall be in force from and after the first day of August, 1901.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1901.

## CHAPTER 341.

**An act to establish a new court-house for Forsyth County.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Commissioners of Forsyth County are hereby fully authorized, empowered and permitted to sell to the United States of America for the purpose of a post-office and other public purposes, the court-house lot upon which is erected the present court-house, being a lot situated in Winston, North Carolina, and bounded on the north by Fourth street, on the east by Main street, on the south by Third street, and on the west by Liberty street; containing about 200 by 200 feet, together with all buildings thereon.

County Commissioners authorized to sell present court-house to United States for post-office and other public purposes. Description of property.

SEC. 2. That out of the proceeds arising from the sale of the lot above described, the Board of Commissioners are hereby empowered and directed to purchase for a court-house site, the lot of land lying on Fifth and Liberty streets in the town of Winston, being the site heretofore contracted for by the United States, as a lot upon which to erect a post-office.

Commissioners authorized to purchase new court-house site, out of proceeds of sale of present court-house.

SEC. 3. That the Board of Commissioners are also hereby directed after purchasing and paying for the lot described in section one, to build upon the same a court-house for the use of Forsyth County, paying for it out of the funds derived from the sale of the present site, and after the purchase of the lot and the building of the court-house, the balance of the funds arising from the sale aforesaid to be used in discharging the indebtedness of the county, incurred in building the present court-house; and if there be any surplus remaining after these obligations are discharged, to pay the balance into the County Treasury for county purposes.

Commissioners authorized to build new court-house.

How paid for.

Balance of proceeds of sale of present court-house, after new building is paid for, to be used for county purposes.

SEC. 4. That the Board of Commissioners are directed and empowered to make a deed for the above described lot to the purchaser on the payment of the purchase-money.

Commissioners authorized to make deed.

SEC. 5. That all laws and statutes in conflict with this act, whether general laws or special statutes, are hereby repealed.

Conflicting laws repealed.

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

Effective from ratification.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1901.



## CHAPTER 342.

**An act to establish a new township in the county of Wayne to be known as Buck Swamp Township.***The General Assembly of North Carolina do enact.*

Buck Swamp  
Township,  
Wayne County,  
established.  
Boundaries.

SECTION 1. That a new township to be called Buck Swamp Township is hereby created in the county of Wayne, and shall embrace all of the territory, now embraced in Pikeville Township in said county west of the Wilmington and Weldon Railroad, and outside of the corporate limits of the town of Pikeville.

Robert Crawford  
appointed  
constable.

SEC. 2. That Robert Crawford be and he is hereby appointed Constable of said new township, until the next election.

Tax Collector  
of Pikeville  
Township to col-  
lect taxes in Buck  
Swamp Town-  
ship during his  
present term.  
Effective from  
ratification.

SEC. 3. That nothing in this act shall prevent the present Tax Collector of Pikeville Township from collecting the taxes in the whole of Pikeville Township as constituted prior to the ratification of this act for the remainder of his present term.

SEC. 4. 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. 1901.

## CHAPTER 343.

**An act for the relief of Martin B. Williams, a public school teacher of Sampson County.**

Preamble.

WHEREAS, Martin B. Williams, of Sampson County, taught a free public school in District No. 1, Block River Township, Cumberland County, in the year 1898; and,

WHEREAS, A balance of fifteen dollars and twenty-one cents (\$15.21) is still due on said claim;

*The General Assembly of North Carolina do enact:*

School Commit-  
tee directed to  
draw order on  
Treasurer in favor  
of M. B. Will-  
iams for \$15.21, to  
be paid out of any  
funds to accrue to  
credit of District  
No. 1, Block  
River Township,  
Cumberland  
County.  
Effective from  
ratification.

SECTION 1. That the School Committee of said District No. 1, Block River Township, Cumberland County, be and the same are hereby authorized and directed to draw an order on the Treasurer of Cumberland County in favor of M. B. Williams for the sum of fifteen dollars and twenty-one cents to be paid out of any moneys now on hand or that may hereafter accrue to the credit of said District No. 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 the 4th day of March, A. D. 1901.



## CHAPTER 344.

**An act to regulate the killing of birds in the county of Cabarrus.***The General Assembly of North Carolina do enact.*

SECTION 1. That any person who shall kill any mocking bird or blue bird or destroy the nest of either of said kinds of birds shall be guilty of a misdemeanor.

Misdemeanor to kill, or destroy the nests of mocking birds and blue birds.

SEC. 2. That it shall be unlawful to kill, shoot, trap or net any partridges, quail, robins, larks or wild turkeys between the first day of March and the fifteenth day of November in each year.

Unlawful to kill, shoot, trap or net partridges, quail, robins, larks or wild turkeys between March 1 and November 15, in each year.

SEC. 3. That it shall be unlawful for any person to have in his possession any quail or partridges, either dead or alive between the first day of March and the fifteenth day of November in each year.

Unlawful for any person to have quail, either dead or alive, in his possession between March 1 and November 15, of each year. Penalty for violations of this act. How recovered. Violation a misdemeanor. Penalty.

SEC. 4. That any person violating the provisions of this act shall forfeit and pay the sum of ten dollars for each offence to be recovered in a court of a Justice of the Peace one-half of which shall go to the informer, and also be guilty of a misdemeanor and upon conviction shall be fined not exceeding twenty dollars or imprisoned not exceeding twenty days.

Applies only to Cabarrus County. Effective from ratification.

SEC. 5. That this act shall apply only to Cabarrus 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 the 4th day of March, A. D. 1901.

## CHAPTER 345.

**An act for the relief of Clerk of the Superior Court of Montgomery County.***The General Assembly of North Carolina do enact:*

SECTION 1. That the Clerk of the Superior Court of Montgomery County, be and he is hereby authorized to be absent from his office the second Monday in each month, and in September and February he may be absent the first Monday also: *Provided, however,* that during his absence he shall leave the office in charge of a competent deputy.

Clerk of Superior Court of Montgomery County, may be absent from office second Monday in each month, and also first Mondays in September and February.

SEC. 2. That this act shall be in force during the years nineteen hundred and one and nineteen hundred and two.

Provided he leaves competent deputy in charge.

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

To be in force for 1901 and 1902. Effective from ratification.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1901.

## CHAPTER 346.

**An act to prohibit the manufacture and sale of intoxicating liquors within two miles of the Thomasville Baptist Orphanage.***The General Assembly of North Carolina do enact:*

Unlawful to manufacture and sell spirituous, vinous, malt or fermented liquors, etc., within two miles of the Thomasville Baptist Orphanage.

Proviso.

Violation of act a misdemeanor.  
Penalty.

Aiding, abetting or encouraging violations of this act a misdemeanor.

Penalty.

Act not to repeal any other prohibitory law relating to same place.

Conflicting laws repealed.

Effective from ratification.

SECTION 1. That it shall be unlawful for any person, firm or corporation to manufacture or sell, barter, exchange or dispose of in any manner directly or indirectly, for gain, reward or anything of value, any spirituous, vinous, malt or fermented liquors, brandy peaches, bitters or any liquor of any name or kind which is intoxicating within two miles of the Thomasville Baptist Orphanage: *Provided*, that any person may manufacture and sell wine and cider made from fruit raised on his premises where the same is not now prohibited by law.

SEC. 2. That any person 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. 3. Any person who shall in any manner, directly or indirectly, aid, abet, encourage or assist any person in the violation of any of the provisions of this act shall likewise 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 not have the effect to repeal any law which now prohibits the manufacture or sale of any kind of liquor within two miles of the Thomasville Baptist Orphanage.

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

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1901.

## CHAPTER 347.

**An act to prevent the manufacture and sale of any spirituous, vinous or malt liquors within the county of Duplin.***The General Assembly of North Carolina do enact:*

Unlawful to manufacture, sell or otherwise dispose of spirituous, vinous or malt liquors or intoxicating bitters in Duplin County.

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 Duplin: *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 be so construed as to apply to wine or cider manufactured from grapes, berries or fruit raised on the lands of the person so manufacturing it.

Provido as to sale by druggists for sickness on prescription of a regular practicing physician.

Not to apply to wine or cider made from grapes, berries or fruits raised on the land of the manufacturer.

Place of delivery construed to mean place of sale.

SEC. 2. That the place of delivering of any spirituous, vinous or malt liquors or intoxicating bitters within the county of Duplin shall be so construed as to mean the place of sale and that any station or other place within the aforesaid county of Duplin 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 purposes only.

Provido.

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.

Druggists duplicating prescriptions without written direction of the physician, guilty of a violation 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 or imprisoned for each and every offence or both in the discretion of the Court.

Violation of act a misdemeanor. Penalty.

SEC. 5. That any physician who shall make any prescription except in 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 shall be deemed guilty of a misdemeanor and fined in the discretion of the Court.

Physicians making prescriptions, except in case of sickness, for purpose of aiding in violation of this act, guilty of a 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 1st, A. D. 1901.

Effective July 1, 1901.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1901.

## CHAPTER 348.

## An act to establish stock law in certain portions of Pitt County.

*The General Assembly of North Carolina do enact:*

Stock law  
boundaries.

SECTION 1. That the following described territory on the south side of Tar River and on the north side of the main road leading from Washington to Greenville, be and the same is hereby declared to be stock law territory, to-wit: Beginning at the mouth of Bear Creek on Tar River, and running up Bear Creek to that point known as the public landing, and thence with the public landing road to the main road leading from Washington to Greenville, and thence with said main road to the fence law territory around Greenville; that this territory as above described on the one side and Tar River on the other shall constitute a stock law territory for the purposes of this act.

Fence to be  
maintained by  
land-owners.

SEC. 2. That each of the freeholders in the territory described in section one shall keep up and maintain along the main road a strong and stock proof fence so far as his lands shall extend along said road and until the land of his adjoining freeholder is reached, and that Bear Creek from its mouth to the public landing be and is hereby declared a lawful fence.

Fence Commis-  
sioners.

SEC. 3. That Alston Grimes, J. J. Laughinghouse and W. L. Wooten are hereby declared Fence Commissioners for the territory described in section one, and it shall be their duty to exercise a general supervision over the fences enclosing this territory, and that they shall continue as such till their successors are elected and qualified, and should one of their number die before an election, or resign, then the two remaining shall elect their associate in office. The Commissioners provided for in this section shall be elected every five years, if the freeholders in this territory shall so desire.

Duties.

Terms of office.

Vacancy, how  
filled.

Election of Com-  
missioners pro-  
vided for.

Failure of free-  
holders to main-  
tain fence,  
procedure and  
penalties.

SEC. 4. That if any of the freeholders in this territory shall fail to maintain a fence as required in section two, then it shall be the duty of the Commissioners to report the same to the grand jury of the county, and the offender shall be liable to the same fines and penalties as are prescribed in section 2880 of The Code of 1883.

Misdemeanor to  
leave gates open  
or injure fence.

SEC. 5. That it shall be unlawful for any person to leave any gate leading to or from this territory open or to tear down or in any manner maliciously interfere with the fences or gates. Any person so offending shall be guilty of a misdemeanor and fined not exceeding \$25.00, or imprisoned not more than thirty days.

Penalty.

SEC. 6. That it shall be unlawful for any stock to run at large in this territory except between the dates November 15th and March the 1st of each and every year, and that any person knowingly permitting his or her stock to run at large except during that period shall be guilty of a misdemeanor and fined not to exceed \$10.00 for the first offence and \$25.00 for the second offence.

Misdemeanor for stock to run at large, except between November 1 and March 1.

Penalty.

SEC. 7. That if any live stock shall be found at large within this district except as provided in section 6 and not on the lands of the owner of said live stock it shall be lawful for any person living within said district, and on whose lands said live stock may be, to take and impound the same and after five days' notice by any Justice of the Peace of the township wherein the live stock may be apprehended may order a sale of the same for cash at public auction at a public place, and after first paying the costs, including the expenses of keeping, feeding and impounding the same, shall turn over the surplus, if any, to the owner of such live stock: *Provided*, if the owner of such live stock so impounded shall pay to the party impounding the same, the sum of fifty cents per day for each head so impounded, then the same shall be released, and delivered to the owner.

Impounding and sale of stock found at large.

Proviso.

SEC. 8. That any person who shall run any stock in said territory that have any cholera or any other infectious or contagious disease, shall be guilty of a misdemeanor and fined \$50.00 or imprisoned in the discretion of the Court.

Misdemeanor to run infected stock in said territory.  
Penalty.

SEC. 9. That each fall it shall be the duty of the Fence Commissioners to notify each of the land owners in this territory how many stock they are to put in said territory, and that each land owner shall be permitted to put in stock in proportion to his cleared land.

How many stock may be put in said territory by each land-owner.

SEC. 10. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws 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 the 4th day of March, A. D. 1901.

## CHAPTER 349.

### An act to extend the stock law in Franklin County.

*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 Franklin County shall apply to the whole county of Franklin.

Stock law acts heretofore passed, applicable to whole county of Franklin.

SEC. 2. That the County Commissioners of said county are hereby authorized and empowered to dispose of at either public



County Commissioners authorized to dispose of unnecessary fences.

Moneys in hands of Treasurer belonging to the fence fund, to be turned into general county funds.

Effective April 1, 1901.

or private sale, as they may deem best, the public fences of said county, the keeping up of which may be rendered unnecessary by this act.

SEC. 3. That all moneys in the hands of the Treasurer or Sheriff of Franklin County belonging to the fence fund are hereby directed to be turned over to the general fund of said county to be used and appropriated as are other moneys belonging to said general fund.

SEC. 4. That this act shall be in force from and after April 1, 1901.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1901.

## CHAPTER 350.

**An act to prohibit the manufacture of spirituous and malt liquors, and to prohibit the sale of all intoxicating liquors in Pender County.**

*The General Assembly of North Carolina do enact:*

Unlawful to manufacture or sell spirituous, vinous or malt liquors, brandy peaches, bitters, etc., in Pender County.

Violation a misdemeanor.

Penalty.

Misdemeanor to aid, abet, encourage or assist in violation of act.

Punishment.

Proof of defendant obtaining United States license to manufacture or sell in Pender County, prima facie evidence of violation of act.

Act not to repeal any other prohibitory law affecting Pender County.

Effective from ratification.

SECTION 1. That it shall be unlawful for any person to manufacture in Pender County any spirituous or malt liquors, or in said county to sell, barter, exchange or dispose of in any manner, directly or indirectly, for gain, reward or anything of value, any spirituous, vinous, malt or fermented liquors, brandy peaches, bitters, or any liquor of any name or kind which is intoxicating.

SEC. 2. That any person 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.

SEC. 3. That any person who shall in any manner, directly or indirectly, aid, abet, encourage or assist any person in the violation of any of the provisions of section one above, shall likewise be guilty of a misdemeanor, and shall be punished as provided in section two.

SEC. 4. That in all indictments or prosecutions for the violation of this statute proof that the defendant has since the passage of this act obtained a license from the United States, either to manufacture or sell liquors in said county of Pender, shall be *prima facie* evidence of the violation of this statute.

SEC. 5. That this act shall not have the effect to repeal any law which now prohibits the manufacture or sale of any kind of liquor in any place in said 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 the 4th day of March, A. D. 1901.



## CHAPTER 351.

**An act to establish a graded school in Marion, North Carolina.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That the town of Marion shall be and constitute a public school district, to be called the Marion Graded School District.

Town of Marion established as Marion Graded School District.

§53. 2. That the Graded School Committee of the town of Marion 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, and that Thomas Morris, J. G. C. Bird, E. J. Justice, G. G. Eaves and Geo. Q. White shall constitute said committee; that the term of office of Thomas Morris shall expire on the first Monday of May, 1902; that the term of J. G. C. Bird shall expire on the first Monday in May, 1903; that the term of E. J. Justice shall expire on the first Monday of May, 1904; that the term of G. G. Eaves shall expire on the first Monday of May, 1905; that the term of Geo. Q. White shall expire on the first Monday of May, 1906. As the terms of office of the members of the said committee, as above provided shall expire, their successors shall be elected for a term of five years by the Aldermen of the town of Marion at their first meeting after their election and qualification. Whenever any vacancy occurs in said committee, except by expiration of the term of office, the vacancy for the unexpired term of the member, or members shall be filled by the said committee.

Graded School Committee to consist of five members.

Graded School Committee appointed.

Terms of office.

As terms of office expire, successors to be elected for a term of five years, by the Board of Aldermen.

Vacancies, 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 officers and teachers of public or graded schools annually, subject to removal by the said committee; shall make an accurate census of the school population of said district, as required by the General School Law of the State, and do 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 said school free of tuition charges.

Powers and duties of School Committee.

Proviso.

SEC. 4. The School Committee created by this act may elect annually a Superintendent of the school. The said Superintendent shall examine all applicants for teachers' positions in the said school, and issue certificates to the same, and shall do

School Committee to elect a Superintendent.

Duties of Superintendent.

Board of Aldermen to levy annual school tax.

Maximum amount of tax.

Amount to be determined by Graded School Committee.

How collected.

Proviso.

Right to levy to be authorized by qualified voters. Sheriff of McDowell County to turn over fifty per cent of license taxes paid by liquor dealers of Marion for support of said school.

Moneys apportioned to said district under general school law to be turned over by County Treasurer to Treasurer of Graded School Committee.

Committee to elect Treasurer. Treasurer's receipt sufficient voucher.

Treasurer to report monthly. All moneys coming into Treasurer's hands to be disbursed under direction of Committee, whose warrants, duly signed, to be only valid vouchers in Treasurer's hands, of disbursements.

Treasurer to make annual report to Aldermen first Monday in July.

and perform such other duties as may be prescribed by said School Committee.

SEC. 5. That it shall be the duty of the Board of Aldermen of the town of Marion to levy annually at their meeting in June a tax of not more than fifty cents on the one hundred dollars valuation of property in said school district, and not more than one dollar and fifty 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 to be determined by the said Graded School Committee and the amount so determined and certified by said committee shall be levied by the said Board of Aldermen, and the taxes so levied shall be collected by the Town Tax Collector, and accounted for as other taxes, but to the treasurer of said School Committee, as collected, and the said Board of Aldermen are hereby given full power and authority to levy said tax upon the property and polls, within said district: *Provided*, the right to levy and collect this said tax shall be authorized by a majority of the qualified voters in said district as is herein provided for by this act. It shall be the duty of the Sheriff of McDowell County for the further support and maintenance of said school to turn over to the treasurer of said committee fifty per cent of the amount received by him from the liquor dealers of the town of Marion, for county school purposes.

SEC. 6. That the moneys which shall from time to time be apportioned under the General School Law of the State to the above-described school district, shall be turned over by the Treasurer of McDowell County to the treasurer of said School Committee, for the benefit of said school.

SEC. 7. That said School Committee shall elect one of their number as treasurer, and whose receipt 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 money coming into his hands shall be held by the treasurer of said committee fund to be disposed of under the directions 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 said treasurer for the disbursement of said money in any settlement required of him by the law. The said treasurer shall furnish annually on the first Monday in July to the Board of 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 School Committee: *Provided*, Proviso. the accounts, books and vouchers of the said treasurer shall be open for the inspection of the said School Committee at any time.

SEC. 8. That the said committee shall make to the Board of Aldermen annually at such time as is required under the School Law of the State, a report containing an accurate census of the school population of the said district showing the work done, any money expended under their directions 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 McDowell. The beginning and ending of the school year shall be fixed by the committee. Committee to make report to Board of Aldermen.  
Report, what to contain.  
Copy of report to be forwarded to State Superintendent of Public Instruction, and copy to County Superintendent.

SEC. 9. The School Committee provided for by this act shall have the right to control the site, lands, buildings and other property belonging to the "Trustees of the Marion Academy or High School," and the title thereto is hereby vested in said committee and their successors, and said School Committee shall succeed to all the rights given and belonging to the "Trustees of the Marion Academy or High School," under and by virtue of the act incorporating the same. School Committee to have control of property of Trustees of Marion Academy or High School, and title thereto vested in said committee.

SEC. 10. The School Committee hereby created shall be a body corporate by the name and style of "the Marion Graded School," and by that name shall be capable of receiving gifts and grants, of making purchases and holding real and personal estate, of selling, mortgaging and transferring the same for school purposes, of prosecuting and defending suits for or against the corporation hereby created, conveyance to said School Committee shall be to them and their successors in office; and all deeds and other agreements affecting real estate shall be deemed sufficiently executed when signed by the chairman and secretary of said committee. Corporate name and style of committee.  
Corporate rights and powers.

SEC. 11. That for the purpose of improving and enlarging, and properly furnishing the present academy building in said town the Board of Aldermen of said town of Marion are hereby authorized and empowered, and it shall be their duty to submit to the qualified voters of said town a proposition to issue not more than three thousand dollars in coupon bonds of said town, said proposition to be submitted to the said voters at the municipal election in May, 1901. That notice of the said election shall be published in a newspaper published in said town for four weeks at the court-house door, and five other place in said town. Said notice shall contain the amount proposed to be borrowed, the rates of interest, the time at which the bonds are to be Question of issue of bonds for school purposes to be submitted to qualified voters by Board of Aldermen.  
Amount of issue to be submitted.  
Question to be voted on at municipal election in May, 1901.  
Notice of election to be published.  
What to contain.

Election held as other municipal elections.

Vote to be by ballot.

If proposition adopted, Board of Aldermen to issue bonds.

Interest, how payable.

Bonds, how signed.

Bonds to be turned over to Graded School Committee for sale.  
Proviso.

Board of Aldermen to provide by taxation for payment of interest on bonds and principal as the same may become due.

Board of Aldermen to submit question of tax levy for support of schools to voters at same time as question of bond issue.

Vote to be by ballot.

A majority being "For Levy," board to levy tax.

If majority "Against Levy," aldermen not to levy tax until question be again submitted and approved by majority of voters.

Proviso.

Question of levy defeated, same may be submitted at any annual election upon written petition of one-half of qualified voters.

come due, and the object to which the same is to be applied, and said proposition shall provide for the payment of the interest on said bonds. That said election shall be held as other municipal elections as provided for in the charter of the town. That the vote on the said proposition shall be by ballot, which shall be written or printed, and those voting for the issuing of the bonds shall have written or printed on their ballots "For Schools" and those voting against the proposition, shall have written or printed on their ballots "Against Schools." That if the proposition shall be adopted by a majority of the qualified voters of said town, the Board of Aldermen shall cause bonds to be issued in the name of the town of Marion in such denominations as they may deem best, bearing six per centum interest payable semi-annually, and payable at such time as shall be designated in the proposition submitted. The bonds shall be signed by the Mayor, and countersigned by the secretary of the board, and shall have the seal of the town affixed thereto. That when said bonds are issued the Board of Aldermen shall turn them over to the Graded School Committee for sale: *Provided*, that said bonds shall not be sold for less than their par value. It shall be the duty of the said Board of Aldermen, where the said bonds are issued, to provide by taxation on all of the subjects of taxation within the corporate limits of said town to meet the interest on said bonds, and the principal as the same may become due. The Board of Aldermen of the town of Marion shall, at the same time, and in the same manner, submit to the qualified voters of said town the question of levying a tax for the maintenance and support of said graded school as provided for in this act. The vote on said proposition shall be by ballot, upon which shall be written or printed the words "For Levy" and upon others "Against Levy," and if a majority of said ballots cast shall have written or printed upon them "For Levy," then the said Board of Aldermen shall levy said tax as provided for in this act. Should a majority of the ballots cast have written or printed on them "Against Levy," then the said Board of Aldermen shall not levy said tax until the same is again submitted to the qualified electors of said town for the approval and adoption by a majority of the votes cast as above provided for: *Provided*, that in no event shall the proposal to levy said tax, in any way, effect the other provisions of this act, so as to make the same void or inoperative. Should the proposition to levy said tax for the support and maintenance of said graded school be defeated at any election at which the same may be submitted to a vote of the qualified electors of said town as herein above set forth. That the said Board of Aldermen of

the town of Marion upon the written petition of one-half of the qualified voters of said town shall submit the question of levy or no levy as above set forth at any annual municipal or special election called by them for that purpose after public advertisement of the same in the newspapers published in said town under the same rules and regulations now provided for, for annual municipal elections.

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.

Effective from ratification.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1901.

## CHAPTER 352.

### An act to establish a new township in Madison County.

*The General Assembly of North Carolina do enact:*

SECTION 1. That township number fourteen in said county shall be divided into two townships, as follows: Beginning on top of the dividing mountain between Roaring Fork and Foster's Creek and thence running with the extreme top of the Peter's Cove Mountain to Garrett's Gap; thence a straight line to Devil's Knob; thence with the extreme top of the ridge to the Walnut Mountain; thence with the top of said mountain to the line of number 10 township in said county; thence to the beginning.

Township No. 14, Madison County, divided.

Boundaries and dividing lines.

SEC. 2. That that part of township number fourteen and included within the boundaries set forth in section one of this act, shall be known as township number sixteen of Madison County and by the name of Foster's Creek Township.

Township bounded in Section 1 to be known as Township No. 16,, and Foster's Creek Township.

SEC. 3. That T. J. Ramsey and J. W. Lewis be and they are hereby appointed as Justices of the Peace in said township, whose term of office shall begin immediately after they shall have been appointed and qualified, and to continue till their successors are elected and qualified.

T. J. Ramsay and J. W. Lewis appointed Justices of the Peace.

SEC. 4. That all laws and clauses of law 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.

Effective from ratification.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1901.



## CHAPTER 353.

**An act to amend Chapter 456 of the Public Laws of 1899.***The General Assembly of North Carolina do enact:*

Section 1, Chapter  
456, Public Laws  
1899, amended.

SECTION 1. Amend chapter four hundred and fifty-six (456) of the Public Laws of eighteen hundred and ninety-nine (1899), section one (1), line one (1), by adding between the word "persons" and "hauling" the word "corporation," and further amend the aforesaid law by striking out the word county in line three (3), section one (1), and insert in lieu thereof the following, "and Beaufort counties;" and still further amend said law by adding the word "corporation" between the words "person" and "violating" in line one (1), section two (2), of the said act.

Section 2  
amended.

Effective from  
ratification.

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. 1901.

## CHAPTER 354.

**An act to prohibit the manufacture of spirituous and malt liquors, and to prohibit the sale of all intoxicating liquors in Bladen County.***The General Assembly of North Carolina do enact:*

Unlawful to  
manufacture and  
sell, or otherwise  
dispose of spiritu-  
ous, vinous, malt  
or fermented  
liquors in Bladen  
County.

SECTION 1. That it shall be unlawful for any person to manufacture in Bladen County any spirituous or malt liquors, or in said county to sell, barter, exchange or dispose of in any manner, directly or indirectly, for gain, reward or anything of value, any spirituous, vinous, malt or fermented liquors, brandy, peaches, bitters or any liquor of any name or kind which is intoxicating: *Provided*, that any person may manufacture and sell wine and cider made from fruit raised on his premises where the same is not now prohibited by law.

Proviso.

Violation a  
misdemeanor.

SEC. 2. That any person 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.

Penalty.

Misdemeanor to  
encourage, aid or  
abet, directly or  
indirectly, the  
violation of this  
act.

Penalty.

SEC. 3. That any person who shall in any manner, directly or indirectly, aid, abet, encourage or assist any person in the violation of any of the provisions of section one above, shall likewise be guilty of a misdemeanor, and shall be punished as provided in section two.



SEC. 4. That in all indictments or prosecutions for the violation of this statute, proof that the defendant has since the passage of this act obtained a license from the United States, either to manufacture or sell liquors in said county of Bladen, shall be *prima facie* evidence of the violation of this statute.

Proof of possession of United States license to manufacture and sell, *prima facie* evidence of violation of this act.

SEC. 5. That this act shall not have the effect to repeal any law which now prohibits the manufacture or sale of any kinds of liquor in any place in said county.

Other prohibitory laws relative to Bladen County not repealed.

SEC. 6. That this act shall be in force from and after July 1, 1901.

Effective July 1, 1901.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1901.

#### CHAPTER 355.

An act to amend Chapter 74 of the Laws of 1897 entitled "An act for the protection of game in Warren County, and for the regulation of hunting and shooting of same."

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter 74, Acts 1897, be amended by striking out in section one (1) thereof, all after the word "Warren" in line three (3), and inserting in lieu thereof "between the first day of March and the first day of November in each year."

Chapter 74, Laws 1897, amended.

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

Effective from ratification.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1901.

#### CHAPTER 356.

An act to change the line between Mayo and Price Townships in Rockingham County.

*The General Assembly of North Carolina do enact.*

SECTION 1. That a new line shall be run between Mayo and Price Township in Rockingham County as follows: Beginning at the fork of Buffalo and Lickfork Creeks and running up Lickfork Creek as it meanders to Richard Irvin's ford; thence west to the old line where it crosses the Roanoke and Southern Railway; thence with the old line.

Line between Mayo and Price townships, Rockingham County, defined.

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

Effective from ratification.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1901.

## CHAPTER 357.

**An act directing the payment of certain claims for services rendered concerning the oyster industry of North Carolina.**

*The General Assembly of North Carolina do enact:*

Public Treasurer  
authorized to pay  
certain oyster  
claims.

SECTION 1. That the Public Treasurer of the State of North Carolina be and he is hereby authorized and directed to pay out of any money in the Treasury belonging to the Shell-Fish Funds the amounts set forth in this act as follows: To C. T. Williams, \$94.44; to I. H. Scarbough, \$33.33; to E. H. Williams, Jr., \$33.33.

Auditor to draw  
warrants.

SEC. 2. The Auditor of the State be and he is hereby authorized and directed to draw his warrant upon the said Treasurer in favor of each of the persons for the amounts directed to be paid in section first of this act.

Conflicting laws  
repealed.

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

Effective on  
ratification.

SEC. 4. 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. 1901.

## CHAPTER 358.

**An act to pay a claim of one hundred and sixty-six dollars to John F. Foster for services rendered the State in the interest of the shell-fish industry of North Carolina.**

*The General Assembly of North Carolina do enact:*

Public Treasurer  
directed to pay  
John F. Foster  
\$166.00 for services  
rendered the  
State.

SECTION 1. That the Public Treasurer of the State of North Carolina be and he is hereby authorized and directed to pay out of any money in the Treasury, belonging to the Shell-Fish Funds the sum of one hundred and sixty-six dollars, for five months' services rendered, to John F. Foster at South Mills, North Carolina.

Auditor directed  
to draw warrant.

SEC. 2. That the Auditor of the State of North Carolina be and he is hereby authorized and directed to draw his warrant upon the said Treasurer in favor of said John F. Foster for the sum of \$166.00) one hundred and sixty-six dollars, the amount directed to be paid in section one (1) of this act.

Conflicting law  
repealed.

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

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1901.

## CHAPTER 359.

**An act to prohibit the killing of game in Granville County between certain seasons.***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 birds and blue birds at any time.

SEC. 2. That it shall be unlawful to kill or shoot, trap or net any partridges, quail, doves, robins, larks or wild turkeys between the first day of March and the fifteenth day of October in each year.

Unlawful to kill or trap partridges, quail, doves, robins, larks and wild turkeys between March 1 and October 15.

SEC. 3. That any person violating the provisions of this act shall be fined or imprisoned, or both at the discretion of the Court.

Violation a misdemeanor. Penalty.

SEC. 4. That this act shall apply only to Granville County.

Applies to Granville County.

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

Conflicting laws repealed.

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

Effective from ratification.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1901.

## CHAPTER 360.

**An act authorizing the Commissioners of Yadkin County, N. C., to sell the old jail site.***The General Assembly of North Carolina do enact:*

SECTION 1. That the Commissioners of Yadkin County, N. C., be and they are hereby authorized to sell the vacant lot in Yadkinville, Yadkin County, N. C., known as the old jail lot. That said sale may be either public or private in the discretion of the Commissioners.

County Commissioners authorized to sell old jail site at Yadkinville at either public or private sale.

SEC. 2. That upon said sale upon the receipt of the purchase price from the purchaser for the property sold, the said Commissioners shall execute a deed to said property to said purchaser in fee-simple.

Commissioners to execute deed on payment of purchase-money.

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

Effective on ratification.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1901.

## CHAPTER 361.

## An act to protect certain game birds.

*The General Assembly of North Carolina do enact:*

Unlawful to kill or shoot, net or trap, quails or partridges between March 1 and November 1, each year.

Applicable only to Currituck, Camden and Pasquotank counties.

Violation a misdemeanor.

Penalty.

Conflicting laws repealed.

Effective from ratification.

SECTION 1. That no person shall kill, or shoot, or net, or trap any quail or partridges between the first day of March, and the first day of November of each year: *Provided*, this act shall apply only to the counties of Currituck, Camden and Pasquotank.

SEC. 2. Any person violating this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten nor more than twenty dollars or imprisoned not more than twenty days.

SEC. 3. That all laws or clauses of laws in conflict with this act in reference to quail or partridges in Currituck, Camden or Pasquotank counties, 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 4th day of March, A. D. 1901.

## CHAPTER 362.

## An act to protect game in Mitchell County.

*The General Assembly of North Carolina do enact:*

Unlawful to hunt, shoot, wound or kill deer in Mitchell County, between the 15th of November and the 15th of October, then only with written consent of land-owner.

Unlawful to hunt deer with dogs at any time.

Violation of act a felony.

Penalty.

Possession of deer-meat or green deer hide to be *prima facie* evidence of violation of act.

SECTION 1. That it shall be unlawful for any person to hunt with gun or dogs, or to shoot, or wound, or kill any deer in the county of Mitchell between the 15th day of November and the 15th day of October in each year, and then only with the written consent of the owner of the land on which the hunting is done.

SEC. 2. That it shall be unlawful for any person to hunt deer with dogs at any time during the year in Mitchell County.

SEC. 3. Any person violating any of the provisions of this act shall be guilty of a felony and upon conviction shall be imprisoned in the county jail or State's prison within the discretion of the Court, not exceeding two years in jail or ten years in the penitentiary.

"

SEC. 4. That in any prosecution under this act evidence that the person charged has in his possession any deer meat or green deer hide, will be taken as *prima facie* evidence that such person has violated this act and place upon such person the burden of showing his innocence, and it shall not be necessary after that fact is established to show the particular time or place when the offence was committed.

SEC. 5. To encourage the observance of this act, all persons who procure the conviction of anyone who violates the provisions of same shall be paid the sum of ten dollars to be taxed in the bill of cost, and paid by the person convicted.

Person procuring conviction to be paid \$10.00, to be taxed in bill of costs.

SEC. 6. All laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 7. This act shall only apply to Grassy Creek and Snow Creek Townships in Mitchell County.

Only applicable to Grassy Creek and Snow Creek townships, Mitchell County.

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

Effective from ratification.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1901.

### CHAPTER 363.

#### An act to protect fish in certain streams in Yancey County.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person or persons to fish with seine, hook or gig in Price's Creek, Big Bald Mountain Creek, Big Creek, Canel River, and Little Bald Mountain Creek in Yancey County, without first obtaining a written permission from land holders or agents.

Unlawful to fish in certain streams in Yancey County without written permission of land-owner.

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.

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 the 4th day of March, A. D. 1901.

### CHAPTER 364.

#### An act to prevent the entering of certain lands in Onslow County.

*The General Assembly of North Carolina do enact:*

SECTION 1. That no person shall be allowed to enter and obtain a grant for any land in the waters of Onslow County, in which the tide ebbs and flows, within thirty feet (30 feet) of the shore at low water mark, unless the enterer shall be the owner of the adjacent shore.

No person to enter tide lands except owner of adjacent shore.

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

Effective from ratification.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1901.

## CHAPTER 365.

**An act to incorporate the town of Jonesville in the county of Yadkin.***The General Assembly of North Carolina do enact:*Town of  
Jonesville  
incorporated.

SECTION 1. That the town of Jonesville in the county of Yadkin be and the same is hereby incorporated by the name and style of the town of "Jonesville" and it shall be subject to all the provisions of law now existing in reference to incorporated towns.

Corporate limits  
defined.

SEC. 2. That the corporate limits of said town be as follows: Beginning at the northwest corner of S. W. Cockerham's land on bank of river and runs with his line to Greenwood old gate, then a direct line to T. A. Atkins' spring, then south to the Dalion spring branch, then down said branch to the creek to the ford on the Boonville road, then a direct line to the northwest corner of T. L. Shugart's farm on the river, then up the river to the beginning.

Town officers.

SEC. 3. That the officers of said town shall consist of a Mayor, five Commissioners and a Constable, and the Commissioners shall have power to appoint a secretary and treasurer.

Corporate powers  
and duties.

SEC. 4. That said Commissioners shall have and exercise all corporate powers and duties as are conferred upon Commissioners of incorporated towns under The Code and in addition thereto they shall have power to pass by-laws, rules and regulations for the government of the town, not inconsistent with the laws of the State and of the United States and to impose fines and penalties for the violation of town ordinances and collect the same for the benefit of the town: *Provided*, the tax levy shall not exceed 25 cents on the hundred dollars valuation and seventy-five cents on each poll.

Proviso.

Election for town  
officers first  
Monday in May,  
1902, and yearly  
thereafter.

SEC. 5. There shall be an election for officers mentioned in this act on the first Monday in May, 1902, and every year thereafter under the same restrictions that county and State elections are held and until an election is held on the first Monday in May, 1902, the following persons shall fill same [said] offices, viz.: Mayor, Prof. J. T. Smith; Commissioners, J. H. Booth, T. A. Atkins, K. M. Thompson, N. J. Speer and Dr. J. T. Burrus; Constable, E. J. B. Messick.

Mayor and  
Commissioners  
appointed.Conflicting laws  
repealed.

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

Effective on  
ratification.

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, A. D. 1901.



## CHAPTER 366.

**An act to create a Road Commission for Union County.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That C. N. Simpson, J. M. Fairly and T. E. Williams are created the "Road Commissioners of Union County," and shall hold their said office respectively for one, two and three years, in the order of their names as herein set out, and thereafter each of them or his successor shall be elected for a term of three years by the two whose terms do not expire and the chairman of the Board of County Commissioners of said county, who shall meet on the first Monday of the month previous to the expiration of any one term or as soon thereafter as practicable and elect one Commissioner to succeed the one whose term is about to expire. Two of said Road Commission shall be citizens of the city of Monroe and one a citizen of Monroe Township.

SEC. 2. That the said Road Commission shall have full supervision and control of the convict force sentenced to work on the public roads of Union County and of such others as may be sentenced from other counties by any Judge of the Superior, Criminal or other Courts of the State, and shall have the supervision of all public roads in Monroe Township and of such other roads in other townships of the county as it shall take charge of under this act as hereinafter provided. It shall be the duty of said Road Commission to look after the care and comfort of the convict force, have the convicts properly guarded, clothed and fed, employ a physician to attend the convicts and generally to provide for the efficiency of the convict force in working the public roads of said township or any other township where the said force may be worked.

SEC. 3. That the road machinery, stock, wagons, material, appliances, tools and all other things now used by the Superintendent of the chain-gang in said township shall be turned over to the said Road Commission, which is charged with the safe-keeping of the same, and the Road Commission shall have power and authority to purchase such other tools, material, stock, machinery or other appliance or thing necessary for the proper working of the public roads under their supervision by the convict force or hired labor, which shall be paid for out of the funds raised for working the public roads of said township. That all orders for the payment of any money directed to be paid out on account of the duties devolving upon the Road Commission, shall be signed by their chairman, and one member of the Commission acting as secretary for said Road Commission

C. N. Simpson, J. M. Fairly and T. E. Williams created Road Commissioners of Union County.  
Term of office.

Vacancies, how filled.

To have full control of convicts sentenced to work on roads of Union County, and supervision of roads in Monroe and other townships.

Duty to look after care and comfort of convict force.

All road machinery of County to be turned over to the Road Commission.

Power to purchase tools and machinery.

Orders for payment of money to be signed by chairman and member acting as secretary.

Treasurer of County to charge orders to road fund.  
 Proviso.

and shall be drawn on the Treasurer of Union County, who shall charge said orders to the road fund raised by taxation, in Monroe Township: *Provided*, the said Road Commission may order money paid out of the road funds of any other township, in which it shall do any work under the provisions of this act. The cost of repairing and building bridges shall be paid out of the general funds of the county as heretofore under the general law.

Duty as to public roads of Monroe Township, how worked.

SEC. 4. That it shall be the duty of said Road Commission to work the public roads of said township from the court-house square in the city of Monroe towards and extending to the township lines and when such roads have been worked to the township line, the Road Commission may extend the working of such public roads in any other township so long as the road fund of such other township will be sufficient to pay the total expenses of such work during the time it is working in said township, and when such work is being done, the road funds of said township shall be subject to the orders for the payment of the expenses of the chain-gang which may be drawn on it by the Road Commission, and when the Road Commission shall arrange to work the roads of any other township, no tax-payer shall be permitted to pay the road tax due in said township by him by work on the public roads.

May extend work into other townships.

Work in other townships, township to pay expenses out of road fund.

No tax payer to pay road tax in work.

Width of road beds.

SEC. 5. That said Road Commission, in constructing and working the public roads herein named, shall make the road-bed not less than twenty-four feet and not more than thirty-four feet wide, one-half of which shall be macadamized as soon as expedient, and in constructing said roads, the Commission shall make them as straight as practicable and grade them. In laying out, opening, constructing or working any public road in said county, the Road Commission or any Superintendent acting under them, shall have the right to enter upon the lands of any person, over whose lands the road may pass, and may proceed to open the said road and use such stone, earth, timber or other material as may be necessary for the work, doing as little injury as possible to the property, and the said Road Commission shall have authority to agree with the owner as to the damages sustained by him, and the sum so agreed upon shall be immediately certified to the Board of County Commissioners, which shall order the same paid out of the general funds of said county. In case the Road Commission and the owner can not agree on the amount of damages, then each shall select one arbitrator, and the two selected shall select a third arbitrator, and the three together shall assess the damages, and if the Road Commission or the owner shall be dissatisfied, either shall

Macadamizing roads.

Roads to be straight as practicable.

Right of Commission to enter on lands and upon roads.

May agree with owner as to damages.

Sum agreed upon to be certified to County Commissioners.

On failure to agree, each party to select arbitrator, and arbitrator to select a third person.

have a right of appeal to the Superior Court: *Provided*, the injured party shall first pay the costs accrued, which shall be repaid by the losing party in the final determination of the matter, and execute sufficient bond to secure costs awarded on appeal.

Right of appeal  
by either party.  
Provido as to  
costs.

SEC. 6. That this act shall not have the effect of repealing the general law applicable to the working of public roads in the several townships of Union County, except that all overseers working and keeping in repair the public roads constructed by the chain-gang shall at all times be under the control and direction of the Road Commission herein provided for, and any overseer refusing to act under the direction of said Road Commission shall be guilty of a misdemeanor, and on conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days.

Act not a repeal  
of the general  
law.  
Exception.

SEC. 7. That the Road Commission may employ a Superintendent of the convict force, who shall have the immediate and personal supervision of the force and of their employment, see that they are cared for properly and that the work directed by the Road Commission is performed by the convict force in accordance with their direction, and generally to have charge of the camp, tools, machinery and other property pertaining to the convict force. The said Superintendent shall report directly to the said Road Commission any and all irregularities, failures to work by the convicts and the health of the convicts, and he may be discharged at any time by the Road Commission.

Misdemeanor for  
overseer to refuse  
to act under  
direction of Road  
Commission.  
Penalty.

Road Commission  
may  
employ superin-  
tendent of conv-  
ict force.  
Duties of  
superintendent.

Superintendent  
to report irregu-  
larities, etc., to  
Road Commis-  
sion.

SEC. 8. That for the purpose of providing a sufficient fund to pay the necessary expenses of the chain-gang or convict force, the Board of County Commissioners is required to levy annually, as other taxes are levied, a tax of thirty-three and one-third cents on every one hundred dollars worth of taxable property and one dollar on every taxable poll, and to cause the same to be inserted in the tax lists of Monroe Township for collection by the Sheriff of Union County. The funds arising from such taxation shall be used generally by the Road Commission to pay any and all expenses arising under this act, for which the county of Union may not be liable.

County Commis-  
sioners to levy  
annual tax for  
road fund, as  
other taxes are  
to be inserted in  
tax list of Monroe  
Township.

How collected.

How funds to be  
used.

SEC. 9. That this act shall not have the effect of repealing chapter 231 of the Public Laws of 1897, except so far as its provisions shall be in conflict with the provisions of this act, and all amendment to said chapter 231 of the Laws of 1897 are continued in force except as modified by this act.

This act not a  
repeal of Chapter  
231, Public Laws  
1897, except when  
two acts conflict.  
Amendments.

SEC. 10. That it shall be the duty of the Road Commission to elect one of their number secretary of the Commission and it shall be his duty to keep an accurate account of all moneys

Road Commis-  
sion to elect  
one of their num-  
ber secretary.

Duties of  
secretary.  
To publish  
annual state-  
ment.

Compensation of  
Commission.

Proviso.

To keep correct  
inventory of all  
property,  
machinery, etc.

Inventory to be  
open to in-  
spection.

Effective from  
ratification.

expended by the said Commission, the purpose for which it is expended and to whom paid, and annually to publish a statement of such expenses in the same manner as the expenses of the county are required to be published.

SEC. 11. That the said Road Commission shall receive as compensation for their services, while actually engaged in performing the duties required by this act, two dollars per day each: *Provided*, no one of said Commission shall be paid more than forty-eight dollars in any one year.

SEC. 12 That it shall be the duty of the Road Commission to keep a correct inventory of all property, tools, machinery, stock, and all other property which it shall receive from the county of Union and also of all tools, machinery, stock, supplies or other property which it shall purchase, which said inventory shall be kept in a book, which shall be open for inspection at all proper hours of the day by persons interested as taxpayers.

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 4th day of March, A. D. 1901.

## CHAPTER 367.

### An act for the relief of C. D. Morgan, ex-Treasurer of Currituck County.

*The General Assembly of North Carolina do enact:*

Treasurer of Cur-  
rituck County  
authorized to pay  
C. D. Morgan, ex-  
Treasurer, \$491.42  
out of school  
fund.

SECTION 1. That the Treasurer of Currituck County be and he is hereby authorized to pay C. D. Morgan, ex-Treasurer of said Currituck County, the sum of (\$491.42) four hundred and ninety-one and 42-100 dollars out of the first moneys coming into the hands of said Treasurer to the credit of the school fund for said Currituck County, after July 1, 1901, the said sum of four hundred and ninety-one and 42-100 dollars (\$491.42), being the amount paid out by said C. D. Morgan while Treasurer of Currituck County, more than he received.

Effective from  
ratification.

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. 1901.

## CHAPTER 368.

**An act to amend an act entitled "An act for the relief of certain teachers and the Treasurer of Craven County," ratified 14th day of June, 1900.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That the said act entitled an act for the relief of certain teachers and the Treasurer of Craven County, being chapter 9, Laws of 1900, be amended by adding to section 1 of said act as follows: "And also to pay such legal vouchers for said years which were issued for necessary expenses in carrying on the public schools of said county."

Section 1, Chapter 9, Laws of 1900, amended.

Amendment.

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

Effective from ratification.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1901.

## CHAPTER 369.

**An act to validate the registration of certain conveyances.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That the probates of all deeds, mortgages and other instruments requiring registration made and executed by Alexander Taylor while acting as and being the *de facto* Clerk of the Superior Court of Greene County during the month of December, 1898, and during the year 1899, shall be and the same are hereby declared valid and binding to all intents and purposes as if the same had been taken before or ordered and made by the true and lawful Clerk of the Superior Court of Greene County.

Probates, etc., of Alexander Taylor while acting as *de facto* Clerk of Superior Court of Greene County declared valid.

SEC. 2. That the registration of all deeds, mortgages and other instruments requiring registration as made and accomplished by one W. E. Murphrey while acting as and being the *de facto* Register of Deeds of Greene County, North Carolina, during the month of December, 1898, and during the year 1899 shall be and the same are hereby declared valid and binding to all intents and purposes as if the same had been made and accomplished by the true and lawful Register of Deeds for Greene County, North Carolina.

Deeds and other instruments registered by W. E. Murphrey while *de facto* Register of Deeds of Greene County validated.

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 the 4th day of March, A. D. 1901.



## CHAPTER 370.

An act to amend Chapter 293, Public Laws of 1889, and Chapter 418, Public Laws of 1891, relating to the shell-fish industry in Onslow County.

*The General Assembly of North Carolina do enact:*

Section 3, Chapter 293, Public Laws 1889, stricken out, new section inserted.  
Compensation of Fish Commissioners.

SECTION 1. That section 3, chapter 293, of the Public Laws of 1889, be stricken out, and the following inserted in its place: "That the compensation of the members of the Board of Shell-Fish Commissioners shall be fixed by the Justices of the Peace; and that it shall not exceed, for each member, the sum of two dollars (\$2.00) per day and mileage, as allowed to the members of the Board of County Commissioners, which compensation shall be paid by the County Treasurer out of any money derived from the sale of franchises for the cultivation of oysters, or from the taxes levied on oyster grounds. The money so derived shall be set apart and kept separate from the other taxes, and after paying the expenses of the board as aforesaid, the balance shall annually on the first day of May be paid into the public school fund of the county."

How paid.

Balance oyster fund to be paid in public school fund.

Section 11, of Chapter 298, Public Laws 1889, stricken out and new section inserted.

No oysters to be taken between April 1 and October 1.

SEC. 2. That section 11 of chapter 298 of the Public Laws of 1889 be stricken out and the following inserted in lieu thereof: "That no persons shall take oysters from any natural beds as heretofore defined by the Board of Shell-Fish Commissioners of Onslow County or from any grounds not entered, between the first day of April and the first day of October following, north of the following line, to-wit: Beginning at triangulation point "Mount Milboro" on the chart of the United States Coast and Geodetic Survey, on New River, as made by party under Lieutenant Francis Winslow, of the United States Navy, and running thence a southeasterly course to triangulation point "Lighter" in the marsh on the east side of the channel; thence southeasterly to triangulation point "Shell" on the same chart on the east side of New River.

No person to take oysters between May 1 and August 1 except for his own consumption.

SEC. 3. That no person shall take or catch oysters from the natural rocks south of the foregoing line between the first day of May and the first day of August following, except for his own consumption.

Section 16, Chapter 298, Public Laws 1889, amended.

Meetings of Board.

SEC. 4. That section 16, chapter 298, Public Laws of 1889, be amended by striking out all of said section after the word "proceedings" in line three thereof, and by adding the following: "That said board shall meet on the second Monday in August and December of each year, and a majority shall constitute a quorum for the transaction of business. And it may



meet at any time upon a call of the chairman, but shall receive no compensation out of the oyster fund for more than two days in any one year, and shall receive no compensation for any call meeting.

SEC. 5. That no person shall be allowed to catch or dig for clams for purposes of sale anywhere in New River in the natural oyster beds north of the line indicated in section 2 of this act.

No person  
allowed to catch  
or dig clams.

SEC. 6. That sections 3 and 4, of chapter 419, of the Public Laws of 1891, be and the same are hereby repealed.

Sections 3 and 4,  
Chapter 419,  
Public Laws 1891,  
repealed.

SEC. 7. All oysters taken from any natural beds shall be culled upon the bed when taken, and all shells and small oysters under two inches long from the hinge to the mouth shall be returned to the bed from whence they were taken, except such small oysters as cling to large ones, and can not be removed without injury to each other: *Provided*, that this section shall not apply to oysters taken between the first day of September and the first day of April following for planting to private grounds entered or held under the laws of this State.

Oysters to be  
culled on beds  
when taken.

Proviso.

SEC. 8. That any person violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction, be fined not more than fifty (\$50) dollars or imprisoned not more than thirty (30) days for each and every violation thereof.

Violation of 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 its ratification.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1901.

## CHAPTER 371.

### An act to prevent fishing for perch with seines or nets in certain parts of New River in Onslow County.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful to fish for or to catch perch with seines or nets of any kind whatever in the waters of New River, in Onslow County, above the fork of the said river where the northeast and southwest prongs of said river empty into the same.

Unlawful to fish  
for or catch perch  
with seines or  
nets in waters of  
New River,  
Onslow County.

SEC. 2. That any person violating this act shall be guilty of a misdemeanor and upon conviction shall be fined not more than fifty dollars (\$50.00) or imprisoned not exceeding thirty days.

Violation a  
misdemeanor.  
Penalty.

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

Effective from  
ratification.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1901.

## CHAPTER 372.

**An act to protect deer and fish in Bladen and Columbus counties.***The General Assembly of North Carolina do enact:*

Unlawful to kill, chase or catch deer or fawns in Lake Waccamaw, Columbus County, between January 1 and October 1 of each year.

SECTION 1. That it shall be unlawful for any person or persons to kill, chase or catch any deer or fawn in Lake Waccamaw in Columbus County or within one-half mile of said lake, between the first day of January and the first day of October of each year.

Unlawful to catch fish in Waccamaw Lake and certain streams except with rod and line.

SEC. 2. That it shall be unlawful for any person or persons to catch fish in Waccamaw Lake, Big Creek, Livingston Creek or Wayman Creek, except with rod and line such as is usually held in the hand, and not more than six hooks shall be attached to any line.

Unlawful to drive and leave stakes in Waccamaw lake except for building boat-houses or wharves.

SEC. 3. That it shall be unlawful for any person or persons to leave any stake driven in Waccamaw Lake where the water is more than three feet deep, except for the purpose of building boat-houses or wharves.

Unlawful to set any traps for purpose of catching fur-bearing animals within one-half mile of Lake Waccamaw between April 1 and January 1, of each year.

SEC. 4. That it shall be unlawful for any person or persons to set any spring, steel or other trap or dead fall for the purpose of catching any fur-bearing animals within one-half mile of Lake Waccamaw, Columbus County, between the first day of April and the first day of January in each year: *Provided*, that any spring, steel or other trap or deadfall may be set inside of a lawful fence: *Provided further*, that traps having not less than a thirteen-inch spread of jaw shall not be set at any place within said limits without the person setting same first having posted notice at three public places in said township describing as near as possible the location of such trap.

Proviso.

Violation of act a misdemeanor.

SEC. 5. 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.

Penalty.

Act applies only to Bladen and Columbus counties.

SEC. 6. That this act shall apply only to Bladen and Columbus counties.

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, A. D. 1901.

## CHAPTER 373.

**An act authorizing sureties of J. C. Hallyburton to collect town taxes of Morganton for 1897.***The General Assembly of North Carolina do enact:*

SECTION 1. That D. B. Mull, John Martin, R. J. Hallyburton, P. L. Sudderth, sureties of J. C. Hallyburton, Tax Collector for the town of Morganton, for the year 1897, have full authority to collect the unpaid taxes due the town of Morganton for the year eighteen hundred and ninety-seven, in the manner provided by law for collection of taxes for said year.

Sureties of J. C. Hallyburton, tax collector for town of Morganton, authorized to collect unpaid taxes for year 1897.

SEC. 2. That D. B. Mull for said sureties is hereby authorized to sell lands situate in said town for said taxes in the manner provided by law, if necessary, and if not redeemed in the manner provided by law, to execute deed to purchaser: *Provided*, no land shall be sold or taxes collected under this act after December 1, 1901.

D. B. Mills authorized to sell land for said taxes.

Proviso.

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

In the General Assembly read three times, and ratified this the 4th day of March, 1901.

## CHAPTER 374.

**An act to authorize the Treasurer of Cleveland County to pay certain school claims.***The General Assembly of North Carolina do enact:*

SECTION 1. That the Treasurer of Cleveland County be and he is hereby authorized to pay the following-named school teachers the amounts after their names out of the school funds due now or hereafter to become due their respective districts, as stated below: District No. 29, Miss Jennie Elliott, \$7.50; District No. 46, Mrs. Eva Gold, \$33.71; District No. 47, R. L. Weathers, \$34.34; District No. 48, J. B. Rolan, \$34.04; District No. 50, M. L. White, \$35.25; District No. 51, J. T. S. Mauney, \$29.90; District No. 71, Miss Lizzie Lee Elliott, \$29.89; District No. 72, L. M. Nelson, \$33.59; District No. 76, Miss Sallie E. Jones, \$37.37; District No. 23, Florence Gidney, colored, \$34.27. The above amounts are balances due the said teachers for schools taught in the districts named in the above.

Treasurer of Cleveland county authorized to pay certain teachers amounts due for teaching public schools.

Names of teachers and amounts due.

SEC. 2. 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 the 4th day of March, A. D. 1901.

## CHAPTER 375.

**An act to increase the number of County Commissioners of Gaston County.***The General Assembly of North Carolina do enact:*

Marion D. Friday  
and J. William  
Kendrick  
appointed Com-  
missioners for  
Gaston County.

SECTION 1. That Marion D. Friday, of Dallas Township, Gaston County, and J. William Kendrick, of Cherryville Township, Gaston County, 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.

Five County  
Commissioners to  
be elected at next  
general election.

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 years thereafter five (5) County Commissioners for said county.

Appointees to  
qualify before  
Clerk Superior  
Court.

SEC. 3. That the said Marion D. Friday and J. William Kendrick 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, A. D. nineteen hundred and two (1902).

Term of office.

Secretary of State  
to send copy.

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 and to the Register of Deeds of said county immediately upon its ratification.

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1901.

## CHAPTER 376.

**An act to prevent the sale and manufacture of spirituous, malt or vinous liquors within two miles of Bethel Baptist Church in Pitt County.***The General Assembly of North Carolina do enact:*

Unlawful to  
make or sell in-  
toxicated li-  
quors, etc., in two  
miles of Bethel  
Baptist church,  
Pitt county.

SECTION 1. That it shall be unlawful for any person to manufacture or sell spirituous, vinous or malt liquors or any other substance liquid or solid that will produce intoxication within two miles of Bethel Baptist Church in Pitt County.

Violation of act a  
misdemeanor.  
Penalty.

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

Effective from  
July 1, 1901.

SEC. 3. This act shall be in force from and after the first of July, 1901.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1901.

## CHAPTER 377.

**An act for the protection of certain citizens of Transylvania County in regard to back taxes.***The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any Tax Collector, deputy, agent or other person acting for him to collect or offer to collect any taxes levied or demandable before September 1, 1899, till such Tax Collector shall have first filed with, and had accepted by the Board of County Commissioners of the county, and published according to law, a list of all the insolvent and itemized statement of the amount and nature of all the errors, and a list showing all the lands sold for taxes and bid in by the county showing whose land was sold and amount of taxes claimed for which he has been allowed credit, against the tax list in settlement with the County Commissioners.

Unlawful for any tax collector or deputy to collect taxes payable before Sept. 1, 1899, until list of insolvents has been filed and accepted by county commissioner and an itemized statement published.

SEC. 2. That such list so filed will entitle the Tax Collector to collect the arrears of taxes according to an act of the General Assembly, ratified February, 1901, only for the year or years represented by such list.

Such list so filed to entitle tax collector to collect arrears of taxes.

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

Act applicable only to Transylvania 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 4th day of March, A. D. 1901.

## CHAPTER 378.

**An act to allow the Board of County Commissioners of Watauga County to levy a special tax.***The General Assembly of North Carolina do enact:*

SECTION 1. That for the purpose of paying off and discharging any debts now standing against the county of Watauga, the Board of Commissioners of said county are hereby authorized and empowered to levy a special tax not to exceed three and one-third cents (3 1-3) on the hundred dollars worth of taxable property in said county and ten cents (10) on each poll, for the year nineteen hundred and one (1901).

Commissioners of Watauga county authorized to levy special tax to pay county indebtedness.

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. 1901.

## CHAPTER 379.

**An act to apportion the members of the House of Representatives.***The General Assembly of North Carolina do enact:*

Members of the House of Representatives apportioned.

Counties entitled to three members each.

Counties entitled to elect two members each.

Counties entitled to elect one member each.

SECTION 1. That until the General Assembly of North Carolina shall make another apportionment as provided by the Constitution and laws of North Carolina, the House of Representatives shall be composed of members elected from the counties in the following manner, to-wit: The counties of Mecklenburg and Wake shall elect three members each; the counties of Robeson, Guilford, Forsyth, Rockingham, Johnson, Wayne, Rowan, Pitt, Halifax, Cumberland, Iredell, Sampson, Randolph, Gaston, Union, Wilkes, Edgecombe, Beaufort and Buncombe shall elect two members each; the counties of Alamance, Alexander, Alleghany, Anson, Ashe, Bertie, Bladen, Brunswick, Burke, Cabarrus, Caldwell, Camden, Carteret, Caswell, Catawba, Chatham, Cherokee, Chowan, Clay, Cleveland, Columbus, Craven, Currituck, Dare, Davidson, Davie, Duplin, Durham, Franklin, Gates, Graham, Granville, Greene, Harnett, Haywood, Henderson, Hertford, Hyde, Jackson, Jones, Lenior, Lincoln, McDowell, Macon, Madison, Martin, Mitchell, Montgomery, Moore, Nash, New Hanover, Northampton, Onslow, Orange, Pamlico, Pasquotank, Pender, Perquimans, Person, Polk, Richmond, Rutherford, Scotland, Stanly, Stokes, Surry, Swain, Transylvania, Tytrell, Vance, Warren, Washington, Watauga, Wilson, Yadkin and Yancey, shall elect one member each.

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. 1901.

## CHAPTER 380.

**An act to protect land owners in Rutherford County.***The General Assembly of North Carolina do enact:*

Unlawful to hunt on lands of another without written consent of owner in certain townships in Rutherford County.

Violation of act a misdemeanor.

Penalty.

SECTION 1. That it shall be unlawful for any person to fish or hunt upon the lands of another in High Shoal Township, Colfax Township, Cool Spring Township or Sulphur Spring Township in Rutherford County except by consent of the owner first had and obtained in writing.

SEC. 2. Any person violating section one of this act shall be guilty of a misdemeanor and upon conviction shall be fined not exceeding ten dollars or imprisoned not exceeding twenty days.

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1901.



## CHAPTER 381.

**An act to provide for working convicts in Mitchell County.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of County Commissioners of Mitchell County are hereby authorized at their regular meeting on the first Monday in June, nineteen hundred and one (1901), or at any time thereafter, to devise plans for working the following classes of convicts on the public roads, or other public works of Mitchell County: First, all persons convicted of offences the punishment whereof would otherwise be imprisonment wholly or in part in the common jail; second, all persons convicted of crimes the punishment whereof would otherwise be wholly or in part imprisonment in the State Penitentiary for a term not exceeding five years.

Board of Commissioners of Mitchell County authorized to provide for working convicts on public roads.

Classes of convicts to be worked.

SEC. 2. All persons sentenced to jail by any Justice of the Peace and all insolvents who shall be imprisoned by any Court in the county for non-payment of cost or fine in criminal cases until they shall have paid fine and cost. The rate of compensation for said fine and cost shall be fifty cents per day (50 cts.): *Provided*, that no defendant committed by a Justice of the Peace shall be kept at work or imprisoned for a longer term than thirty days.

Rate of compensation allowed convicts towards payment of fines and costs.

Proviso.

SEC. 3. The County Commissioners of Mitchell County are hereby authorized to levy a tax of not more than fifteen cents on each one hundred (\$100.00) dollars worth of property, and forty-five cents (45 cts.) on each and every taxable poll to carry out the provisions of this act.

County commissioners authorized to levy tax.

SEC. 4. That when the County Commissioners shall have provided for working the classes of convicts named in sections one and two of this act the Judges holding Courts in Mitchell County and the Justices of the Peace in said county shall sentence the same accordingly: *Provided*, that no female shall be worked or imprisoned on said roads or public works: *Provided*, that no person who is physically disabled shall be compelled to labor on said roads or public works.

Judges and justices to sentence convicts to work on roads.

Proviso as to female convicts.

Proviso as to convicts physically disabled.

SEC. 5. The County Commissioners of Mitchell County are authorized to receive as many as twenty of the State convicts to be used on the public roads of Mitchell County, and the proper authorities shall upon the demand of the Commissioners of Mitchell County deliver into the charge and care of the County Commissioners the above-named number of convicts.

County commissioners authorized to receive State convicts.

SEC. 6. 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. 1901.

## CHAPTER 382.

**An act to create the office of County Treasurer in the county of Beaufort.***The General Assembly of North Carolina do enact:*

Office of Sheriff  
and Treasurer  
separated for  
Beaufort County.  
Office of Treas-  
urer created.

Office to be filled  
at next regular  
election

Treasurer subject  
to general laws  
regarding County  
Treasurers.

To give bond.

Act not to apply  
to R. T. Hodges,  
present Sheriff.

Board of County  
Commissioners  
increased to five.

SECTION 1. That the offices of Sheriff and County Treasurer in the county of Beaufort be separated and that the office of County Treasurer for the county of Beaufort be and is hereby created. That the said office of County Treasurer for the county of Beaufort be filled at the next regular election for said county. That the said office be subject to all the general laws relating to County Treasurers as regards the duties, liabilities and compensation of the office, and the Treasurer shall give bond as required by law: *Provided*, this act shall not apply to R. T. Hodges, the present Sheriff of Beaufort County.

SEC. 2. That the number of County Commissioners of Beaufort County be increased to five, and that the two additional Commissioners be elected at the next general election.

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. 1901.

## CHAPTER 383.

**An act concerning hunting in the county of Surry.***The General Assembly of North Carolina do enact:*

Unlawful to hunt  
quail except in  
months of Decem-  
ber and January  
in Surry County,  
and then only  
with written con-  
sent of land-  
owner.

Violation of act a  
misdemeanor.  
Penalty.

Conflicting laws  
repealed.

SECTION 1. That it shall be unlawful for any person or persons to hunt quail with gun, dogs or traps in the county of Surry except during the months of December and January and then only with the written consent of the owner of the land.

SEC. 2. That any person or persons violating the provisions of section one of this act shall be deemed guilty of a misdemeanor and upon conviction shall be fined or imprisoned at the discretion of the Court: *Provided*, that no person shall have the right to institute any prosecution for a violation of this act except the owner of the land.

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 the 4th day of March, A. D. 1901.

## CHAPTER 384.

**An act to enable the Board of School Directors of Buncombe County and certain school committees in certain districts in said county to pay certain pecuniary obligations heretofore made by school districts in said county.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of School Directors of Buncombe County be authorized and empowered to pay the following debts or pecuniary obligations heretofore made by the school authorities in said county, to-wit: (1) They shall pay to the Grand Rapids School Furniture Company, of Grand Rapids, Michigan, the sum of one hundred and twenty-nine and sixteen one-hundredths dollars (\$129.16) with interest at six per cent (6 per cent) from January 1, 1899, in full and final payment of note for that sum, executed on January 1, 1899, which note was executed by R. I. Wilson, J. T. Sawyer, I. L. Wilson, School Committee of Swannanoa Township, and which township was numbered eight (8) under the then existing school law, said debt having been incurred by the purchase of school desks for the use of the schools in said township. (2) Said Board of County School Directors of said county are also authorized and empowered to pay to the Grand Rapids Furniture Company, the sum of ninety-nine dollars (\$99) in full and final payment and settlement of two orders on the treasurer of the Board of Education of Buncombe County, each for the sum of forty-nine and fifty one-hundredths dollars (\$49.50), dated first day of January, 1898, and signed by James M. Morgan, S. M. Riddle, and T. C. Morgan, School Committee of School District No. 12, Ivy Township, Buncombe County, North Carolina, said debt having been incurred for school desks purchased by said School Committee for the use of the public schools in said Ivy Township. (3) Said Board of County School Directors are authorized and empowered to pay to Miss Gertrude Hileman, the sum of forty-one and seventy-five one-hundredths dollars (\$41.75), balance due her upon her salary for teaching the public school in District No. 4, Leicester Township, Buncombe County, North Carolina.

Board of School Directors of Buncombe County authorized to pay certain debts.

SEC. 2. Before paying such debts and obligations mentioned in the three sub-sections of section 1 of this act said Board of County School Directors of Buncombe County shall fully investigate the *bona fides* of said debts and obligations, and if upon such investigation such pecuniary obligations shall be found to be honest and just, they shall be paid out of the general ex-

Directors to fully investigate the bona fides of said debts before paying same.

How paid.

pense fund out of the school fund of the township for which the said debt was contracted.

Conflicting laws repealed.

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

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1901.

## CHAPTER 385.

### An act for the relief of certain public school teachers in Mecklenburg County.

*The General Assembly of North Carolina do enact:*

Treasurer of public school funds for Mecklenburg County to pay following teachers amounts below mentioned:

Miss Zelma Kirkpatrick \$24.90; Miss Frances Mallory, \$1.94; Miss Minnie Abernathy, \$3.13; Miss Hattie E. Wallace, \$34.05; Miss Ella McCoy, \$46.02; A. N. Samuels, \$13.19; Sarah J. Johnson, \$9.50.

Warrants for amounts to be issued.

Voucher in hands of Treasurer, when endorsed by Superintendent of Schools.

SECTION 1. That the treasurer of the public school fund for Mecklenburg County shall pay, out of funds apportioned to the different districts herein named, to the following named teachers of said county the balance due them for teaching school in said districts, to-wit: Miss Zelma Kirkpatrick, balance \$24.90, Charlotte Township, District 4, white race; Miss Frances Mallory, balance \$1.94, Charlotte Township, District No. 9, white race; Miss Minnie Abernathy, balance \$3.13, Charlotte Township, District No. 3, white race; Miss Hattie E. Wallace, balance \$34.05, Deweese Township, District No. 3, white race; Miss Ella McCoy, balance \$46.02, Long Creek Township, District No. 1, white race; A. N. Samuels, balance \$13.19, Mallard Creek Township, District No. 4, colored race; Sarah J. Johnson, balance \$9.50, Mallard Creek Township, District No. 5, colored race.

SEC. 2. That warrants for the above amounts shall be issued by the County Board of School Directors, and when endorsed by the County Superintendent of Schools shall be a valid voucher in the hands of the treasurer.

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

In the General Assembly read three times, and ratified this the 17th day of January, A. D. 1901.

## CHAPTER 386.

**An act to prevent live stock from running at large in certain portions of Pitt County and to consolidate and enlarge the stock-law territory of said county.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any live stock to run at large in that part of Pitt County embraced within the following boundaries, under the regulations and penalties prescribed in sections 2811, 2816, 2817, 2818, 2820 and 2822 of The Code of North Carolina, to-wit: Beginning at the fence of the stock law territory of Greene County, where the same intersects the county line between Pitt and Wilson counties; thence with the dividing line between Pitt and Wilson counties to the Edgecombe County line; thence with the dividing line between Pitt and Edgecombe counties to Tar River; thence down said river to the eastern terminus of the stock law fence surrounding the town of Greenville; thence with said fence around to the Stantonburg road; thence with said Stantonburg road running on the south side thereof to the Willoughby road; thence with the said Willoughby road (east side) to Nichols road; thence with Nichols road (north side) to the Greenville and Snow Hill road (commonly known as plank road); thence with Greenville and Snow Hill road (south side) to the public road leading to Adams' bridge; thence with said public road to the fence enclosing the present stock law territory; thence with said stock law territory fence to the stock law gate on the road leading from the Snow Hill road to the Gum Swamp road near Cicero Smith's residence; thence up said road to the Gum Swamp road at the corner of Mr. Tingle's fence; thence down said road to L. B. Cox's line near J. J. B. Cox's residence; thence with said Cox's and Harding's line to the canal; thence down the canal to the lower corner of W. J. Laughinghouse's fence; thence with said Laughinghouse's, J. B. Kilpatrick's, Walter G. Chapman's, Jacob Barrow's and McG. Withington's fences to Levi Stokes' land; thence with said Stokes line to D. C. Smith's line; thence with said Smith's line to the road leading to Gardner's bridge; thence down said road to the lower corner of Smith's fence; thence with said fence to the present stock law fence near C. P. Moore's; thence with said fence to the Craven County line, so as to include within said boundaries, all of that part of Pitt County lying between Tar River on the north and Contentnea Creek and Neuse River on the south. That Tar River from the Edgecombe County line to the eastern terminus of the fence sur-

Unlawful for live stock to run at large in certain boundaries in Pitt County.

Penalties for violation.

Boundaries defined.

rounding the Greenville stock law territory is hereby declared to be a lawful fence.

Fence Commissioners named and appointed.  
Duties and powers.

SEC. 2. That J. R. Dozier, W. R. Horn, H. L. Blount, J. R. Moyl and Frank Allen be and they are hereby appointed Fence Commissioners in said territory. They shall meet at Greenville on the first Monday in April, 1901, and organize by electing one of their number as chairman and one as secretary, and proceed to erect such fences as are necessary to enclose the territory hereinbefore described and erect such gates over the highways as may be necessary. That said Fence Commissioners shall hold their office until the first Monday in January, 1902, when and thereafter every two years, their successors shall be appointed by the Board of Commissioners for Pitt County.

Annual tax levy for fence purposes authorized and directed.

SEC. 3. That for the purpose of defraying the expenses of erecting said fences and gates around said territory and maintaining and keeping the same in good repairs and condition, the Board of County Commissioners of Pitt County are authorized and are hereby directed to annually levy and collect an assessment upon all real estate lying in said territory, not exceeding twenty cents on every one hundred dollars valuation thereof. The said taxes shall be levied and collected at the same time and in the same manner and under the same provisions of law as now or may hereafter exist, for the levy and collection of State and county taxes, and when so collected shall be paid to the County Treasurer, who shall keep the same separate and apart from all other funds in his hands and pay the same out only upon an order of the Board of County Commissioners.

How levied and collected.

Fence Commissioners to make contracts for erection and maintenance of necessary gates and fences.

SEC. 4. Whenever it shall be necessary to make any contract for the erection or maintenance of any part of the fence around said territory or the gates attached to the same, the same shall be made by the Fence Commissioners, and all claims for said work shall be approved by them and when audited by the Board of County Commissioners shall be paid by the County Treasurer out of the funds in his hands for that purpose.

Right of way for fences may be condemned.

SEC. 5. 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 20 feet in width, shall be condemned for that purpose upon the application of any person or persons to any Justice of the Peace in Pitt County, which Justices 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 owners of same, or their agents, two days' notice. They shall then assess such damages as they think proper and just.

Procedure.



SEC. 6. That the Fence Commissioners hereinbefore provided for shall meet annually in the town of Greenville on the first Monday in January. They may hold special meetings at other times and places when so called by the chairman, and he shall call such meetings whenever requested to do by two or more members of the Commission. For their attendance at all meetings, they shall receive as compensation the sum of two dollars per day.

Fence Commissioners to meet annually.  
May hold special meetings.

Compensation.

SEC. 7. That no person shall be guilty of any violation of the laws concerning the running of stock at large in said territory until the fence around the same shall be constructed.

No person guilty of violating stock law till fences are erected.

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

Conflicting laws repealed.

SEC. 9. That this act shall be in force from and after the 1st of January, 1902.

Effective January 1, 1902.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1901.

## CHAPTER 387.

### An act to amend Chapter fifty-eight of the Public Laws of eighteen hundred and ninety-nine.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one of chapter fifty-eight (58) of the Public Laws of eighteen hundred and ninety-nine be amended as follows: Strike out of said section the words "in the city of Raleigh" in line one. Strike out in lines two and three of said section the words "Fire Committee of the Board of Aldermen" and insert in lieu thereof the words "Chief of Police, where there is no Chief of Fire Department." Strike out in line three of said section the word "other." Insert in line three of said section after the word "towns" and before the word "are" the words "and the Sheriff of the county where such fires occur outside of an incorporated city or town," and insert in line three of said section after the word "authorized" and before the word "to" the words "and required." In line five of said section after the word "towns" insert the words "or counties." In line eleven of said section strike out the word "board" and insert in lieu thereof the word "officer." Strike out in said section all of line twelve the words "occurring in cities and towns other than the city of Raleigh may" and insert in lieu thereof the word "shall."

Chapter 58, Section 1, Public Laws 1899, in regard to investigation of incendiary fires, amended.

Section 2 of Chapter 58, Public Laws of 1899, amended.

SEC. 2. Amend section two of said chapter fifty-eight (58) of the Public Laws of eighteen hundred and ninety-nine by inserting the words "or by interested parties" after the word "act" and before the word "by" in line five.

Section 3, Chapter 58, Public Laws 1899, amended; provides for Deputy of Insurance Commissioner to conduct investigations.

SEC. 3. Amend section three of the said chapter fifty-eight (58), Public Laws of eighteen hundred and ninety-nine, by inserting after the word "Commissioners" in line one and before the word "shall" the words "or his deputy appointed by him to conduct such examinations." In line five of said section insert after the word "Commissioners" the words "or his deputy." In line eight after the word "Commissioners" insert the words "or his deputy." In line fourteen of said section after the word "Commissioners" and before the word "may" insert the words "or his deputy," and strike out in same line fourteen after the word "in" and before the word "discretion" the word "his" and insert in lieu thereof the word "their."

Section 4 of Chapter 58, Public Laws 1899, amended.

SEC. 4. Amend section four of the said chapter fifty-eight (58), Public Laws of eighteen hundred and ninety-nine, in line two strike out the word "Fire Committee of the Board of Aldermen," and insert in lieu thereof the word "Chief of Police, where there is no Chief of Fire Department."

Section 5 amended.

SEC. 5. Amend section five of the said chapter fifty-eight (58), Public Laws eighteen hundred and ninety-nine, by striking [out] in line one the words "city or town."

Section 6 of Chapter 58, Public Laws 1899, amended.

SEC. 6. Amend section six of the said chapter fifty-eight (58), of the Public Laws of eighteen hundred and ninety-nine, by inserting after the word "expenses" and before the word "incurred" the words "including expenses of deputy, counsel, detectives and officers," and by inserting in line two of the said section after the word "upon" the word "him."

Section 7 amended.

SEC. 7. Amend section seven of the said chapter fifty-eight (58), of the Public Laws of eighteen hundred and ninety-nine, by striking out the word "February" in line three and inserting in lieu thereof the word "June."

SEC. 8. 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. 1901.

## CHAPTER 388.

**An act to establish a dispensary for the town of Winton.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person in any capacity whatever to sell directly or indirectly any spirituous, vinous, or other intoxicating liquors within the corporate limits of the town of Winton in Hertford County, State of North Carolina, except as hereinafter provided in this act.

Unlawful for any person to sell spirituous, vinous or malt liquors in corporate limits of Winton, Hertford County.

SEC. 2. A board consisting of S. S. Daniel, A. J. Parker and A. J. Pearce is hereby constituted to be known as the Board of Dispensary Commissioners of the town of Winton, who shall hold their offices respectively for one, two and three years, each of whom shall continue in office until the election of his successor; that at the expiration of the term of any Dispensary Commissioner, the two Dispensary Commissioners whose terms have not expired shall nominate and appoint an elector of the town of Winton to fill the office made vacant by the expiration of the term of said Dispensary Commissioner, and when so elected he shall become a Dispensary Commissioner for the term of three years. The said Dispensary Commissioners before entering upon the discharge of their duties shall take and subscribe an oath faithfully to discharge and perform the duties of their office, which oath shall be filed with the secretary or clerk of the Board of Town Commissioners. If for any cause the Dispensary Commissioners shall fail for thirty days to elect a Commissioner to succeed one whose term has expired, then it shall be the duty of the Town Commissioners and Mayor to elect a citizen and elector of Winton to fill the office then vacant.

Board of Dispensary Commissioners for town of Winton named.

Term of office.

On expiration of term of office of any one Commissioner, remaining Commissioners to appoint his successor.

Dispensary Commissioners to take and subscribe to oath before entering into office.

Mayor and Town Commissioners of Winton to fill vacancy if Dispensary Commissioners fail to act in thirty days.

SEC. 3. That it shall be the duty of the Dispensary Commissioners herein appointed to provide a suitable place for the sale of spirituous, vinous, malt, and other liquors within the corporate limits of the town of Winton (which shall not be within two hundred feet of any church), where spirituous, vinous and malt or fermented liquors shall be kept for sale, under the direction of said Dispensary Commissioners, by a manager who shall have charge and control of all liquors bought by said Dispensary Commissioners for sale in said town. The said manager shall be chosen by said Dispensary Commissioners and shall have charge of the management of said dispensary or place for the sale of liquors under the control of the Dispensary Commissioners, and he shall be subject to dismissal for any cause which said Dispensary Commissioners shall in their discre-

Dispensary Commissioners to provide suitable place for sale of spirituous liquors.

Manager, how chosen and duties.

Manager to give bond.

tion deem sufficient; he shall give bond in the sum to be fixed by said Dispensary Commissioners, not less than five hundred dollars, for the faithful discharge of his duties and for the payment of all sums of money received by him, to the Treasurer of the town of Winton, he shall be paid a salary to be fixed by said Dispensary Commissioners not exceeding the sum of fifty dollars per month, which compensation shall not be dependent upon the amount of sales made by him.

Manager to keep stock of liquors under supervision of Dispensary Commissioners.

SEC. 4. The manager of the Dispensary shall at all times keep under the supervision of the Dispensary Commissioners a stock of spirituous, vinous and malt liquors, in such quantities as the Dispensary Commissioners shall direct; all bills incurred for the establishment and maintenance of the Dispensary and the purchase of the stock from time to time shall be paid by the Treasurer of the town of Winton upon presentation of such bills approved in writing by a majority of the Dispensary Commissioners; said manager shall sell only for cash, and shall turn over all moneys received by him to the Treasurer of the town each week, who shall keep a separate account of the same.

Treasurer of Winton to pay all bills for purchase of stock.

Manager to sell only for cash. Turn all moneys over to Town Treasurer weekly, who shall keep a separate account of same.

Dispensary Commissioners to make rules and regulations for the operation of Dispensary.

SEC. 5. Said Dispensary Commissioners shall make from time to time rules and regulations for the operation of said dispensary; the quantity to be sold to any one person shall be determined by them, but in no event shall wine or liquors be furnished in less quantities than one-half pint and none shall be drunk in the building or on the premises where the dispensary is established, nor shall any liquor be sold to any person known to be an habitual drunkard, to minors or persons intoxicated, except upon the prescription of a regular licensed physician. The dispensary shall not be opened before sunrise and shall be closed at such hour as shall be determined upon by the Dispensary Commissioners, which shall not be later than nine o'clock p. m., and it shall be closed on Sundays, election days, and such other days and under the same circumstances as make the sale of liquors unlawful under the laws of this State.

Not to sell to habitual drunkards.

Not to open before sunrise, and to close not later than 9 p. m., as may be determined by Commissioners.

Closed on Sundays and election days.

Dispensary Commissioners to fix prices of liquors.

Proviso

SEC. 6. The price at which spirituous, vinous or malt liquors shall be sold shall be fixed by the Dispensary Commissioners, provided that the same shall not be sold for a profit exceeding eighty (80) per centum above the actual cost thereof.

No liquors to be sold except in sealed packages.

SEC. 7. The manager of said dispensary shall sell to no person or persons any spirituous, vinous or malt liquors except in sealed packages, and he shall not keep any broken packages in said dispensary. And when any original package is broken it shall be at once bottled and sealed. Said manager shall make a monthly report to the Dispensary Commissioners showing the amount of sales for the preceding month and stock on hand on the last day of the month.

Original package to be bottled at once when broken.

Manager to make monthly report.

SEC. 8. Said Dispensary Commissioners shall cause an inspection and analysis to be made of the stock on hand from time to time by a competent chemist, and no vinous or malt liquors shall be sold in said dispensary that are not well known in the market as pure and unadulterated; and the Commissioners are required to have wine and malt liquors analyzed from time to time to determine whether they are pure as represented. If any spirituous or malt liquors are condemned by the chemist making analysis as impure and unwholesome such liquors shall not be sold by the manager, and payment for the same shall be refused to the person from whom such liquors were purchased.

Commissioners to have liquors analyzed from time to time by competent chemist.

Impure liquors not to be sold, and payment for same shall be refused to person from whom bought.

SEC. 9. No spirituous, vinous, or malt liquors shall be sold in said dispensary to persons purchasing for the purpose of selling again either lawfully or unlawfully, and said Dispensary Commissioners are required to make such rules and require the manager to make such investigation as will prevent persons from so purchasing, and if said Dispensary Commissioners become satisfied that any person or persons have purchased or are purchasing for the purpose of selling again they shall direct the manager as to the quantity to be sold to such person or persons, which shall be such an amount as will prevent a resale, and in case when said Dispensary Commissioners are satisfied that any person or persons are indirectly or directly purchasing repeatedly for the purpose of reselling, the Dispensary Commissioners are authorized to direct the manager not to sell to such person or persons, except upon the certificate of a respectable physician that such liquors are needed for medical purposes.

Liquors not to be sold to persons for the purpose of selling again.

Commissioners to permit manager to sell to person who has been buying and selling again.

Exception.

SEC. 10. The manager of the dispensary shall not allow any person or persons to loiter in or about the dispensary, and the premises on which it is situated, and for failure to comply with this section he shall be removed by the Dispensary Commissioners, and any person refusing to leave the dispensary and the premises on which it is situated shall be punished upon conviction in the Mayor's Court as shall be prescribed by the ordinances of said town.

Manager may be removed for allowing persons to loiter on dispensary premises.

Person refusing to leave premises to be punished on conviction in the mayor's court.

SEC. 11. The Mayor and Board of Town Commissioners of said town of Winton shall from time to time pass such ordinances as may be necessary to carry out the purposes of this act, and shall provide suitable penalties for violation of the provisions of this act.

Mayor and Board of Town Commissioners to pass such ordinances as necessary, and prescribe penalties.

SEC. 12. The Mayor and Board of Town Commissioners shall appropriate from the Town Treasury a sufficient amount to establish the dispensary as provided for in this act which amount shall be repaid into the Town Treasury by the profits of the dispensary, and thereafter the dispensary shall be sup-

Appropriation for establishment of dispensary.



- Proviso.      reported and maintained out of the profits arising out of the sales in the dispensary: *Provided*, that said Mayor and Board of Town Commissioners shall be authorized and are hereby required to appropriate at any time such sums as may be necessary to keep the dispensary in operation. If there should for any reason be no money in hand derived from the profits of the dispensary such amounts being always repaid to the Town Treasury, out of the first profits thereafter realized from the dispensary, said Mayor and Board of Town Commissioners are hereby authorized and empowered to make the appropriations herein provided for out of any moneys in the Town Treasury and if necessary to levy and collect taxes for that purpose.
- Mayor and Commissioners authorized to make extra appropriations.      SEC. 13. The Dispensary Commissioners shall make and publish an annual report showing in detail the amount of money expended in the purchase of liquors to whom paid, the amount of money realized from the sale of liquors, the expense of the said dispensary, salary paid manager Dispensary Commissioners and all other moneys expended on account of said dispensary and moneys received on account thereof.
- Annual report.      SEC. 14. The Dispensary Commissioners shall be paid for their services such sum as the Board of Town Commissioners shall determine which shall not be less than thirty-five dollars per annum.
- Compensation of Commissioners.      SEC. 15. That the Treasurer of the town of Winton before receiving any of the funds derived from said dispensary shall enter into bond sufficient to cover the amount of funds received by him which bond shall be in an amount of not less than one thousand dollars, to be received and approved by the Mayor and Board of Town Commissioners of Winton. That said Treasurer shall receive for his services one-half of one per centum on receipts and two per cent on amount of disbursements.
- Treasurer to give bond.      SEC. 16. That the net proceeds derived from the sale of liquors under this act, shall be disposed of in the following manner: One-half to be paid into the Town Treasury of Winton for the use and benefit of said town; one-half to be paid into the Town Treasury of Winton for the use and benefit of the public schools of the 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 the town of Winton. The Mayor and Town Commissioners of Winton shall apportion the money between the white and colored races.
- Disposition of net proceeds.      SEC. 17. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.
- Conflicting laws repealed.      SEC. 18. This act to go into effect the first day of July, A. D. 1901.
- In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1901.



## CHAPTER 389.

**An act to authorize the Commissioners of McDowell County to redistrict the county into townships.***The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Commissioners of the county of McDowell are hereby authorized and empowered at their meeting on the first Monday in June, 1901, to change any and all of the townships in said county, to lay off new townships, and to number all townships in said county.

Commissioners of McDowell County to redistrict county first Monday in June, 1901.

SEC. 2. That after said Board of Commissioners shall have made and specified said townships, it shall be the duty of said board to publish any and all changes in the lines of said townships and all new townships so made in a newspaper published in the town of Marion for four successive weeks.

Board to publish changes made four weeks in newspaper in Marion, N. C.

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. 1901.

## CHAPTER 390.

**An act to regulate the impounding of live stock in Yancey County.***The General Assembly of North Carolina do enact:*

SECTION 1. That chapter three hundred and sixty of the Public Laws of eighteen hundred and ninety-seven be amended by striking out in line three, section four, the word "Vance."

Chapter 360, Public Laws 1897, amended.

SEC. 2. That chapter one hundred and sixty-one of the Laws of eighteen hundred and eighty-five be re-enacted and put in full force and effect as it was before the enactment of chapter three hundred and sixty of the Public Laws of eighteen hundred and ninety-seven.

Chapter 161, Laws 1885, re-enacted.

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 the 4th day of March, A. D. 1901.

## CHAPTER 391.

## An act to amend Chapter fifty-four of the Public Laws of eighteen hundred and ninety-nine.

*The General Assembly of North Carolina do enact:*

Section 3, Chapter 54, Public Laws 1899, regulating fire insurance and other companies, amended.

SECTION 1. That section three of chapter fifty-four of the Public Laws of eighteen hundred and ninety-nine be amended as follows: After the word "department" in line four and before the words "the" add the words "the department shall be upon

the same basis as the other departments of the State and shall be furnished with stationery, stamps and such other supplies as are provided by law for them. The Secretary of State shall furnish to the department copies of such of the Supreme Court reports as he has now on hand and copies of said reports and other State publications as they may be printed from time to time."

Section 8 amended.

SEC. 2. That section eight of chapter fifty-four (54) of the Public Laws of eighteen hundred and ninety-nine be amended as follows: Strike out of said section the words "one thousand" in line five of said section and insert the words "one thousand" in lieu thereof. Strike out the word "fifth" in line ten of said section and insert in lieu thereof the word "tenth."

Section 10 amended.

Amend section ten of said act of said chapter fifty-four (54) of Public Laws of eighteen hundred and ninety-nine by striking out in lines nine, ten and eleven the words "be required to report the whole amount of expenses of the department during the year, such report shall be made by or before the first day of February," and insert in lieu thereof the words "on or before the first day of February of each year in which the Legislature is in session, make to the Governor the recommendations called for in section seven of this act to be by him transmitted to the Legislature with the last annual report of this department, including receipts and disbursements." Amend section seventeen of the said chapter fifty-four (54), Public Laws of eighteen hundred and ninety-nine, by striking out in line twenty-five the word "property" and inserting in lieu thereof the word "property."

Section 24 amended.

SEC. 3. Amend section twenty-four of chapter fifty-four of the Public Laws of eighteen hundred and ninety-nine by striking out in line twenty-six after the word "arising" and before the word "leakage" the word "or" and insert in lieu thereof the word "from." Amend section thirty-two of the said chapter fifty-four (54) of the Public Laws of eighteen hundred and ninety-nine by adding after the word "books" in line seven the words "*Pro-*

Section 32 amended.

vided, that in the formation of mutual fire insurance companies to operate in no more than two counties of this State, whether town or farmers' mutuals, the requirements as to amount of insurance shall be \$25,000.00 in risks owned by not less than twenty-five adult residents of said towns or counties." Amend section thirty-eight of said chapter fifty-four (54) of the Public Laws of eighteen hundred and ninety-nine by striking out the word "thirteenth" in line sixteen and inserting in lieu thereof the word "thirtieth," and by inserting in line twenty-four of said section thirty-eight after the word "Commissioners" and before the word "shall" the words "shall annually license such companies and their agents and."

Requirements for town or farmers' mutual insurance.

Section 38 amended.

SEC. 4. Amend section forty-three of the said chapter fifty-four (54) of the Public Laws of eighteen hundred and ninety-nine by striking out the word "Commissioners" in line three and inserting the word "Commissioner," and in line forty-one of said section add after the word "day" first named in said line the word "of," and in lines forty-one and forty-two of said section strike out the figures "eighty-nine (89)" in each line. In said section in line fifty-five after the word "then" and before the word "appraisers" strike out the word "the" and insert in lieu thereof the word "by," and in line sixty-five of said section strike out the words "to do so" and insert in lieu thereof the words "so to do," and in line seventy-nine after the word "and" and before the word "it" strike out the word "if." In line eighty-two of said section strike out the word "of" after the word "control" and before the word "knowledge" and insert in lieu thereof the word "or," and in line ninety-nine of said section after the word "there" and before the word "be" strike out the "....." (dash), and in line one hundred and eleven of said section strike out the word "remains" and insert in lieu thereof the word "remain," and in line one hundred and twenty-two of said section strike out the word "and" after the word "building" and insert in lieu thereof the word "or," and in line one hundred and thirty-four of said section strike out the word "property" after the word "this" and insert in lieu thereof the word "policy," and in the same line after the word "shall" strike out the word "have" and insert in lieu thereof the word "bear," and in line one hundred and sixty-nine of said section forty-three after the word "hereby" strike out the word "issued" and insert in lieu thereof the word "insured," and in line one hundred and seventy-one after the word "in" and before the word "new" strike out "a" and in lines one hundred and eighty-six and one hundred and eighty-seven strike out the word "localtion" and insert in lieu thereof the word "location," and in line two hundred and two strike out the word "examination" and insert in

Section 43 amended.

lieu thereof the word "examinations," and in line two hundred and twelve of said section strike out the word "damages" and insert in lieu thereof the word "damage," and in line two hundred and fifteen of said section strike out the word "appraisers" and insert in lieu thereof the word "appraiser," and in line two hundred and twenty-six after the word "by" and before the word "expense" strike out the word "an" and insert in lieu thereof the word "and," and in line two hundred and fifty-seven after the word "or" strike out the word "conditions" and insert in lieu thereof the word "condition," and in line two hundred and sixty-one of said section after the word "such" and before the word "privilege" insert the words "waiver, if any shall be written upon or attached hereto, nor shall any."

Section 62, Sub-  
Section 3,  
amended.

SEC. 5. In section sixty-two, sub-section three, line thirty-three, add after the word "company" the words "and that they will not have removed from any Court of this State to the United States Circuit or District Court any action instituted against it and that they will not institute any action or suit in equity in the United States Court against any citizen of this State growing out of or in any way connected with any policy of insurance issued by them." Amend section sixty-three by striking out the word "applicant" in line one and inserting in lieu thereof the words "application for license," and in line three of said section sixty-three after the word "whether" add the words "of this State," and in line twenty-three of said section after the word "company" and before the word "shall" insert the words "domestic or foreign," and in line twenty-six of said section after the word "if" and before the word "shall" insert the word "it" and add at the end of said section sixty-three the following

Provisions also to  
apply to compa-  
nies licensed to  
do a re-insurance  
business.

words: "The provisions of this section shall also apply to companies licensed to do reinsurance business only. It shall be unlawful for any company reinsuring risks on property located in this State to reinsure such risks or parts thereof except in companies authorized by the law of this State to do such business." Amend section sixty-five of said chapter by striking out in line one the word "foreign" and after the word "company" in said line the word "hereafter." Amend section sixty-six by inserting in line one after the word "a" and before the word "foreign" the words "domestic or." Amend section sixty-seven of the said act by striking out in line four the words "he may" and inserting in lieu thereof the words "the Insurance Commissioner shall," and strike out in said line four the words fifty per centum or."

Section 65  
amended.

Section 66  
amended.

Section 67  
amended.

Section 74  
amended.

SEC. 6. Amend section seventy-four of said chapter fifty-four of Public Laws of eighteen hundred and ninety-nine by insert-

ing in line four after the word "published" and before the word "an" the words "at the expense of the company," and in line six strike out the words "and at the expense of his principal," and insert in lieu thereof the words "*Provided*, that such general agent shall within thirty days after the filing of said statement notify the Insurance Commissioner in writing of the name of the paper selected by him." Amend section seventy-seven of said chapter by adding at the end of line five the words "and receive therefor the sum of two dollars," and insert in line seven of said section after the word "each" and before the word "month" the word "alternate," and by striking out in line nine of said section seventy-seven the words "during the preceding year."

Section 77  
amended.

SEC. 7. Amend section seventy-nine by adding in line three after the word "oath" the words "of himself and of the president, secretary or some officer at the home or head office of the company in this country," in line eight of said section seventy-nine after the word "two" and before the word "per" add the words "and half," and in line ten of said section seventy-nine strike out the words "exhibit to" and insert in lieu thereof the words "file with," and in line eighteen of said section seventy-nine strike out the words "one fourth" and insert in lieu thereof the words "one-half," and in line twenty of said section seventy-nine after the word "company" insert the words "or agent." Amend section eighty of said chapter fifty-four by adding at the end thereof the words "the license fee for a fraternal order shall be twenty-five dollars (\$25.00) per annum. The fee for license for a domestic mutual insurance company issuing only mutual policies fifty dollars (\$50.00) per annum and where such company is operating in not more than two counties ten dollars (\$10.00) per annum." Amend section eighty-one of said chapter fifty-four by striking out the word "certificate" where it appears in lines three, seven, nine, and twelve and inserting in lieu thereof the word "license." And in line ten of said section eighty-one strike out the word "five" and insert in lieu thereof the word "ten," and in line twelve of said section eighty-one strike out the words "fifty cents" and insert in lieu thereof the words "one dollar" and at the end of line twelve and before line thirteen add the words "in case of loss or destruction of such license the Insurance Commissioner for a fee of fifty cents may certify to its issuance, giving the number, date and form of such license which may be used by the original party named therein in lieu of said original license," and amend said section eighty-one by adding at the end thereof the words "or said license." Amend section eighty-two of said law by inserting after the word "on" and before the words "or before" in line two and in said line strike out the word "first" and insert in

Section 79  
amended.

Section 80  
amended.

License fee for  
Fraternal Order  
\$25.00 annually.  
Fee for Domestic  
Mutual Insurance  
Company,  
\$50.00 per annum.  
\$10.00 when oper-  
ating in only two  
counties.  
Section 81  
amended.

License lost,  
Commissioner to  
furnish duplicate.

Section 82  
amended.



lieu thereof the words "tenth day." Amend section eighty-two by inserting after the word "association" in line twelve the words "or to any company or association of companies operating a separate or distinct plant of agencies in the State." Amend said section by inserting in line twenty-two after the word "two" the words "and half" and in line twenty-four of said section strike out the word "exhibit to" and insert in lieu thereof the words "file with" and in line thirty-three strike out the words "one fourth" and insert in lieu thereof the words "one half," and in lines thirty-four and thirty-five and thirty-six, strike out the words "for license issued to each general agent two dollars (\$2.00), for license issued to each local or special agent fifty cents (.50c.)" and insert the words "for license issued to each general agent five dollars (\$5.00), for license issued to each special or district agent or manager or organizer (including seal) three dollars (\$3.00), for license (including seal) to each local or canvassing agent one dollars (\$1.00). In line fifty-four strike out the word "five" and insert in lieu thereof the word "ten" and in line fifty-five after the word "same" the words "or any fact or date from the records of his office. For making and mailing abstracts to the Clerks of the Superior Courts in the counties of the State two dollars (\$2.00)."

License to agents.

Fee for mailing  
abstracts to  
Clerks of Courts.

Section 97  
amended.

Section 106  
amended.

Section 101  
amended.

Sec. 8. Amend section ninety-seven of said chapter fifty-four, Public Laws of eighteen hundred and ninety-nine, by adding after the word "company" in line seven the words "association or order." Amend section one hundred and six, chapter fifty-four, Public Laws of eighteen hundred and ninety-nine, by adding at the end of the section "or to less than six months from any time at which a plaintiff shall take a nonsuit to an action begun within the legal time." Amend section one hundred and one of said chapter fifty-four by adding at the end of said section the words: "For expenses in seeking out, detecting and punishing violations of this act, the Insurance Commissioner may use a sum not exceeding five hundred dollars (\$500.00) per annum. Any amounts so expended shall be approved by the Governor of the State and paid by the State Treasurer on his order out of any funds in the State Treasury not otherwise apportioned." Amend section one hundred and seven of said chapter by adding in line four after the word "such" and before the word "agents" the word "resident." Amend section one hundred and nine by striking out the word "section" in lines one and two and insert in lieu thereof the words "sections one hundred and seven and one hundred and eight." Amend section one hundred and ten of said chapter by striking out the word "fire." Amend section one hundred and sixteen in line four by

Section 107  
amended.

Section 109  
amended.

Section 110  
amended.

Section 116  
amended.



striking out the word "effect" and inserting in lieu thereof the word "affect." Amend section one hundred and seventeen of said chapter by striking out the word "eleven" in the first line of said section and inserting the word "two" and by striking out in line five the words "three hundred and twenty-nine (329)" and insert in lieu thereof the words "one hundred and seven (107) and three hundred and sixty-seven (367)."

Section 117  
amended.

Sec. 9. 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. 1901.

#### CHAPTER 392.

**An act to amend Chapter five hundred and eighty-one, Public Laws of 1899, relating to the working of the public roads of Rockingham County.**

*The General Assembly of North Carolina do enact:*

SECTION 1. Amend section four, chapter 581, Public Laws of 1899, by striking out the word "four" in lines four and twenty and substituting in lieu thereof the word "three;" also, by striking out the word "two" in line twenty-four and substituting in lieu thereof the word "one."

Section 4, Chapter  
581, Public Laws  
1899, amended.

Sec. 2. That this act shall apply to the county of Rockingham only.

To apply 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 the 4th day of March, A. D. 1901.

#### CHAPTER 393.

**An act for the relief of Frank P. Hobgood, Jr.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Treasurer of the county of Granville be and he is hereby authorized and directed to pay to Frank P. Hobgood, Jr., out of any unapportioned school funds in his hands, the sum of three hundred dollars for services as Superintendent of the schools of Granville County from July, 1899, to July, 1900.

Treasurer of  
Granville County  
directed to pay  
Frank P. Hob-  
good \$300.00 for  
services as Super-  
intendent of  
Public Schools 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 the 12th day of January, A. D. 1901.

## CHAPTER 394.

## An act to amend Chapter 581, Public Laws of 1899.

*The General Assembly of North Carolina do enact:*

Chapter 581, Public Laws of 1899, amended.

SECTION 1. That chapter 581, Public Laws of 1899, entitled an act for working the public roads in Alamance County, be and the same is hereby amended as follows:

Section 1 of said act, amended.

SEC. 2. Amend section 4 by striking out the word "four" wherever it occurs and insert the following "three" so as to read as follows "of 10 hours each day," also strike out the sum "two" in sections 4 and 5 wherever it occurs and insert in lieu thereof "\$1.25," also add at the end of section 4, "*Provided further*, that any person coming of road age, or becoming a resident of any township after the first day of April shall be required to work out the remaining proportionate part of the road labor required in this act of that year, or to pay the proportionate part of the money requirement in lieu thereof."

Proviso.

Section 7 stricken out. Now section added.

County Treasurer to furnish alphabetical list to road superintendent or township supervisors.

SEC. 3. Strike out "section 7" and insert in lieu thereof the following: "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 three 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 this act; that the Supervisor 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 township, and those who have paid in lieu thereof, who have 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 this act, shall immediately be submitted by the County Road Superintendent or Township Supervisor to 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.

Supervisor to list all persons of road age and furnish copies to Commissioners or Superintendent of Roads.

Justice of Peace to issue warrant for all who have failed to work.

Proviso.

SEC. 4. This act shall only apply to Alamance County.

Applies only to  
Alamance  
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 the 4th day of March, A. D. 1901.

## CHAPTER 395.

### An act to amend section 3422 of The Code.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section 3422 of The Code, volume two, be and the same is hereby amended by striking out the word "trap" in line one and inserting the word "traps" after the word "seines" in line five, and by adding after the word "nets" in line six, "Provided further, that any trap used in said river and any wings used with said traps shall not extend in said river more than a third of the distance across the same."

Section 3422 of  
Code amended.

SEC. 2. This act shall apply only to the county of Wayne.

Applicable only  
to Wayne  
County.

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

Conflicting laws  
repealed.

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1901.

## CHAPTER 396.

### An act to place certain portions of Cleveland and Burke counties under the stock law.

*The General Assembly of North Carolina do enact:*

SECTION 1. That all that portion of upper Cleveland County, in Nos. 10 and 11 Township, and all that portion of Burke County lying south of the Catawba River and not now under the stock law shall be placed under the provisions of the general stock law, and relieved from the burden of keeping up the stock law fences.

Portions of  
Cleveland and  
Burke counties  
placed under  
stock law.

SEC. 2. That for the northern portion of Burke County not already under the stock law, the said Catawba River shall be considered a lawful fence.

Catawba River a  
lawful fence.

SEC. 3. That this act shall be in effect from and after November 1, 1901.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1901.

## CHAPTER 397.

**An act to prevent the manufacture and sale of any spirituous, vinous or malt liquors within the county of Ashe.***The General Assembly of North Carolina do enact:*

- Unlawful to manufacture or sell intoxicating liquors in Ashe County. Proviso.
- Further proviso.
- Place of delivery construed to mean place of sale.
- Proviso.
- Persons duplicating prescriptions guilty of retailing.
- Violation a misdemeanor.
- Penalty.
- Physicians making prescriptions contrary to this act, guilty of a misdemeanor.
- Penalty.
- 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 Ashe: *Provided*, 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 Ashe shall be so construed as to mean the place of sale and that any station or other place within the aforesaid county of Ashe 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 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 five dollars nor over two hundred or imprisoned for each and every offence not less than ten days nor over twelve months or both in 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 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 not less than five dollars nor over two hundred or imprisoned not

less than ten days nor over twelve months in the discretion of the Court.

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 the 4th day of March, A. D. 1901.

## CHAPTER 398.

### An act for the relief of Henry Welsted.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the State Treasurer be, and he is hereby authorized and directed to pay to Henry Welsted, out of any funds in the Treasury known as the "Oyster Fund," upon the warrant of the Auditor, the sum of twenty-five dollars (\$25.00), the same being the balance due upon the voucher issued to William Ellis in payment of his salary as Oyster Patrol, and assigned to Henry Welsted. State Treasurer to pay \$25.00 out of oyster 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 the 4th day of March, A. D. 1901.

## CHAPTER 399.

### An act to provide for collecting road taxes in cash in Mitchell County.

*The General Assembly of North Carolina do enact.*

SECTION 1. That the *proviso* in section nine (9), chapter two hundred and seventy-nine (279), of the Public Laws of eighteen hundred and ninety-three (1893) are hereby repealed. Proviso in Section 9, Chapter 279, Public Laws 1893, repealed.

SEC. 2. That all laws and parts of laws conflicting with this act are hereby repealed. Conflicting acts 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. 1901.

## CHAPTER 400.

**An act to protect the game in Cleveland County.***The General Assembly of North Carolina do enact:*

Unlawful to hunt  
in Cleveland  
County 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 attempt to net partridges, on the lands of another anywhere in Cleveland County, without having first obtained either the written or oral consent of the owner of such lands, or of some person authorized to give such consent.

Unlawful to kill  
and net  
partridges and  
ship out of  
county for profit.  
Violation a  
misdemeanor.

SEC. 2. That it shall be unlawful for any person to kill or net partridges anywhere in Cleveland County and ship or carry them to any point outside of said county, for profit.

Penalty.

SEC. 3. That any person violating any of the provisions of this act shall be guilty of a misdemeanor and fined not exceeding twenty five dollars or imprisoned not exceeding twenty days.

SEC. 4. That this act shall be [in] effect from its ratification. In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1901.

## CHAPTER 401.

**An act supplemental to an act entitled an act to regulate the State Printing. ratified the 27th day of February, 1901.***The General Assembly of North Carolina do enact:*

Section 2 of Act  
ratified February  
27, 1901, amended.

SECTION 1. That section 2 of the act entitled "An act to regulate the State printing," ratified on the 27th day of February, 1901, be amended by inserting before the words "Council of State" in section 2 the words "Governor and the."

Who empowered  
to determine  
number of laws  
to be printed.

SEC. 2. That the Governor, the Council of State, the Commissioner of Labor and Printing and the Attorney-General shall have power to determine the number of public and private laws and the resolutions to be printed, not to exceed, however, the number now provided by law.

Proviso.

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. 1901.



## CHAPTER 402.

**An act to drain and straighten Sandy Run Creek in Cleveland County.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That John H. Beam, A. M. Lattimore, T. B. Wright, B. J. Daniels, W. A. Martin and E. A. Wellman are hereby appointed Commissioners for the drainage and straightening of Sandy Run Creek in Cleveland County between the following points on said creek: Beginning at the bridge on the Bostic place, thence up said creek to the parks, thence up the middle prong as far as A. M. Lattimore's land extends, also from said parks of the creek up the next creek or prong to the Rutherford County line.

Drainage Commissioners appointed.

SEC. 2. A majority of said Commissioners shall have power to elect one of their number chairman and they may fill vacancies in this board caused by death or resignation.

Commissioners to elect chairman and fill vacancies.

SEC. 3. The said Commissioners shall estimate the number of acres of bottom land and the entire number of acres of each riparian land owner between said points or boundaries, and upon five days' notice each land owner as described shall furnish one efficient hand with appropriate tools for a certain amount of land lying on or near this creek, the same to be appropriated by said Commissioners and in making said apportionment due regard shall be had to the value of each lands and the benefits to accrue to the owner from such drainage or straightening of said creek and said Commissioners may require the land owners to furnish more than one hand each if the benefits to be derived from this work will justify same and such apportionment as is equitable, and any such land owner failing to furnish such hand or hands shall forfeit and pay one dollar per day for failure upon each hand required to be furnished, which sum may be received by the chairman of said Commission by warrant as in case of failure to work on the public roads.

Powers and duties defined.

Land-owners to furnish hands to work.

Penalty for land-owners failing to furnish hands.

SEC. 4. Each riparian owner as aforesaid shall furnish hands as provided in section three for any number of days in each year at the direction of the Commission: *Provided*, it shall not be more than 25, unless the land owners consent to it, and the work performed shall be as near as possible or practicable distributed equally between the boundaries in section 1, but for good cause the Commission may order all the hands within said boundaries to work at any particular point, not more than three days in succession.

Commissioners to have discretion as to work to be done.

SEC. 5. Any person or riparian land owner who shall wilfully obstruct the said Commission or any hands or other person

Land-owner obstructing work guilty of a misdemeanor. Penalty.

Fines to be used for improving and draining.

Proviso

appointed by them in carrying out this act, shall be guilty of a misdemeanor and upon conviction shall be fined not more than twenty dollars or imprisoned not more than twenty days.

SEC. 6. That all fines and assessments recovered under this act shall be used by said Commission in improving, draining and straightening said creek as aforesaid: *Provided*, one dollar shall be accepted in lieu of one hand for one day.

SEC. 7. That nothing in this act shall be construed as exempting anyone from road duty as provided by law.

SEC. 8. 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 4th day of March, A. D. 1901.

## CHAPTER 403.

### An act to establish a stock law in certain portions of Wayne County.

*The General Assembly of North Carolina do enact:*

Unlawful for live stock to run at large in a certain part of Wayne County after April 1, 1901.

Stock law boundary defined.

SECTION 1. That from and after the first day of April, nineteen hundred and one, no person shall allow his or her live stock to run at large in that part of Wayne County embraced in the following boundaries in New Hope Township: Beginning where the Lenoir County stock law fence joins Neuse River (two miles below White Hall); thence up said Neuse River to where the stock law fence of Goldsboro Township joins Neuse River, near Spring Bank; thence with said stock law fence to the Atlantic and North Carolina Railroad; thence down said railroad (about three and a half miles new fence) to the Lenoir County stock law fence, thence with Lenoir County stock law fence to Neuse River to the beginning.

Chapter 20, Vol. 2 of Code, to apply, so far as applicable, to stock law territory.

County Commissioners to appoint three fence Commissioners at first meeting after passage of this act.

Vacancies, how filled.

Duties of Fence Commissioners.

SEC. 2. That chapter twenty, volume two of The Code, so far as it applies to stock law territories, shall apply to the territory herein described.

SEC. 3. That the Board of Commissioners of Wayne County shall at their first meeting after the passage of this act or at any meeting thereafter, appoint three Fence Commissioners whose duty it shall be to cause said territory to be immediately fenced in as required by law.

SEC. 4. That said Fence Commissioners shall from time to time fill such vacancies as occur by death, resignation or otherwise in their body.

SEC. 5. That said Fence Commissioners shall do and perform all such acts and things as shall be necessary to comply with

this act and as Fence Commissioners of any other fence territory in North Carolina have a right to do and perform.

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1901.

#### CHAPTER 404.

##### **An act for the relief of Thomas P. Wilcox, late Sheriff of Pasquotank County.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That the time allowed Thomas P. Wilcox, late Sheriff of Pasquotank County, in which to settle the balance of the taxes referred to in chapter five hundred and fifty-seven (557) of the Public Laws of 1899, be and the same is hereby extended for the term of two years from the ratification of this act.

Time to settle certain taxes extended two years from ratification of this act.

SEC. 2. That this act 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. 1901.

#### CHAPTER 405.

##### **An act for the relief of Miss Nelie Miller.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Treasurer of Ashe County be and he is hereby authorized and directed to pay to Miss Nelie Miller the sum of eight dollars and ninety-five cents out of any money in his hands due or that may become due to School District No. 11 for the white race in Peak Creek Township for services rendered as a public school teacher in said School District No. 11 for the white race.

Treasurer of Ashe County authorized to pay Miss Nelie Miller \$8.95 out of school fund.

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 the 4th day of March, A. D. 1901.

## CHAPTER 406.

**An act for the relief of F. W. Nelson, Tax Collector for the town of Mebane, Alamance County, North Carolina.***The General Assembly of North Carolina do enact:*

Authorized to collect arrears of taxes for years 1899 and 1900.

SECTION 1. That F. W. Nelson, Tax Collector for the town of Mebane, North Carolina, be and is hereby authorized to collect the arrears of taxes due the said town of Mebane for the year 1899 and 1900 under the rules and regulations prescribed by law for the collection of taxes.

Authority given to cease January 1, 1902.

SEC. 2. That the authority hereby given to collect the arrears of taxes shall cease and determine on first day of January, 1902.

No person to pay taxes twice.

SEC. 3. That no person shall be compelled to pay any tax under this bill who holds a receipt in full for the years named in section one of this act or who shall make an affidavit before any person authorized to administer oaths, that the said tax has been paid.

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1901.

## CHAPTER 407.

**An act to authorize the Commissioners of Transylvania County to levy a special tax.***The General Assembly of North Carolina do enact:*

Special levy authorized.

SECTION 1. That the Commissioners of Transylvania County are hereby authorized to levy a special tax of fifteen cents on the one hundred dollars worth of personal and real property and forty-five cents on each poll, for the years 1901 and 1902, to pay the present outstanding indebtedness of said county as follows: Bridge tax, \$2,150.00; pauper tax, \$300.00; railroad tax, \$1,200.00. Total, \$3,650.00.

Debts to be paid.

Taxes to be levied and collected as other taxes are.

Unlawful to apply to any other purpose.

SEC. 2. That the tax shall be levied, collected and disbursed as other taxes; that the constitutional equation between property and poll shall be observed, and that it shall be unlawful for any taxes collected by authority of this act to be applied to any object or purpose not specified in section 1 of 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 the 4th day of March, A. D. 1901.

## CHAPTER 408.

**An act to provide a cotton weigher for the town of Gibson in the County of Scotland.***The General Assembly of North Carolina do enact:*

SECTION 1. That Millard F. Gibson be and he is hereby appointed cotton weigher for the town of Gibson in the county of Scotland and he shall hold his office under the terms of this act until the next election for the members of the General Assembly and until his successor shall be elected and qualified; and the said cotton weigher shall take the oath of office provided for as hereinafter stated.

Millard F. Gibson  
appointed cotton  
weigher.

Term of office.

Shall take oath.

SEC. 2. That there shall be elected by the qualified voters of Williamson's Township at the next election for the members of the General Assembly, and every two years thereafter, a cotton weigher for the said town of Gibson, who shall hold his office for two years, and until his successor shall be elected and qualified.

Cotton weigher to  
be elected at next  
regular election  
and biennially  
thereafter.

SEC. 3. That the said cotton weigher appointed by this act, and those hereafter to be elected as aforesaid, shall give a good and justified bond in the sum of five hundred dollars, payable to the State of North Carolina, conditioned for the faithful performance of his duties as cotton weigher; the said bond to be approved by the Board of County Commissioners, at the same time and in the same manner as bonds for county officers, and when so approved shall be filed in the office of the Register of Deeds for safe keeping. The said cotton weighers and any assistant herein provided for, shall, before entering upon the discharge of their duties, make and subscribe the following oath before some person entitled to administer oaths, viz: "I ....

To give bond for  
faithful discharge  
of official duties.

....., cotton weigher for the town of Gibson, do solemnly swear that I will justly, impartially, and without any deductions, except as may be allowed by law, or may be agreed upon by the seller and the buyer, weigh all cotton that may be brought to me for that purpose, and give a true account thereof to the parties concerned, if requested to do so. So help me God. This the ..... day of ....., 19..." That any other person than the aforesaid cotton weigher or his assistant who shall weigh any baled cotton in the said town of Gibson shall be guilty of a misdemeanor and pay a fine of ten dollars for each bale of cotton so weighed by him.

Bond to be  
approved by  
County Com-  
missioners and  
filed in Register  
of Deeds office.

Shall take oath.

Form of oath.

Misdemeanor for  
any other person  
to weigh cotton.

Penalty.

SEC. 4. The cotton weigher provided for in this act shall receive as compensation for his services, the sum of six cents per bale to be collected and paid for as hereinafter provided. Every

Compensation of  
cotton weigher  
prescribed.

Buyer and seller each to pay one-half of weigher's fees.

buyer of baled cotton in the said town shall pay to the said cotton weigher six cents per bale for all baled cotton bought by him and weighed as aforesaid; and it shall be lawful for the said cotton buyer to retain from the amount of money due the seller or owner of such cotton, the sum of three cents for each bale, the intention of this act being that buyer and seller or owner shall each pay one-half of the fee for weighing the said cotton.

Vacancies, how filled.

SEC. 5. That all vacancies occurring under this act shall be filled by the Board of County Commissioners and every appointment made by the said board shall hold until his successor is elected and qualified.

Time of attendance fixed

SEC. 6. That the said cotton weigher, or his assistant, shall attend in the town of Gibson for the purpose of discharging the duties of this office, from the first day of September until the first day of March in the year following in each and every year.

SEC. 7. 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 the 4th day of March, A. D. 1901.

## CHAPTER 409.

### An act to prevent the manufacture and sale of any spirituous or malt liquors in Yancey County.

*The General Assembly of North Carolina do enact.*

Unlawful to manufacture or sell liquors in Yancey County.

Proviso.

SECTION 1. That it shall be unlawful for any person, persons, firms or corporations to manufacture, sell or otherwise dispose of for gain any spirituous, malt liquors in Yancey County: *Provided*, this act shall not forbid the sale of such spirituous or malt liquors by a druggist for medicinal purposes upon the written prescription of a regular practicing physician, having such sick person under his charge.

Place of delivery construed to be place of sale.

Proviso.

SEC. 2. That the place of delivery of any spirituous or malt liquors within the county of Yancey shall be construed to mean the place of sale and any place within the said county to which any person, firm or corporation shall ship or convey any spirituous or malt liquors for the purpose of delivery or carrying the same to a purchaser shall be construed to be a place of sale: *Provided*, this section shall not prevent the delivery of any spirituous or malt liquors to a druggist in a sufficient quantity for medical purposes.



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 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 medicinal purposes.

Druggist not to sell more than one pint to any person at one time, and only on prescription of regular physician.  
Druggists to file prescriptions and furnish list to solicitor.

SEC. 4. No physician shall give a prescription to any person except the same is in his opinion necessary and to be used for medicinal purposes and all physicians giving prescriptions 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.

Druggist must be satisfied prescription is made in good faith.

No physician to give prescription unless same is necessary for patient.  
Physician to keep record of prescriptions and file copy with solicitor.

SEC. 5. That any persons violating the provisions or any part thereof of this act shall be guilty of a misdemeanor and shall be fined not less than \$100 or more than \$500, or imprisoned not less than six months or more than twelve months.

Misdemeanor to violate provisions of act.  
Penalty.

SEC. 6. That this act shall be in force from and after the first day of June, 1901.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1901.

#### CHAPTER 410.

### **An act to prohibit hunting game on the lands of another in Orange County without written consent of the owner.**

*The General Assembly of North Carolina do enact:*

SECTION 1. It shall be unlawful for any person to hunt game with or without dog, gun, net or trap upon the lands of another in Orange and Franklin and Scotland County without the written consent of the owner of the land or his lawful agent.

Unlawful to hunt on lands of another in Orange, Franklin and Scotland counties, without written consent of owner.

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 nor more than ten dollars.

Violation of act a misdemeanor.  
Penalty:

SEC. 3. This act shall be in force from and after the first day of August, in the year one thousand nineteen hundred and one.

Act to go into effect August 1, 1901.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1901.

## CHAPTER 411.

**An act to prevent fishing in Little Elk Creek in Mitchell County for the next four years.***The General Assembly of North Carolina do enact:*

Unlawful to fish  
in Little Elk  
Creek for next  
four years.

SECTION 1. That it shall be unlawful to fish with hook and line, or with net or seine, or set any trap for catching fish in Little Elk Creek in Mitchell County within the next four years.

Misdemeanor to  
violate provisions  
of act.

SEC. 2. That any person violating this act shall be guilty of a misdemeanor and for each offence shall be fined not exceeding ten dollars or imprisoned not more than ten days.

Penalty.  
Conflicting laws  
repealed.

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

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1901.

## CHAPTER 412.

**An act for the relief of A. C. Morrow, a school teacher of Rutherford County.**

Preamble.

WHEREAS, A. C. Morrow taught a free public school in District number eight, Chimney Rock Township, Rutherford County, in 1899; and,

WHEREAS, A balance of fourteen dollars and thirty cents is still due on said claim,

*The General Assembly of North Carolina do enact.*

School Committee of District No. 8, Chimney Rock Township, to draw order on Treasurer in favor of A. C. Morrow for \$14.30.  
Treasurer to pay out of any funds due or to be due the district.

SECTION 1. That the School Committee of said District number eight, Chimney Rock Township, be authorized and required to draw an order on the Treasurer of Rutherford County in favor of A. C. Morrow, for the sum of fourteen dollars and thirty cents to be paid out of any moneys now on hand, or that may hereafter accrue to the credit of said district.

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1901.

## CHAPTER 413.

## An act to appoint a cotton weigher for the town of Laurinburg.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Commissioners of the county of Scotland at their regular meeting in May of each year shall elect a cotton weigher for the town of Laurinburg, who shall enter upon the duties of his office August first thereafter. Any vacancy in the office shall be filled by the said board, and upon sudden emergency they may make temporary appointment or selection: *Provided*, that no one who shall not give active personal attention to the business shall be continued in the office, and the Board of Commissioners may remove such weigher for non-attention personally or for incompetence to perform the duties of his office: *Provided further*, that the said Board of Commissioners may remove any weigher appointed under this act, if it appears that such weigher has wilfully, corruptly or negligently failed to discharge his duty or abused his trust as conferred upon him by this act.

Scotland County Commissioners to elect a cotton weigher at their annual May meeting.  
Term of office to begin August 1.  
Vacancies, how filled.  
Proviso.

Proviso.

SEC. 2. That such cotton weigher shall provide himself with a pair of accurate scales suitable for the business, which shall be suitably tested and he shall accurately weigh all baled cotton sold in said town at its true weight, and he shall make a just and proper deduction for water and damage.

Weigher to procure accurate scales.

SEC. 3. Before entering upon the discharge of his duties he shall take and subscribe before the Clerk of the Court of said county, or before the Board of Commissioners the following oath, viz.: "I, ....., do solemnly swear that I will faithfully perform the duties of cotton weigher in and for the town of Laurinburg, and that I will take no interest near or remote in buying or selling cotton as a business in said town of Laurinburg."

Weigher to take oath.

Form of oath.

SEC. 4. Before entering upon his duties as cotton weigher, unless only temporarily appointed, he shall execute a bond in the penal sum of not less than one thousand dollars, nor more than five thousand dollars for the faithful discharge of the duties of his office, which bond shall be approved by the Board of Commissioners in like manner as they approve county officers and the bond shall be registered and deposited with the Clerk of the Court for safe keeping.

Weigher to give bond for faithful discharge of duties.

SEC. 5. Said cotton weigher shall keep a faithful and accurate record of all his work, open to the inspection of the public, showing the names of seller and purchaser together with weight of

Weigher to keep accurate record.

the cotton with the marks and date sold, and shall receive as full compensation such sum as the Board of Commissioners shall fix not exceeding six and one-quarter cents for each bale weighed, to be paid by the purchaser.

Compensation of weigher.

No other person to weigh cotton.

Proviso.

SEC. 6. That no other person, other than said cotton weigher, shall weigh cotton sold in said town of Laurinburg as a business: *Provided*, that said weigher may appoint, upon approval of the Board of County Commissioners, one or more competent assistants, who shall take the same oath as the weigher and for whose conduct he shall be responsible and his sureties liable for them and their acts as fully as for his: *Provided*, that any seller may procure his cotton to be weighed by another person by agreement with the purchaser, but the purchaser thereof shall pay over to the cotton weigher the fees for such weighing as fully as if weighed by him, and any purchaser refusing so to do shall be guilty of a misdemeanor and subject to a fine of twenty-five dollars for each offence: *Provided*, that cotton mill men buying cotton for manufacture and having the same delivered at the place of manufacture or storage shall be permitted to weigh the same without reference to the provisions of this act if weighed at the warehouse or mill and not elsewhere.

Proviso.

Purchaser refusing to pay fees guilty of misdemeanor.

Penalty.

Proviso.

SEC. 7. That any party who may suffer damage by the wilful, corrupt or negligent failure of the cotton weigher or his assistants appointed under this act to discharge the duties imposed upon him or abuse the trust of office may bring action in the name of the party in interest on the bond as aforesaid of such cotton weigher in the Superior Court of Scotland County and shall be entitled to recover in such action such damage as such person may have sustained by reason of such wilful, corrupt or negligent failure of such cotton weigher to discharge his duties or by abuse of his trust.

Party damaged by negligence of cotton weigher, may bring suit against official bond.

Misdemeanor for cotton weigher or assistant to violate provisions of this act.

Penalty.

SEC. 8. That any cotton weigher (or assistant) appointed under the provisions of this act, who shall wilfully or corruptly abuse his trust shall be guilty of a misdemeanor and on conviction shall be punished by fine or imprisonment or both at the discretion of the Court.

SEC. 9. 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. 1901.

## CHAPTER 414.

An act to repeal Chapter one hundred and ninety-one, Public Acts of one thousand eight hundred and ninety-seven, entitled "An act to establish a dispensary at Waxhaw, North Carolina;" to authorize an investment of the profits derived from said dispensary; to prohibit the sale of liquors in the townships of Jackson and Sandy Ridge, in Union County, and for other purposes.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred and ninty-one, Public Acts of one thousand eight hundred and ninety-seven, entitled "An act to establish a dispensary at Waxhaw, North Carolina," and all parts thereof, is hereby repealed.

Chapter 191, Public Laws 1897, repealed.

SEC. 2. That all profits made by said Waxhaw dispensary, established under and by authority of said chapter one hundred and ninety-one, Public Acts of 1897, and all funds belonging to said Waxhaw dispensary may be invested by the Mayor and Board of Town Commissioners of said town of Waxhaw in the "Waxhaw Normal and Collegiate Institute" situated in said town of Waxhaw; that the said Mayor and Board of Town Commissioners of the town of Waxhaw are hereby invested with full power and authority to take possession of and convert into money all property of whatever description, if there be any, belonging to said Waxhaw dispensary, and invest the funds derived from said property in the same manner as is hereinbefore provided for the investment of the profits and funds of said Waxhaw dispensary; and that the amount of stock which said profits and funds may purchase shall be held by said Mayor and Board of Commissioners and their successors in office for the use and benefit of the citizens of said town of Waxhaw.

Funds and profits of dispensary to be invested in Waxhaw Normal and Collegiate Institute.

Mayor and Town Commissioners authorized to take possession of all dispensary money and property, and hold proceeds for use and benefit of the citizens of Waxhaw.

SEC. 3. That the Mayor and Board of Commissioners of said town of Waxhaw shall have the right and authority hereunder to receive, receipt for and sue to recover any and all of the profits or other funds of the said Waxhaw dispensary; to take possession of any and all property belonging to said Waxhaw dispensary, and to sue for the same if necessary and to convert said property into money; and when said profits, funds and property have been so received, recovered and converted, the said Mayor and Board of Commissioners of said town of Waxhaw shall have full power and authority to invest the entire amount of funds belonging to said Waxhaw dispensary, in their hands, in stock of the said Waxhaw Normal and Collegiate Institute, and at all times to control and represent said stock.

Mayor and Commissioners authorized to wind up and settle all affairs of the dispensary and invest funds.

Chapter 49, Public Laws of 1897, and Chapter 493, Public Laws of 1899, repealed in so far as they relate to sale of liquors in Jackson and Sandy Ridge Townships.

SEC. 4. That chapter four hundred and forty-nine, Public Acts of one thousand eight hundred and ninety-seven, entitled "An act to regulate the sale of liquors in Union County," and chapter four hundred and ninety-three, Acts of one thousand eight hundred and ninety-nine, amendatory thereto, 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," be and the same are hereby repealed in so far as they authorize the establishment of a dispensary for the sale of liquors in Jackson and Sandy Ridge Townships in Union.

Unlawful for any one to buy and sell liquors in Jackson and Sandy Ridge Townships.

SEC. 5. That it shall be unlawful for any person, firm or corporation, druggists, apothecaries and dispensers not excepted, to sell, barter or exchange or barter, exchange or purchase as the agent for any other person any spirituous or fermented liquors in Jackson or Sandy Ridge Townships in the county of Union. Any person, firm or corporation violating this section shall be guilty of a misdemeanor, and upon conviction, fined not less than ten dollars nor more than five hundred dollars, or imprisoned for a term not less than three months nor more than two years, or both fined and imprisoned in the discretion of the Court.

Penalty.

Conflicting laws repealed.

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

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1901.

## CHAPTER 415.

### An act to protect game in Bertie County.

*The General Assembly of North Carolina do enact:*

Unlawful to kill birds and turkeys between March 1 and November 1, of each year.

Unlawful to hunt or kill deer between February 1 and October 1, of each year.

Violation of act a misdemeanor.

Penalty.

Proviso.

Applies only to Bertie County.

In force March 1, 1901.

SECTION 1. No person shall kill, or shoot, trap or net, any partridges, quail, doves, robins, larks or wild turkeys between the first day of March and the first day of November in each year; or hunt, kill or shoot any deer between the first day of February and the first day of October in each year; or shoot or kill any mocking birds, and any person violating this act shall be guilty of a misdemeanor and upon conviction shall be fined not exceeding ten dollars: *Provided*, wild turkey gobblers may be killed as late as May first of each year, but not later: *Provided*, that this act shall only apply to Bertie County.

SEC. 2. This act shall be in force from and after March 1, 1901.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1901.



## CHAPTER 416.

**An act to provide for stock law in a part of the township of Lillington, Harnett County.***The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be lawful and the duty of the Commissioners hereinafter named to construct a good and lawful fence, beginning at the waters edge in the south bank of the Cape Fear River in Lillington Township, Harnett County, at the common land corner of Oscar J. Spears and Mrs. James Pearsell and running thence with the dividing line of lands of said Spears and Pearsell to and across the Lillington road and on and along said line and with said Spears' fence to the point south of said road where the said Spears' fence diverges in a southeast course from said land line and thence with said fence in its course on and around his field to where it reaches his southeast corner at the old ditch, thence direct to the northwest corner of the Kivett field back of the H. C. McNeill place, thence with said fence on the west side of said field south around to the Telegraph road near the north Silver Run stream, thence across said Telegraph road to the southwest corner of Miss M. H. McNeill's Winnie place, thence with her south side fence or line in its eastern course to and across the Lillington [and] Dunn road to the fence, thence in a southeastern course along the fence on the east side of said road as they now stand to the Pipkin old gin place, thence along the east side of the John Brantly road to the Brantly gate, thence with the Brantly fence on the southwest side to the nearest point to Mrs. Dr. McNeill's fence, thence direct to her fence, thence with her outside fence to upper Little River, thence down said river with its various courses to its mouth or confluence with the Cape Fear River which latter river is a lawful fence, thence without the construction along said river of any rail fence to the beginning.

Stock law fence to be constructed.

Fence territory defined.

SEC. 2. That Oscar Spears, Z. T. Kivett, J. W. Pipkin, S. W. Withers, Dr. W. K. McNeill and J. M. Hodges, of Harnett County, are hereby constituted and appointed a Commission to value the fence already constructed along the line of said proposed fence to make contracts for the immediate construction of said fence and to report the values and cost of the same to the Board of County Commissioners of Harnett County on or before the June meeting of this and after years of said Board of County Commissioners which board shall have a tax levy made upon the lands within said boundary covered by said proposed fence and shall direct the Sheriff of said county of Harnett to col-

Fence Commissioners named.

Powers and duties defined.

County Commissioners to make tax levy on stock law lands.

Sheriff of Harnett County to collect taxes and account for same, as provided for collection of other taxes.

County Commissioners to fill vacancies of said Board of Fence Commissioners. Pay of commissioners.

Unlawful for live stock to run at large in territory named in this act, after construction of fences.

Chapter 678, Laws 1899, so far as same affect this act, repealed.

lect the taxes so levied and report them to said board and account for the same and collect the same as provided by law for the collection of other and general taxes.

SEC. 3. That said Board of County Commissioners shall have power to fill any vacancies that shall or may occur in the membership of the Commission appointed in the second section of this act and shall provide for the pay of the said Commissioners a per diem of not more than two dollars per day of time actually employed by them in the discharge of their duties.

SEC. 4. That it shall be unlawful for any live stock to run at large within the territory herein above described after the construction of said fence, under the terms and penalties described and mentioned in what is known as the Wake County stock law, now in force.

SEC. 5. That chapter 678, of the Laws of 1899, in so far as the same effects this act be and the same are hereby repealed, and that all acts inconsistent with this act are hereby repealed.

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1901.

## CHAPTER 417.

### **An act for the relief of Mrs. A. C. Morrow, a school teacher of Rutherford County.**

Preamble.

WHEREAS, Mrs. A. C. Morrow taught a free public school in District No. 3, Chimney Rock Township, Rutherford County, in 1899; and,

WHEREAS, A balance of twenty-one dollars and forty cents is still due on said claim,

*The General Assembly of North Carolina do enact:*

Treasurer to pay \$21.40 for teaching school.

SECTION 1. That the School Committee of said District No. 3, Chimney Rock Township, be authorized and required to draw an order on the Treasurer of Rutherford County in favor of Mrs. A. C. Morrow for the sum of twenty-one dollars and forty cents, to be paid out of any moneys now on hand, or that may hereafter accrue to the credit of said district.

SEC. 2. 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. 1901.

## CHAPTER 418.

**An act to incorporate the Elkin and Alleghany Railway and Power Company, and for other purposes.***The General Assembly of North Carolina do enact:*

SECTION 1. That W. C. Fields, R. A. Doughton, H. G. Chatham, R. M. Chatham, C. W. Smith, A. A. Woodruff, H. E. Fries and C. F. Fields, and such other person or persons as may be associated with them, their successors and assigns are hereby created a body corporate under the name of the Elkin and Alleghany Railway and Power Company for the purposes hereinafter described, and under the aforesaid name and style shall have perpetual succession, and shall have power to sue and be sued, to plead and be impleaded, defend and be defended in all Courts, whether in law or in equity, and may make and have a common seal and alter, renew or break the same at pleasure; and shall have, possess and enjoy all rights and privileges of a corporation or body politic under the general law, and also rights, privileges and franchises herein given.

Incorporators.

Corporate name, powers and privileges.

SEC. 2. That said company shall have and it is hereby given the right and power to locate, construct, equip, maintain and operate, by steam power, animal power or electric power, a railroad, or any part thereof, upon one or more tracks, standard gauge or otherwise, from some point at or near Elkin, Surry County, North Carolina, through the counties of Surry, Wilkes, Alleghany and Ashe or through any one or more of said counties to such point on the North Carolina and Tennessee line, or North Carolina and Virginia line, by such route as it may select; and it may also construct, maintain and operate such lateral and branch lines as may be necessary or advantageous to the extension, completion and operation of such railroad. And for these purposes it shall have the power to construct dams, culverts, trestles and bridges over and across streams, valleys and depressions; and it shall have the right to cross any navigable stream or canal on its route; it shall have the right to cross at grade or over or under, to intersect, join or unite its railway with any other railway now constructed, or that may be hereafter constructed in this State, upon the ground of such other companies at any point on its route; and to build the necessary turnouts, sidings, switches and other conveniences in furtherance of the objects of its construction; and may, in making any intersection or connection with another road, have all the rights, powers and privileges conferred upon railroads by chapter 49, volume 1 of The Code of North Carolina, or any act of Assembly

May construct, build, equip and operate steam, electric or other roads through counties of Surry, Wilkes, Alleghany and Ashe.

May maintain lateral lines.

Certain rights, powers and privileges granted.

May enjoy all rights, etc., conferred by Chapter 49, volume 1, of Code, etc.

May locate stations.	amendatory thereof. Said company shall also have the right to locate such station or stations along its railroad, and arrange such schedule or schedules for the running of its passenger or freight cars, or trains, as it may think proper. For the construction of a railway provided by this act, the company shall have for the purpose of acquiring lands, easements or rights of way, all the rights, powers and authorities given to railroads under chapter 49, volume 1 of The Code of North Carolina, or any act of Assembly amendatory thereof, as fully as if the provisions of said chapter were incorporated in this act. In the construction of telephone, telegraph, electric power lines, or for other purposes mentioned in this act, condemnation proceedings for the acquisition of lands and rights of way shall be as hereinafter prescribed.
Powers of eminent domain.	
May condemn lands.	
May build and operate ferries, steamboats, telegraph and telephone lines, etc.	Sec. 3. The said company may build, construct, own and operate in connection with the said railroad, or any of its branches, ferries and ferry boats, steamboats and other means of transportation by land or water, for passengers and freight, and shall have full power to locate, construct, equip and operate any telegraph lines, telephone lines, or electric light lines, through any of the counties herein mentioned, with the full power as given herein for the location and operation of a railroad. That said company, its successors or assigns shall have the exclusive right to carry and transport passengers and freight over and along said road, and its branches, at such rate as said company may prescribe, subject to such general laws regulating the same as the General Assembly may from time to time establish; and it shall have the right to transport all manner of goods, United States mail or other property, and make and collect charges therefor, and to make, fix, charge and collect such tolls for the transportation of persons and property as it may think necessary, subject to the general law.
Exclusive right to transport passengers and freight on its lines and prescribe rates therefor, subject to general laws.	
May fix, charge and collect tolls.	
May supply power to individuals and corporations and fix charges therefor.	Sec. 4. That the said company is authorized and empowered to supply to the public, including both individuals and corporations within the State of North Carolina and elsewhere, power in the forms of electric current and hydraulic, pneumatic and steam pressure, or any of the said powers, and in any and all other forms, for use in driving machinery, and for light, heat and all other uses to which the power so applied can be made applicable, and to fix charges, collect and receive payment therefor; and for the purpose of enabling the company to supply power as aforesaid, the company is authorized and empowered to buy or otherwise acquire, generate, develop, store, use, transmit, and distribute power of all kinds, and to locate, acquire, construct, equip, maintain and operate from any place in the
May erect and operate lines for transmission of power.	

State where the said company may establish plants to any distributing point in the State where they may elect and from the same to any other points by the most practicable routes, to be determined by the company, lines for the transmission of power by wire on poles or under ground, and by cables, pipes, tubes, conduits, and all other convenient appliances for power transmission, with such connecting lines between the lines above mentioned, and also with such branch lines as the company may locate or authorize to be located, for receiving, transmitting and distributing power; and as appurtenances to the said lines of power transmission and their branches the company may acquire, own, hold, sell, develop, combine or dispose of water powers and water privileges in the State of North Carolina and elsewhere, and may locate, acquire, construct, equip, maintain and operate all necessary plants for generating and developing power by water, steam or any other means, and for storing, using, transmitting, distributing, selling and delivering same; may also construct, own and operate dams, gates, bridges, tunnels, stations and other buildings, boilers, engines, machinery, switches, lamps, motors and all other works, structure and appliances in the State of North Carolina; also, may build, own, control and operate electric railway lines, and may own, rent, lease or sell power for any other uses to which electricity, steam or water power can be applied. Said company shall also have the right and authority to use any public road or highway, or street for the construction or operation of its railroad, cars, poles, lines, or other equipment, under such reasonable regulations as the authorities controlling said roads, highways, or streets respectively, shall upon application from the company prescribe.

May own and develop water-powers and operate plants.

May use any roads or streets under such regulations as may be prescribed by the proper authorities.

SEC. 5. The capital stock of the said company shall not be less than ten thousand dollars, and may, with the consent of a majority of the stockholders, be increased from time to time to one million dollars or 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 shall prescribe, but the par value of every share of stock shall be one hundred dollars; and the company may receive cash, labor, material, bonds, stock, contracts, real or personal property in payment of subscriptions to its capital stock. A majority of the incorporators hereinbefore named, or such of them as shall be subscribers, may organize the said company by electing a Board of Directors and providing for the election or appointment of such other officers by said Board of Directors as may be necessary for the control and management of the business and affairs of said company, and thereupon they shall

Capital stock.

Par value of stock.

How company may organize.



No subscriber individually liable.

May borrow money, issue and sell its bonds.

May execute mortgages.

May connect or unite its lines with lines of other companies.

May acquire by lease or purchase the chartered rights and franchises of other companies.

Board of Directors may proceed to locate works of the company.

Principal office, Elkin, N. C.

have and exercise all the powers and functions of a corporation under this charter and the laws of this State. No subscriber shall be individually liable for the debts of the company.

SEC. 6. It shall be lawful for the said company to borrow money and issue and sell its bonds from time to time for such sums and on such terms as its Board of Directors may deem expedient and proper, for any of the purposes of the company, and may secure the payment of said bonds by mortgage or deed of trust upon all or any portion of its property, real, personal or mixed; also, on all its franchise, contracts, rights and privileges of every kind; and it may also, as the business of the company shall require, sell, lease, or in any manner convey and encumber the same, or any part thereof; and it shall be lawful for the said company to subscribe to and hold the stock and bonds of manufacturing or other corporations, and any manufacturing or other corporations may subscribe to and guarantee and hold the stock and bonds of this company.

SEC. 7. The said company may connect or unite its lines, for the transmission of power, with those of any other company or companies, or consolidate and merge its stock, property and franchises with and into those of any other company or companies incorporated under the laws of this State or any other State of the United States, operating or authorized to operate lines for the transmission of electric or other power, upon such terms and under such name as may be agreed upon between the companies so uniting or connecting, merging or consolidating; and the said company may lease or sell any or all its property, real, personal or mixed, its contracts, and privileges and its charter rights and franchises to any such other company upon such terms as may be agreed upon between them, and may in like manner acquire by lease or purchase any or all the property, real or personal, or mixed, and all contracts and privileges and the chartered rights and franchises of any such other company or companies; and full power and authority is hereby given to the said company or companies to make and carry out all such contracts as will facilitate and consummate such consolidation, leases, sales, mergers, and changes of name.

SEC. 8. The Board of Directors shall, as soon as they deem it practicable, proceed to locate the works of said company, and may have one or more locations from time to time as they may deem expedient, and the construction of some of the said works shall be begun within five years after the ratification of this act.

SEC. 9. That the principal office of said company shall be located at Elkin, North Carolina, and such branch offices as may be desirable for the purposes of the corporation shall be estab-



lished at such places as the by-laws of the corporation shall designate and prescribe. But by consent of the Board of Directors the principal office may be removed to any place within the State most expedient to the management of its works.

SEC. 10. It shall be lawful for the president and directors, their agents, superintendents, engineers or others in their employ, to enter at all times upon lands or water for the purpose of exploring and surveying the works of said company and locating the same, doing no unnecessary damage to private property; and when the location of said works in whole or in part shall have been determined upon, and a survey of the same deposited in the office of the Secretary of State, then it shall be lawful for the said company, by the officers, agents, engineers, superintendents, contractors and others in its employ to enter upon, take possession of, hold, use and excavate any such lands and to erect all structures necessary and suitable for the completion or repairing as is hereinafter provided: *Provided always*, that payment or tender of the value of all lands upon which the said works may be laid out are made before the said company shall enter upon or break ground upon the premises, except for surveying or locating said works, unless the consent of the owner thereof be first obtained.

Lawful to enter upon lands of others for purpose of surveying and locating the works of said company.

May take possession of and hold and use land for necessary purposes of company.  
Proviso.

SEC. 11. When any land or right of way and trees within dangerous proximity to lines may be required by said company for the purpose of constructing its works or building its roads, and for want of agreement as to the value thereof, or for any other cause, the same can not be purchased from owners, the same may be taken at a valuation to be fixed by five commissioners, or a majority of them, to be appointed by the Clerk of the Superior Court of the county wherein said land is situated. In making the said valuation the said commissioners shall take into consideration the loss or damage which may occur to the owner or owners in consequence of the land being surrendered, as well as the advantage accruing to said property: *Provided, nevertheless*, that if any person or persons on whose land the said works may be located, or if said company shall be dissatisfied with the valuation of said commissioners, then and in that case the party so dissatisfied may have an appeal to the Superior Court in the county wherein the valuation has been made, or in either county in which the land may be when it shall be in more than one county, subject to the same rules, regulations, and restrictions as in cases of special proceedings. The proceedings of said commissioners, with a full description of the land shall be returned under their hands and seals, or a majority of them, to the Court from which the commission was

How lands taken to be appraised.

Commissioners to consider loss or damage to owner.

Proviso.

Appeal to Superior Court given to party aggrieved.

Commissioners to make returns to court from which commission issued.

Proviso.

issued, there to remain a matter of record, and the lands so valued shall vest in fee in the said company as soon as the valuation shall have been paid or tendered: *Provided*, that upon application for the appointment of a commissioner under this section, it shall be made to appear to the satisfaction of the Court, that at least ten days' notice had been previously given of the application to the owner or owners of the land so purposed to be condemned, or if the owners be under disability, or the guardians of such owners as are under disability can not be found within the county, or the owner or owners are not known; then, that such notice of such application has been published once a week for at least four weeks in some newspaper printed in the county in which the application is to be made: *And Provided further*, that the valuation provided for in this section shall be made on oath by the commissioners aforesaid, which oath may be administered by any person authorized by law to administer oaths: *And Provided further*, that the rights of condemnation herein granted shall not authorize said company to remove or invade the yard or garden around the private dwelling, the burial grounds of any individual [without] his or her consent; and the lands aforesaid, for the purpose of this act, are hereby condemned for public purposes.

Lands granted to company.

SEC. 12. All lands not heretofore granted to any person lying within the location made by the company for its work, shall vest in the said company as soon as the works are definitely laid out, through or upon it, and any grant of said land thereafter shall be void.

Company may construct and operate part of its works.

SEC. 13. A part of the works of said company at any of its plants may be constructed without completing its entire work, and the said works may be operated and electric current may be transmitted and delivered, and charges may be collected therefor, notwithstanding the entire work of the company has not been completed.

Votes of stockholders.

SEC. 14. Every stockholder in the company shall at all meetings or elections, be entitled to one vote for every share of stock registered in his name. The stockholders of said company, or Board of Directors under a resolution of the stockholders aforesaid, may enact such by-laws, rules and regulations for the management of the affairs of the company as they may deem proper and expedient. Meetings of the stockholders and directors may be held at such time and places as the stockholders and Board of Directors may respectively prescribe.

Who to compose Board of Directors.

SEC. 15. The Board of Directors shall be composed of the stockholders of said company and shall consist of such members as the stockholders may prescribe from time to time by the by-

laws, and shall be elected at the stockholders' annual meeting, to be held on such days as the by-laws of the company may direct, and shall continue in office for the term of one year from and after the date of their election, and until their successors are elected and qualified; and they shall choose from among their number a president, vice-president, secretary and treasurer, but one or more of said offices may be held by the same person. In case of death, resignation or incapacity of any officer or member of the Board of Directors during his term of office, the said board shall choose his successor for the unexpired term.

Board of Directors to elect company officers.

SEC. 16. This act shall be deemed and taken to be a public act, and a copy of any by-laws or regulations of the said company under its corporate seal, purporting to be signed by the president shall be received as *prima facie* evidence for and against the said company in any judicial proceedings.

This act made a public act.

SEC. 17. That any person who shall wilfully and maliciously deface, injure, destroy, remove, or obstruct said work, or any fixtures, property or machinery thereof, or its structures or appliances of any kind, shall be guilty of a misdemeanor, and fined or imprisoned within the discretion of the Court.

Misdemeanor for any person to injure company's property.

Penalty.

SEC. 18. That any person or persons who shall wilfully and maliciously cast, throw, shoot, propel or project, or in anywise put in motion any stone, rock, torpedo, or other missile of any kind or nature at, against or into any of the property of said company shall be guilty of a misdemeanor, and shall be fined or imprisoned within the discretion of the Court.

Misdemeanor to attempt to injure company's property.

Penalty.

SEC. 19. That the conductors, drivers and other agents and servants of said company while in active service of said company, or in the discharge of any duty connected therewith, are hereby vested with the same power, authority and privileges which belong to similar officers and agents of railroad companies in this State, and in addition to the general powers conferred upon such agents and officers, they may eject and remove all drunken, profane and disorderly persons from any of the conveyances, cars or property of said company, at any time, whether the fare of said drunken, disorderly or profane person has been paid or not, and the said company shall not be liable or responsible in damage therefor, and such agent and officer shall not be liable, civilly or criminally therefor, unless he uses greater force than is necessary to eject such person.

Police powers conferred on certain officials and agents of the company.

SEC. 20. All acts or parts of acts inconsistent herewith are hereby repealed.

Conflicting laws repealed.

SEC. 21. This act shall be in full force and effect from and after its ratification.

In the General Assembly read three times, and ratified \*by the 4th day of March, A. D. 1901.

## CHAPTER 419.

**An act for the relief of D. W. Lee, a public school teacher of Wilkes County, N. C.***The General Assembly of North Carolina do enact:*

Treasurer to pay  
D. W. Lee \$22.13,  
balance due him  
for teaching  
school.

SECTION 1. That the Treasurer of Wilkes County be and he is hereby authorized, empowered and directed to pay D. W. Lee, a public school [teacher] for District number 58, white race, Wilkes County, the sum of twenty-two and 13-100 dollars (\$22.13), balance due him for services rendered in the year 1899, said amount to be paid out of any funds that may now be due or hereafter become due said district.

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1901.

## CHAPTER 420.

**An act supplemental to an act entitled "An act to authorize Jas. F. Battle, an ex-Confederate soldier, to peddle without paying tax," which was ratified March 4, 1901.**

Preamble.

WHEREAS, On the 4th day of March, A. D. 1901, there was ratified by the General Assembly of North Carolina an act entitled "An act to authorize Jas. F. Battle, an ex-Confederate soldier, to peddle without paying tax; and,

WHEREAS, By inadvertance and mistake the date of the ratification of said act was not completed in that the month and year were omitted; therefore,

*The General Assembly of North Carolina do enact:*

Secretary of State  
authorized to  
insert date of  
ratification.

SECTION 1. That the Secretary of State be and he is hereby authorized and directed to insert, add to and amend the date of the ratification of an act, entitled "An act to authorize Jas. F. Battle, an ex-Confederate soldier, to peddle without paying tax," which was ratified March 4, 1901, so as to read "4th day of March, A. D. 1901," and the said Secretary of State is directed to make such addition, insertion or amendment upon any copy, manuscript or other paper in his office relating to the above entitled act.

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

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1901.

## CHAPTER 421.

**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 all of the territory embraced within the following boundaries, to-wit: Beginning at J. R. Dee's plantation, where he now resides, at a point where his line touches the Davis Mine Road, near "Hudson's School-House," and running said Dee's line to and including the lands of B. F. Houston's old home place, thence to and including the Wm. Hudson old home place, thence to and including L. G. Howie's home place, where he now resides, thence to and including R. H. Howie's home place, thence to and including Wm. Fowler's home place, thence the Molly Branch to the Potter Road, thence a straight line to and including R. A. Hudson's plantation where Wm. Helms now lives, thence up Twelve Mile Creek to the first line of J. M. Price's land and including said Price's land, thence to and including D. W. Reid's home place to a point where said Reid's land adjoins J. D. Davis' land, thence his southern and western lines to and including A. J. Price's late home place, thence a straight line to the Biggers Mill Road where it crosses the Ridge Road, thence a straight line to and including J. R. Dee's home place to the beginning, constitutes a public school district for the whites and colored, to be known as Wesley Chapel School District, Union County.

District boundaries defined.

SEC. 2. That the Board of Commissioners of Union County are authorized and required to order an election to be held in the said "Wesley Chapel School District," for the whites and colored, of Union County,, on the first Monday in May next, and at the 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 white and colored children in said school district.

County Commissioners to submit question of annual levy for schools to qualified voters first Monday in May, 1901.

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 election 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.

Manner of conducting election.

Provisions for tax  
levy if school tax  
is voted.

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 elections herein provided for, report to the county authorities empowered to levy taxes what sum said trustees deem necessary to support and maintain said school during the first year, and annually thereafter said trustees, thirty days prior to the time for levying county taxes, shall report to said authorities what sum of money is necessary to support said schools during the next year. And the taxes for the support of said schools shall be annually collected as other taxes are collected and paid over by the Sheriff or other collecting officers to the County Treasurer, which officers shall give good and sufficient bonds to be approved by the said commissioners for the safe keeping and proper distribution of said taxes, and the taxes levied and collected for these purposes shall be kept 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 purposes of establishing, 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 when deemed by them to the best interests of said school districts, and may erect such buildings as in their opinion are necessary for said schools.

Trustees to report  
to County Com-  
missioners what  
sum necessary to  
maintain schools.

Sheriff to collect  
and pay over  
school tax in  
same manner as  
other taxes.

School funds to  
be kept distinct  
from other funds.

Trustees may  
purchase, con-  
demn and hold  
lands.

How school taxes  
disbursed.

SEC. 5. The taxes levied for the support of said schools under this act and under the general school law shall be paid out by the officers having them in charge upon such warrants and to such persons as the trustees hereinafter mentioned may prescribe.



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 "Wesley Chapel School District" so as to give the same length of school term for the whites and the colored and so as to pay due regard to the cost of maintaining and keeping up the public schools of both races: *Provided*, separate schools shall be established and maintained for both races.

How funds to be divided between the white and colored schools.

Provido.

SEC. 7. That J. N. Price, H. L. Price, E. M. Moore, L. G. Howie and R. H. Howie are hereby constituted a Board of Trustees for the public graded schools of Wesley Chapel 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 Wesley Chapel 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 purposes 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, another secretary, and do and perform all acts proper and necessary for the best advantages of said schools.

School trustees appointed and powers and duties defined.

SEC. 8. That the public school money which shall from time to time be collected under the general school laws for the white and for the colored children of said Wesley Chapel School District shall be applied to the support and maintenance of the High Schools provided for in this act under the orders and directions of said Board of Trustees.

Public school money to be applied to support of schools provided for in this act.

SEC. 9. That the Board of Trustees aforesaid may admit as pupils in said school children who reside outside of the boundaries of said Wesley Chapel School District upon the payment of such sums as shall be fixed by said Board of Trustees.

Trustees may admit outside pupils upon such terms as they may prescribe.

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.

Trustees may provide for other studies than those taught under general law, and fix price for same.

SEC. 11. That the said Board of Trustees shall have the right to assess each pupil of the said district in a sum not exceeding fifty cents for the fall term and fifty cents for the spring term of said schools for incidental and other expenses, said sum payable on entrance of the pupil, and if said sum be not paid by the

May assess pupils for incidental expenses.

parent or guardians of said pupils the Board of Trustees shall have the right to dismiss said pupils from the schools.

Trustees to elect superintendent annually.

SEC. 12. The Board of Trustees shall elect annually a superintendent for the schools, who shall be principal for the school for the whites, and who shall examine all applicants for teachers' positions in said schools, and issue certificates to the same, and who shall do and perform such other duties as may be prescribed by the Board of Trustees of such schools.

Superintendent to be paid such compensation as Board of Trustees deem proper. *Provido*.

SEC. 13. That the superintendent and teachers of said schools shall not be subject to any restriction or limitations as to salary prescribed by any law or statute, but may be paid such compensation as the Board of Trustees deem just and proper: *Provided*, that no Trustee of said school, while acting as such, shall be a teacher therein.

Trustees may sell old Davis school lot and apply proceeds to erection of new school building for whites.

SEC. 14. That the said Board of Trustees are authorized and empowered to sell and convey the old Davis school lot and the buildings situated thereon, lying and being on the Price's Mill Road near the residence of J. D. Davis, which sale may be at public or private sale and the proceeds of said sale shall be applied in the erection of a school building for the whites in the said Wesley Chapel School District, and they are authorized and empowered to use such fund of the special tax so levied for the purpose of erecting and equipping such school buildings for either race, as they may deem necessary.

Unlawful to buy or sell any liquors within five miles of said school district.

SEC. 15. That it shall be unlawful for any person, firm or corporation, druggist, apothecaries and dispensaries not excepted, to sell, barter or exchange, or barter, exchange or purchase as the agent 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 purposes of delivery within five miles of said Wesley Chapel School District. Any person, firm or corporation violating this section shall be guilty of a misdemeanor and, upon conviction, fined not less than ten dollars nor more than five hundred dollars, 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.

Violation of act a misdemeanor.

Penalty.

Secretary of State to have fifty copies of act printed and sent to Register of Deeds of Union County.

SEC. 16. That the Secretary of State as soon as this act shall be ratified shall have printed fifty copies of this act and forward them to the Register of Deeds of Union County to be distributed among the citizens of said school district.

Conflicting laws repealed.

SEC. 17. That all laws and clauses of laws in conflict with this act are hereby repealed.

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

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1901.

## CHAPTER 422.

**An act to regulate the sale of intoxicating liquors in Macon County.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one of chapter three hundred and twenty-five (325) of the Public Laws of eighteen hundred and ninety-nine be and the same is hereby amended, by striking out the words "without a license or," between the word "liquor" in line two, and the word "contrary" in line three.

Section 1, Chapter 325, Public Laws 1899, amended.

SEC. 2. That section three of said chapter be and the same is hereby amended by adding at the end thereof, the following, to-wit: "*Provided*, the Dispensary Commissioners shall make contracts with any party or parties, in any township or townships in Macon County, to furnish all corn whiskey and apple brandy that shall be sold at said dispensary: *Provided*, that said whiskey shall not cost more than one dollar and fifty cents per gallon, and said brandy not more than one dollar and eighty cents per gallon by the barrel, delivered at said dispensary. The manufacturers first complying with United States Internal Revenue laws, and State laws: *Provided further*, that said liquors shall not be manufactured within two miles of any church or school-house in Macon County.

Section 3 amended and added to.  
Proviso inserted.

SEC. 3. It shall be the duty of the county physician to test or examine each barrel of whiskey and brandy before the same shall be accepted by said Dispensary Commissioners, and any that is found not absolutely pure shall be refused, and not paid for.

County physician to test all liquors bought.

SEC. 4. The question of "dispensary" or "no dispensary" shall be submitted to the qualified voters of Macon County at the November election in (1902) nineteen hundred and two: *Provided*, that nothing herein contained shall prevent the Board of County Commissioners from calling an election on said question prior to that time, and if a majority of the votes cast at said election shall be for the dispensary, then the said dispensary shall continue to run under existing laws; but if a majority of votes cast at said election shall be against the dispensary, then the same shall be discontinued; and if said dispensary be discontinued the Dispensary Commissioners after the vote of discontinuance is ascertained shall have sixty days to wind up and settle the affairs of the same.

Question of dispensary or no dispensary to be submitted to voters at election in November, 1902.  
Proviso.

SEC. 5. That all persons voting upon the question of dispensary, or no dispensary, as provided for in section four of this act, shall prepare their ballots as follows: Those voting in favor of the dispensary shall have written or printed on their

Dispensary Commissioners to have sixty days to wind up affairs if dispensary is discontinued.

Ballots, how prepared.

ballot the words "For Dispensary," those opposed, "Against Dispensary."

Unlawful to sell liquors in Macon County if dispensary is discontinued.

SEC. 6. That if said dispensary shall be discontinued under sections four and five of this act, then it shall be unlawful for any person or persons, firm or corporation to sell, or offer for sale any spirituous or intoxicating liquors in said county.

Violations of this act and Chapter 325, Public Laws 1899, as amended, a misdemeanor. Penalty.

SEC. 7. That any person violating any provision of this act, or any provision of said chapter three hundred and twenty-five as amended by this act, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars for each offence, or imprisoned, or both, at the discretion of the Court.

Conflicting laws repealed.

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

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

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1901.

#### CHAPTER 423.

#### **An act supplemental to an act entitled an act to amend Chapter 581, Public Laws of 1899, ratified March 4, 1901.**

Preamble.

WHEREAS, On the 4th day of March, 1901, there was ratified by the General Assembly of North Carolina, an act, entitled "An act to amend chapter 581, Public Laws of 1899;" and,

WHEREAS, The ratification clause bears date 4th day of ..... when it should read 4th day of March, A. D. 1901; therefore,

*The General Assembly of North Carolina do enact:*

Secretary of State authorized to insert date.

SECTION 1. That the Secretary of State be and he is hereby authorized and directed to add to and insert such words, letters, and figures in and to an act entitled "An act to amend chapter 581, Public Laws of 1899," ratified 4th day of March, A. D. 1901, as to make the date of such ratification read 4th day of March, A. D. 1901, and that such necessary words and figures to make such date read correctly be added or inserted on any manuscript or copy of said act wherever same may be.

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

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1901.

## CHAPTER 424.

**An act to appoint a Board of Examiners to visit State Institutions.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That there shall be appointed by the Governor, on or before August the 15th, 1902, and every two years thereafter, a Board of Examiners consisting of three members; that one member of this board shall be of the party different from the party in power: *Provided*, that no member of the said board shall be connected directly or indirectly with any State institution. Before entering upon the discharge of their duties said Commissioners shall take and subscribe an oath faithfully to do and perform the duties and true report to make thereon.

Governor to appoint Board of Examiners by August 15, 1902.

Board to consist of three members, one member of opposite political party.

Proviso, Members to qualify.

SEC. 2. That it shall be the duty of said Board of Examiners, between August 15, 1902, and November 15, 1902, and every two years thereafter to visit all State institutions, including institutions supported in part by the State, and to carefully and thoroughly examine the same, and on or before November 15, 1902, and every two years thereafter make report to the Governor, showing the condition, efficiency and needs of each of said institutions, together with their recommendations as to the amount the General Assembly should appropriate for each of said institutions, and the object for which said appropriations should be made. And said Board of Examiners shall thoroughly examine the books, vouchers, etc., of said institutions and report such expenditures—if any—as in their opinion were unnecessary.

Board to visit State Institutions every two years.

To make report to Governor on or before November 15, 1902, and every two years thereafter, together with their recommendations to the General Assembly as to appropriations.

Board to examine books, vouchers, etc., and report expenditures.

SEC. 3. That said Board of Examiners is hereby authorized and empowered to summon any employee of said institutions or other person before it to testify under oath as to any matter pertaining to said institutions, and for said purpose they are hereby authorized to administer oaths.

Board may summon employees to testify, and may administer oaths.

SEC. 4. That on or before December 1, 1902, and every two years thereafter the Governor shall cause said report to be printed and a copy thereof mailed to members-elect of the General Assembly.

Governor to have report printed biennially and copy mailed to members of General Assembly.

SEC. 5. That this Board of Examiners shall make their said visits for the purposes set forth in this act without having in any manner given notice of the time thereof to the officials of said institutions.

Board to make visits without notifying officials of institution.

SEC. 6. That no member of the Board of Examiners as provided for in this act shall be a member of the General Assembly to which said board makes its report.

No member of board to be a member of the General Assembly.

SEC. 7. That no committee appointed by the General Assembly shall visit said State institutions, except by special order of the General Assembly.

No committees of General Assembly to visit State Institutions except by special order.



Governor may order board to visit at any time he may deem necessary.

SEC. 8. That the Governor is hereby authorized in addition to the provisions above set forth, to send said Board of Examiners to visit and inspect any of said institutions at any time he may deem it necessary.

Compensation of Board of Examiners.

SEC. 9. That said Board of Examiners shall receive for their services each (\$4.00) four dollars per day, together with traveling and other actual expenses while engaged in examining and making reports on said institutions.

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 the 7th day of March, A. D. 1901.

## CHAPTER 425.

An act to relieve certain citizens formerly residing in South Fork Township, Forsyth County, from a special tax levied to meet the bonded indebtedness of Winston Township, incurred prior to the passage of Chapter 83, Private Laws of 1897.

*The General Assembly of North Carolina do enact.*

All property and polls in part of Winston Township, formerly part of South Fork Township, relieved from special taxes on account of bonded debt incurred prior to change of township lines.

SECTION 1. That all property and polls within that portion of Winston Township, formerly belonging to South Fork Township, Forsyth County, described in section 8, chapter 83, Private Acts 1897, and attached to Winston Township by section 9 of said chapter, be and the same are hereby exempt from all assessment, levy, and payment of all special taxes for and on account of the bonded indebtedness of Winston Township incurred prior to the changes of said township lines.

Special taxes so paid for years 1897-98-99 and 1900, by said persons, to be refunded.

SEC. 2. That all such special taxes so paid upon the property and polls as aforesaid, for the years 1897-98-99 and 1900, be refunded to the persons who have so paid them, and that all assessments and levies so made thereon be released; and the Treasurer of Forsyth County is hereby empowered and directed to pay back the several respective amounts of such special taxes as have been paid, to the rightful holders of the Sheriff's receipt for the same.

Assessments and levies thereon released.

Treasurer of Forsyth to refund parties holding receipts for such taxes.

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 the 7th day of March, A. D. 1901.



## CHAPTER 426.

An act to allow Jackson County to issue bonds for the purpose of constructing or aiding in the construction of a railroad to or by the town of Webster in Jackson County.

*The General Assembly of North Carolina do enact:*

SECTION 1. That for the purpose of constructing or aiding in the construction of a railroad from some point on the Southern Railway to or by the town of Webster in Jackson County by any duly incorporated company, it shall and may be lawful for Jackson County to subscribe to the capital stock of any such company such sums of money as a majority of the qualified voters of said county may authorize the Board of Commissioners of said county to subscribe. Said subscription shall be made payable in the bonds of said county not bearing a greater rate of interest than four per cent per annum payable thirty years after date thereof, and to be received by such company or corporation, and to be of the denominations of one hundred dollars, and five hundred dollars, interest to be due and payable annually, and so expressed in the face of said bonds: *Provided*, the total subscription of said county shall not exceed the sum of fifty thousand dollars.

Jackson County to subscribe such sums as a majority of qualified voters may determine, for purpose of constructing a railroad through the county to or by the town of Jackson.

Subscription to be paid in bonds of the county, maturing in thirty years.

Interest on bonds to be due and payable annually.

SEC. 2. That upon the written petition of as many as two hundred of the qualified voters of said county asking that an election be called to vote on the question of subscription or no subscription to the capital stock of any such company or corporation, its successors or assigns, and stating the amount desired to be so subscribed, it shall be lawful for and the duty of the Board of Commissioners of Jackson County to call an election according to the prayer of the petitioners at such time as said board may designate, and to submit to the qualified voters of Jackson County the question of subscription or no subscription to the capital stock of any such company or corporation, its successors and assigns.

Board of County Commissioners to order an election upon the written petition of two hundred qualified voters of the county, to be held at such time as Commissioners may designate.

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 shall be filed in the office of the Register of Deeds of Jackson County.

Petition and names of signers to be recorded.

SEC. 4. That it shall be the duty of the Board of Commissioners of said county to have published for four successive weeks before said election in some newspaper published or circulated in Jackson County, a notice giving the day on which said election shall be held and the amount of the capital stock proposed to be subscribed.

Notice of election to be published in newspaper for four successive weeks.

County Commissioners to appoint registrars and judges.

Board to declare, publish and record result of elections.

Registrar and judges to count and certify vote.

Election held under rules and regulations prescribed for election of members of the General Assembly.

Manner of voting prescribed.

When bond issue ratified by popular vote, Chairman of County Commissioners to issue bonds.

Bonds not to be delivered nor bear interest till completion of road.

Provido.

SEC. 5. The 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 said 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 the said election shall be held according to the laws and regulations provided for the election of members of the General Assembly, except as hereinafter provided.

SEC. 8. That at said election each qualified voter of Jackson County, who shall be in favor of the county of Jackson 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 county who shall be opposed to issuing such 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 of any specified color, size or quality.

SEC. 9. That if at said election a majority of the qualified voters of Jackson County shall cast their votes for subscription, then the chairman of the Board of said Commissioners of said county shall be and is hereby authorized and empowered to subscribe to the capital stock of any such company or corporation its successors or assigns, the sum so 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; but said bonds shall neither be delivered nor bear interest until such company or corporation, its successors or assigns shall have completed its line of railway to the town of Webster or by the town of Webster to some other point in said county and have trains running on said road on regular schedule: *Provided*, that if said road is to be built by the town of Webster to some other point in said county, then, in that event, the said bonds shall not be delivered or bear interest until such company or corporation, its successors or assigns, shall have completed said road to such point and have trains running on said road on regular schedules. Each of said bonds shall have attached thereto thirty coupons, each coupon to represent the

interest that shall become due on said bond on the date mentioned in said coupon 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 attached, and said coupons as they become due shall be receivable in payment of all county taxes. Said bonds and coupons shall specify on their face that the same shall not be delivered or bear interest until such company or corporation, its successors or assigns, shall have completed and put in operation to the town of Webster or by said town to some other point in said county as hereinbefore provided.

Coupons to be received in payment of county taxes.

SEC. 10. That if at the first election called and held under the provisions of this act a majority of the qualified voters of Jackson 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 rules and regulations as are herein contained.

Additional elections may be held if necessary.

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 7th day of March, A. D. 1901.

#### CHAPTER 427.

**An act supplemental to an act entitled "An act to enable the Board of School Directors of Buncombe County and certain school committees in certain districts in said county to pay certain pecuniary obligations heretofore made by school districts in said county."**

WHEREAS, On the 4th day of March, A. D. 1901, there was ratified by the General Assembly of North Carolina an act, entitled "An act to enable the Board of School Directors of Buncombe County, and certain School Committees, in certain districts in said county to pay certain pecuniary obligations heretofore made by school districts in said county;" and,

Preamble.

WHEREAS, By inadvertance and mistake the date of said ratification was not completed, in that the month and year of its ratification was omitted and left off of the manuscript sent to the Secretary of State's office; therefore,

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Secretary of State be and he is hereby authorized and directed to insert, add to or correct the date of the ratification of an act, entitled "An act to enable the Board of School Directors of Buncombe County, and certain School

Secretary of State authorized to insert date.

Committees in certain districts in said county, to pay certain pecuniary obligations heretofore made by school districts in said county," which was ratified 4th day of March, A. D. 1901, so that the date of said ratification will be and read 4th day of March, A. D. 1901, and said Secretary of State is directed to insert and add said date into and to any copy, manuscript or other paper relating to said act that may be in his office.

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

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1901.

#### CHAPTER 428.

#### An act authorizing the Commissioners of Duplin County to sell the Home for the Aged and Infirm and for other purposes

*The General Assembly of North Carolina do enact:*

Commissioners of Duplin County authorized to sell the County Home for aged and infirm.

Sale may be public or private.

Must be made before January 1, 1903.

Commissioners to execute deeds to purchasers.

May levy special tax for 1902 and 1903 to buy lands on which to erect a home for the aged and infirm.

SECTION 1. That the Commissioners of Duplin County be and they are hereby authorized to sell the county home for the aged and infirm, with all the lands on which the same is situate; the vacant lot in Kenansville known as the old jail lot on Back Street, and the Lodge lot; that said sale may be either public or private in the discretion of the Commissioners, and the said property may be sold together or in lots and on the same day or on different days: *Provided*, the said sale may be made any time before the 1st day of January, A. D. 1903, and not thereafter. That upon said sale or sales and upon the receipt of the purchase price for the property sold, the said Commissioners shall execute a deed to said property to said purchaser or purchasers in fee-simple.

SEC. 2. That the said County Commissioners of Duplin County be and they are hereby authorized to levy a special tax not exceeding ten cents on the one hundred dollars valuation of property and thirty cents on the poll, for the years 1902 and 1903, respectively, for the purpose of buying lands on which to erect a suitable county home for the aged and infirm, to erect the necessary buildings thereon; the said tax to be levied and collected in the same manner as other taxes.

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

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1901.

## CHAPTER 429.

**An act to regulate the meeting of the Board of Commissioners of Edgecombe County and to provide adequate compensation for the Chairman of the Board.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That section 706 of The Code is hereby repealed and the following substituted in lieu thereof, to-wit: The Board of County Commissioners shall hold regular meetings at the court-house on the first Monday in every month and shall adjourn from day to day until all business before the board is disposed of. Meetings may be held at other times for the more convenient dispatch of business, at the call of the chairman on the written request of one member of the board, but public notice of the time and place of such meeting shall be posted at the court-house door for not less than two days prior thereto. Every meeting of the board shall be open to the public.

Section 706 of  
Code repealed  
and new section  
substituted.

SEC. 2. That section 709 of The Code is hereby repealed and the following substituted in lieu thereof, to-wit: That each Commissioner shall receive for his services in attending the meetings of the board and for such other services as he shall render the county in pursuance of authority from the board the sum of two dollars per day with mileage at the rate of five cents for each mile actually traveled on each and every day and the board shall allow the chairman such compensation as it may deem proper. The accounts of each Commissioner shall be verified and audited as other claims against the county: *Provided*, that an amount to exceed three hundred dollars per year shall not be paid to the chairman of the board.

Section 709 of  
Code repealed  
and new section  
substituted.

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 apply only to the county of Edgecombe.

Act to apply only  
to Edgecombe  
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 the 7th day of March, A. D. 1901.



## CHAPTER 430.

**An act to survey and build a road from Laurel Springs, N. C., to Mulberry Gap.***The General Assembly of North Carolina do enact:*

C. J. Taylor, J. J. Miller and S. M. Transon appointed surveyors.

SECTION 1. C. J. Taylor and J. J. Miller, of Alleghany County, and S. M. Transon, of Ashe County, respectively, are hereby appointed, authorized and required to survey and regrade the State road from Laurel Springs, Alleghany County, to the Mulberry Gap, at the top of the Blue Ridge, near W. F. Ward's, said survey shall lay out and grade the road to the greatest advantage to the traveling public. Said survey shall be made before June 1, 1902.

Surveyors to make reports of survey to Vance Taylor, S. G. Caudill, David Hart and W. C. Taylor, road overseers.

SEC. 2. That after said surveyors have completed their work they shall report the same to Vance Taylor and S. G. Caudill, of Alleghany County, and David Hart and W. C. Taylor, of Ashe County, who are hereby appointed road overseers for their respective counties to construct and build the road just as laid out by the road surveyors named in this act.

Overseers subject to order of surveyors.

SEC. 3. That said overseers shall be subject to the order of said surveyors, who shall direct them when to begin work and shall give such other orders as they deem necessary in the building and construction of said road. When the overseers shall have completed their road they shall report to their respective road surveyors in the county in which they live, and it shall be the duty of said surveyors to meet and inspect said road and if the same shall be completed as required by law they shall then discharge said overseers and the duties of both overseers and surveyors shall be at an end.

Overseers to notify surveyors on completion of road.

Duty of surveyors.

Overseers to summon and work hands.

SEC. 4. That the overseers in Alleghany County shall summon and work all the road hands required by law, within three miles of the nearest point of any part of said road, and the overseers in Ashe County shall summon and work all the hands of road age within two miles of nearest point of any part of said road.

Overseers to give hands three days' notice.

SEC. 5. That the said overseers shall give each hand required by law to work road, three days' notice preceding the time he is required to work said road. Eight hours shall constitute a day's work on said road and no hand shall be required to work more than 10 days on said road in any one year.

Surveyors to determine width.

SEC. 6. That the surveyors shall determine the width that said road shall be and instruct the overseers in this matter.

Compensation of surveyors and overseers.

SEC. 7. That the said surveyors shall receive as a compensation for their services one dollar per day for the time actually employed in the discharge of their duties as required by this



act, and the overseers shall receive one dollar each per day for the time they are actually engaged in summoning the hands on said road, said sums for surveyors and overseers to be paid by the Treasurer of their respective counties.

SEC. 8. That all claims for damage by parties over whose lands said road shall run shall be made and settled by the present Road Law for Alleghany and Ashe counties.

Claims for damage, how settled.

SEC. 9. That any refusal on the part of the surveyors named in this act to comply with any and all of its provisions shall be punishable by a fine of not more than twenty-five dollars, and that any refusal or failure on the part of the overseers named in this act to discharge their respective duties shall be punishable by a fine of not less than fifteen dollars, and any road hand who comes under the provisions of this act, who shall fail to work as required by said act shall be punishable by a fine of not more than ten dollars, and any money arising from the same shall be used to employ labor by the overseers to help construct said road.

Surveyors failing or refusing to discharge duty.

Penalty.

Overseers failing to discharge duty, how punished, Road hand failing to work.

Penalty.

Fines, how applied.

SEC. 10. That when said road is completed by the provisions of this act, it shall be the duty of the surveyors named in this act to report said road to the regular road authorities of their respective counties, whose duty it shall be to receive said road, and have it kept up as required by law.

Road authorities of respective counties to receive road on completion.

SEC. 11. 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 the 7th day of March, A. D. 1901.

## CHAPTER 431.

### An act to protect the owners of boats, skiffs and nets in Onslow County.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person to take, for temporary use, the boat, skiff or net, the property of another person, without first obtaining consent of the owner thereof.

Unlawful to use boat, skiff or net without owner's consent.

SEC. 2. That any person violating section one of this act shall be guilty of a misdemeanor, and upon conviction, be fined not more than ten dollars (\$10.00) or imprisoned not more than ten days (10).

Violation of act a misdemeanor.

Penalty.

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

To apply to Onslow County.

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

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1901.

## CHAPTER 432.

**An act to authorize the Board of Commissioners of Scotland County to issue bonds.***The General Assembly of North Carolina do enact:*

County Commissioners authorized to issue \$5,000 interest bearing bonds.

SECTION 1. That for the purpose of paying that proportion of the indebtedness other than the bonded indebtedness of Richmond County for which the county of Scotland is liable for the payment of under and by virtue of the Laws of 1899, chapter 1, the Board of Commissioners of the county of Scotland are hereby authorized and empowered to issue bonds bearing interest at the rate of 6 per cent per annum to the amount of \$5,000, of the denomination of \$100, to each and every of which shall be attached coupons representing the interest on said bonds, which said coupons shall be due and payable on the first day of January of each year until the bonds shall become due. The bonds so issued by said Commissioners shall be numbered from one to fifty consecutively, and the coupons shall bear the number of the bonds to which they are attached and shall declare the interest which they represent and when the interest is due and shall be receivable in payment of all county tax. The bonds shall run for the period of thirty years.

Bonds to be numbered.

Interest coupons receivable for county taxes.  
Bonds to run thirty years.

County Chairman to sign, Register of Deeds to countersign.

SEC. 2. That said bonds shall be issued under the signature of the chairman of the Board of County Commissioners and shall be attested by the Register of Deeds under the official seal of the Board of County Commissioners of said county and the chairman of the Board of County Commissioners shall under the direction of the Board of Commissioners dispose of said bonds as necessity may require at a price not less than their par value: *Provided*, that the issue of said bonds shall cease at the discretion of said Board of County Commissioners.

Bonds to be disposed of at discretion of Commissioners.  
Proviso.

Tax to be levied to discharge interest and provide sinking fund.

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 annually as other county taxes are collected and levied a tax upon the real and personal property of said county not exceeding ten cents on the hundred dollars worth of property, and thirty cents on the poll.

Commissioners authorized to purchase one-tenth of bonds annually.

SEC. 4. That in order that the Commissioners of Scotland County may use the excess of the funds raised by taxation by this act after paying the annual interest accrued on said bonds, they are authorized and empowered to purchase annually one-tenth of said bonds so issued at a sum not exceeding their par

value, and in case no one shall offer to sell one-tenth of said bonds at par then the said Commissioners are authorized to designate such bonds not exceeding one-tenth of the whole number issued as they may desire to purchase, and after the designation of said bonds and a notice thereof in a newspaper published in Scotland 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 condition of this section only when the conditions are expressed upon the face of the bond.

SEC. 5. That the Commissioners of said county shall provide a record which shall be kept by their clerk, in which shall be entered the name of every purchaser of a bond and the number of the bond purchased. They shall also cause to be kept a record of the bonds redeemed annually, and the bonds when redeemed and recorded shall be destroyed by fire in the presence of the Board of Commissioners by some one of their number.

Clerk to County Commissioners to keep record of purchasers of bonds.

Bonds to be destroyed when redeemed.

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

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1901.

#### CHAPTER 433.

#### An act for relief of E. M. Deaver, public school teacher of Cherokee County.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the County Board of School Directors of Cherokee County are hereby empowered and directed if in their judgment it shall be proper and just to do so, to issue their order upon the Treasurer of said county in favor of E. M. Deaver for the sum of nine dollars and eighty-five cents (\$9.85) to be paid out of any school funds now to the credit or that may hereafter accrue to the credit of District No. 39 for services rendered said district as teacher by Elisha Craig.

School Directors authorized to issue voucher.

Treasurer to pay \$9.85 when voucher is issued.

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

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1901.

## CHAPTER 434.

**An act to remove the county-seat of Jackson County from the town of Webster to the town of Sylva.**

*The General Assembly of North Carolina do enact:*

Question of removal of court-house to be submitted to qualified voters first Thursday in May, 1902.

Bond issue to be voted on.

Provisions for holding election.

Majority voting for removal, County Commissioners to proceed to effect same.

County seat to be removed on completion and acceptance of new buildings.

Registrars and judges to be appointed first Monday in March, 1902.

Registration books to be purged.

Registrars and judges to make returns to County Commissioners.

SECTION 1. That there shall be submitted to the qualified voters of the county of Jackson, at an election to be held on the first Thursday in May in the year 1902, the question of the removal of the county seat from the town of Webster to the town of Sylva, and the issue of bonds to pay for the erection of a new court-house and jail thereat, and the authorization of levies of special taxes to provide the funds to meet the said bonds and to pay for the erection of such buildings, and for suitable sites for the same, at which said election, all voters favoring such removal of the county seat shall vote a written or printed ballot with the words "For Removal" thereon; and all voters opposed to such removal shall vote a written or printed ballot with the words "Against Removal" thereon, and, if a majority of all of the qualified voters of the said county shall vote for removal, then it shall be the duty of the Board of Commissioners of the said county to take immediate steps to effect such removal, the procurement of suitable sites, in the town of Sylva, for the court-house and jail, and the construction and erection of such buildings, in the manner hereinafter provided; and, upon the completion of such buildings and their acceptance by the said Board of Commissioners, the county seat of said county shall be at Sylva.

SEC. 2. That it shall be the duty of the Board of Commissioners of Jackson County, at their meeting on the first Monday in March, 1902, to appoint a registrar and two judges of election, who, where practicable, shall be of different opinions on the question of removal of the county seat, for each voting precinct in said county, who shall take the same oaths of office as prescribed for such officers under the general law, and shall conduct the said election in the same manner, and under the same penalties, as provided for in the election of members of the General Assembly. That it shall be the duty of the registrar to purge the registration books of his election precinct, and erase therefrom the names of all voters who have removed therefrom, died or otherwise become disqualified since the last general election, and to register such voters as shall be entitled to registration under the general law, and whose names are not already on the registration books. That the registrar and judges of election shall make their returns of such election to the Board

of County Commissioners of said county, in the same manner as returns for members of the General Assembly are made, and in addition thereto they shall certify the number of qualified voters as shown by the registration books. It shall be the duty of the Board of Commissioners of said county to meet, at the town of Webster, on Monday after the said election, and proceed to canvass the returns of the said election, and to declare the result thereof; and if it shall appear that a majority of all of the qualified voters of the said county have voted for removal, then it shall be deemed and taken that such majority of qualified voters have authorized the issue of the bonds to pay for the sites and the construction and erection of the court-house and jail, and have authorized the levy of all such special taxes as shall be necessary to pay for the said bonds and interest thereon, or to pay directly for such sites, and buildings, under the provisions of this act. And if it shall appear that less than a majority of all of the qualified voters of the said county have voted for removal, then the county seat of said county shall be and remain at the town of Webster.

County Commissioners to meet and canvass returns Monday after election, and declare results.

SEC. 3. That it shall be the duty of the Board of Commissioners of the said county, within ten days after the declaration that a majority of all the qualified voters of the said county have voted for removal, if such majority shall so vote, to notify Thomas A. Cox, John B. Ensley, D. Snider, S. W. Cooper, and J. D. Zachary, who are hereby appointed Commissioners for the purposes hereinafter named, who shall, within ten days after such notification, visit the town of Sylva, and select and locate, within the present limits of the said town, a site for the court-house, and a site for the jail; that the site for the court-house shall consist of a lot of land not exceeding one acre, and the site for the jail shall consist of a lot of land not exceeding one-half an acre; the said lots and sites may be contiguous or not, as in the judgment and discretion of the said Commissioners may be deemed best. That it shall be the duty of the said Commissioners to procure by purchase, at the expense of the said county, or by donation, a good and sufficient title in fee-simple to the county of Jackson for the said sites; and if for any reason the said Commissioners shall be unable to procure such title by purchase or donation, they are authorized and directed to proceed to appraise, fix and determine the value of such land as can not be so acquired, after having first given the owner or occupant thereof ten days' notice of the time and place at which said value will be so appraised, fixed and determined upon, at which time and place such owner shall be entitled to be heard and to produce such legal evidence as he may choose as to such

Commissioners named to carry out result of election.

Duties prescribed.

Commissioners to purchase suitable building sites.

May condemn lands for building sites.



Value, how fixed. value. That in fixing such value it shall be the duty of the said Commissioners, and the jury upon appeal, to charge against such value the benefits which any remaining lands of such owner, situate, lying and being within the present corporate limits of the town of Sylva will, in their judgment, receive by reason of the location of the county seat at said town. That

Commissioners to report to Register of Deeds. it shall be the duty of said Commissioners to report their proceedings, under their hands and seals to the Register of Deeds of Jackson County, who shall register the same upon the registration books of the said county, and upon payment by the said

Proviso. county to such owner of the value so assessed and placed upon such land, and such registration, the title thereto shall vest in fee-simple in the county of Jackson: *Provided*, that the land owner, or the Board of Commissioners, in behalf of the county of Jackson, shall have the right to appeal, within ten days after such valuation is determined upon and fixed from the said valuation so assessed by the said Commissioners, and have the value thereof assessed at the next term of the Superior Court of said county by a jury; and such appeal shall have precedence of all other civil actions. But no such appeal, or proceedings before the Commissioners, shall have the effect to prevent or delay the erection of said court-house or jail on the site so selected and located by the said Commissioners, but immediately upon the selection and location of such site or sites, the Board of Commissioners of the said county shall proceed as rapidly as possible with the erection thereon of the appropriate building, and are hereby given authority for such purpose to take immediate possession of such site or sites, upon such selection and location.

Commissioners to employ competent surveyor. County to pay expenses. SEC. 4. The said Commissioners are authorized to employ a competent surveyor to assist them, and make all such surveys as they may deem necessary, the cost of which shall be paid by the county of Jackson. They shall be entitled to charge the said county the sum of two dollars per day, together with their actual and necessary expenses, as their compensation. That a majority of the said Commissioners shall constitute a legal quorum for the transaction of any business, and they may fill any vacancies which may occur in their body.

Town of Sylva to pay county cost of building sites. SEC. 5. That the town of Sylva shall be liable for, and shall reimburse the county of Jackson for all such sums as the said county shall pay to the owners of said sites, and upon failure to make such payment, it shall be the duty of the Board of Commissioners of the said county to institute such actions as may be proper to enforce such payment.

Board of Commissioners to sue on failure to pay. SEC. 6. That immediately upon the selection of such sites by the said Commissioners, it shall be the duty of the Board of



Commissioners of Jackson County to procure plans and specifications for a new court-house, and a new jail, and advertise for bids for the erection thereof; and upon opening said bids, they shall let the contract for the erection of each building to the lowest responsible bidder; and shall take all necessary and appropriate steps to compel a strict and rigid performance of the contract on the part of the contractor or contractors, including requiring good and sufficient bonds in such sums as will hold the county harmless by reason of any default on the part of such contractor: *Provided*, that the entire cost for both buildings shall not exceed thirty thousand dollars: *And Provided*, that said buildings proposed to be built at Sylva shall not be of smaller capacity nor in any way inferior to the present court-house and jail at Webster.

County Commissioners to procure plans for court-house, jail, etc., and advertise for bids for construction of buildings.

Proviso

SEC. 7. That the present court-house and jail, including the public lots on which they stand, shall be conveyed by deed from the County Commissioners to Joseph W. Cowan, M. Buchanan, J. M. Candler, Joseph Gibbs, W. D. Frizzell, John W. Wilson, Elbert Watson, A. W. Davis and R. L. Madison, and their successors, as trustees to be held in trust for high school purposes in the town of Webster and said trustees or a majority of them, or their successors, may take such steps as may be practical and proper for the establishment of a high or graded school, in the said town of Webster, and to rearrange the said buildings so as to make them suitable for school purposes. All vacancies in said Board or Trustees shall be filled by appointment of the Board of Education of Jackson County: *Provided*, the safety vaults with the combination doors in the present court-house, and the cages in the jail may be taken out by a competent engineer or builder without damage to the remaining parts of said buildings for use in the court-house and jail in Sylva: *And Provided further*, that the present court-house and jail shall be used for all present uses undisturbed until the corresponding buildings in Sylva are completed and received.

Present court-house and jail to be conveyed to certain trustees for high school purposes.

High school to be established.

Vacancies.

Proviso.

SEC. 8. That if a majority of the qualified voters of the said county shall, at the election herein provided for, vote for the removal of the county seat of said county, then the Board of Commissioners of said county are authorized and empowered to raise the money necessary to carry this act into effect, not exceeding the sum of thirty thousand dollars, by the issue of coupon bonds of the said county, of such denominations as they shall determine upon, running for a period of not more than twenty years, and bearing interest at not more than six per cent per annum, and the sale thereof at not less than par. That if the said Board of Commissioners shall so elect they may provide that

County Commissioners authorized to issue bonds for purposes of this act.

May provide sinking fund.	such bonds may be redeemable by the said county by the payment of the principal and the accrued interest at any time after five years from their respective dates; or if they shall deem best, the said Board of Commissioners may provide a sinking fund to meet such bonds at maturity, and keep the same invested in some safe interest-bearing securities. If the said Board of Commissioners shall deem it to the best interest of the county, they are authorized and empowered to issue county script in payment of the said court-house and jail, payable in one, two, three, four and five years: <i>Provided</i> , that such script shall not be issued and disposed of at less than its face value. If the said Board of Commissioners shall deem it to the best interest of the said county, they are authorized and empowered to use either, or part of either, or all of the plans herein authorized.
County Commissioners to levy special taxes.	SEC. 9. That to meet the said bonds and interest, and the said county script, or either, the Board of Commissioners of said county are hereby authorized and empowered to levy each year a special tax, not to exceed fifty cents on the one hundred dollars of property, and one dollar and fifty cents on the poll, until all of said indebtedness incurred under the provisions of this act shall have been paid in full; and they may levy their first special tax at their June meeting, 1902. Said special taxes shall be collected and accounted for as are other taxes of the county, and under the same penalties, but shall be kept separate from all other taxes, and applied only for the purposes herein provided for.
How collected.	SEC. 10. That it shall be the duty of the Board of Commissioners of the said county, within sixty days after the completion of the said court-house, on the site so selected, and located in the town of Sylva, and its acceptance by them, to remove and safely deposit therein, in their proper places all records, books and papers belonging to the said county, and any of its offices, and to make and prepare suitable and convenient accommodation and protection for the same.
County Commissioners to remove all records, etc., within sixty days after completion of new court-house, etc.	SEC. 11. That the said county of Jackson shall reimburse the owners of real estate in the town of Webster as incorporated in chapter 19, Laws of 1881, for the actual damage or depreciation in value of same, caused by the removal of the said county seat, and the County Commissioners of said county are hereby authorized and required to issue at their first regular meeting after the allotment of damages as hereinafter provided have been made, script to the several property owners payable in one, two and three years of equal amounts, and bearing interest at six per cent per annum, which notes or script at or after ma-
County to reimburse land-owners in Webster for actual depreciation caused by removal of court-house.	

turity shall be receivable for all county taxes. That the damages or depreciation in value of said property shall be assessed by a jury of three competent and disinterested freeholders, one from the county of Macon, one from the county of Swain, and one from the county of Haywood; the same to be selected by the County Commissioners of their respective counties.

Damages for depreciation, how ascertained.

SEC. 12. That it shall be the duty of the County Commissioners of Jackson County at their first meeting after the ratification of this act\* by the voters of said county, to notify the Commissioners of each of the counties of Macon, Swain and Haywood, whose duty it shall be to appoint, at their next regular meeting, after receiving such notice, the appraisers as hereinbefore provided and certify their appointment to the Sheriff of Jackson County; and it shall be the duty of the Sheriff as soon as he receives notice of the last appointment to set a day as early as practicable and call the jury together in the town of Webster, who shall make oath or affirmation to faithfully and honestly perform their duties as appraisers and shall immediately organize and proceed to their work of assessment and continue from day to day until the same shall have been completed.

Appraisers appointed and certified to Sheriff of Jackson County.

Sheriff to set a day to organize board.

SEC. 13. That said jury shall file with the Register of Deeds in writing a copy of their findings which shall be duly recorded.

Findings of appraisers to be filed and recorded.

SEC. 14. That the compensation of jurors under this act shall be two dollars per diem, for the time actually employed in making said allotment and five cents per mile to and from their homes and Webster by nearest public route; the same to be paid by the county of Jackson.

Compensation of appraisers.

SEC. 15. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1901.

#### CHAPTER 435.

**An act to amend Chapter one hundred and sixty-two (162) of the Public Laws of eighteen hundred and ninety-five (1895) in so far as the same is applicable to Beaufort County.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred and sixty-two (162) of the Public Laws of eighteen hundred and ninety-five (1895) be and the same is hereby repealed in so far as the said chapter is applicable to the waters of Pamlico River in Beaufort County.

Chapter 162, Public Laws 1895, repealed, so far as applicable to Pamlico River, Beaufort 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 the 7th day of March, A. D. 1901.

## CHAPTER 436.

**An act to protect fish in Henderson and Yancey counties.***The General Assembly of North Carolina do enact,*

Unlawful to kill fish with dynamite or other explosive in Henderson and Yancey counties.

SECTION 1. That on and after the passage of this act it shall be unlawful for any person or persons to kill any fish in any of the waters, rivers or creeks of Henderson and Yancey counties, North Carolina, by exploding dynamite or any other explosive substances or material therein.

Unlawful to explode dynamite, etc., in streams, except for mechanical purposes.

SEC. 2. That it shall be unlawful to explode any dynamite in said rivers and creeks or to explode or cause to be exploded any other explosive substances therein, except for mechanical purposes.

Persons found in possession of fish killed by any explosive, deemed to have killed same.

SEC. 3. That any person or persons who shall be found in possession of any fish killed by any explosion or explosive substances whatsoever within the waters of the said counties, shall be deemed to have killed the same in such manner until such presumption shall have been rebutted.

Violation of act a misdemeanor.

SEC. 4. That any persons violating the provisions of this act shall be guilty of a misdemeanor and shall upon conviction (of guilt or conviction of the same) be fined not less than \$50.00 or imprisoned not less than 30 days and such fine shall not in any case be remitted and on failure to pay the same, the party shall be imprisoned for the said 30 days.

Penalty.

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

Conflicting laws repealed.

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

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1901.

## CHAPTER 437.

**An act to prevent trespassing, protect game and birds.***The General Assembly of North Carolina do enact:*

Unlawful to hunt on lands of another without written permission of owner or agent.

SECTION 1. That it shall be unlawful for any person to hunt with gun or dog on the lands of another without written permission of the owner or his agent.

Unlawful to kill or trap birds or fowls, or destroy eggs.  
Provisos.

SEC. 2. That it shall be unlawful for any person to kill, net or trap any kind of birds or wild fowls or to destroy their nests or eggs: *Provided*, that this section shall not apply to hawks, owls, bullbats, crows, English sparrows and pigeons: *Provided*

further, that partridges, quails, pheasants, grouse, wild turkeys, ducks, larks and snipes may be killed by shooting only for three months in each year, namely from November fifteenth to February fifteenth.

SEC. 3. That it shall be unlawful for any person to sell or export birds, game or wild fowls of any kind at any season of the year.

Unlawful to sell or export birds, wild fowl or game.

SEC. 4. That any person violating sections one, two and three of this act shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than two dollars nor more than ten dollars or be imprisoned not less than five days nor more than ten days.

Violation of act a misdemeanor.

Penalty.

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

Conflicting laws repealed.

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

Applies only to Henderson 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 7th day of March, A. D. 1901.

## CHAPTER 438.

### An act to allow Lincoln County to levy a special tax.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of County Commissioners of Lincoln County, North Carolina, be and they are hereby authorized and empowered to levy a special tax not to exceed fifteen cents on the hundred dollars valuation of property, and forty-five cents on each poll, annually, for three years, viz.: Nineteen hundred and one, nineteen hundred and two and nineteen hundred and three, to be expended in paying off and discharging any and all contracts and obligations entered into by said Board of County Commissioners, or on account of money borrowed, in erecting or contracting to be erected, fire-proof vaults in the offices of Clerk of Court and Register of Deeds, and in purchasing and placing cells in jail of said county; and to be further used and expended in maintaining and keeping up public bridges in said county, and in erecting and building others.

County Commissioners to levy special tax for years 1901, 1902 and 1903.

Purpose of tax.

SEC. 2. That said special tax shall be levied and collected at the same time as other taxes in said county.

Tax to be levied and collected same time as other taxes.

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 7th day of March, A. D. 1901.

## CHAPTER 439.

## An act to amend Chapter 70, section 1, Laws of 1883.

*The General Assembly of North Carolina do enact.*

Section 1, Chapter 70, Laws 1883, amended.

SECTION 1. That chapter 70, section 1, of the Laws of 1883 be and the same is hereby amended by adding at the end of section 1 the following: "And all of the territory included in Sand Hill and Southwest Townships, or so much thereof as the County Commissioners may designate to be expressed in this

Proviso.

act: *Provided*, that the fence to be constructed shall begin near Cobb's Mill Church on the British Road at the corner of Stock Law fence and run east with said road to Charles Davis' land; thence in an easterly direction as the County Commissioners of Lenoir County may direct to Carmack's Ford, situated on Mosley Creek; thence across Carmack's Ford into Craven County; thence along the public road leading from said Carmack's Ford to Lane's Chapel; thence down W. B. Pearce's fence; thence with said W. B. Pearce's fence to Neuse River:

Proviso.

*Provided*, that this act shall include also what is known as the Jack Vause's territory in Southwest Township; and also as much of Southwest Township shall be included in this act as the County Commissioners may direct.

J. S. W. Pearce and Z. V. West appointed to carry out provisions of this act.

SEC. 2. That the owners of the land included in this act who live in Township No. 3, Craven County, North Carolina, shall donate their fences along said line and keep in repair the same and that John S. W. Pearce and Z. V. West are hereby appointed to carry out this section of this act under the direction of the Commissioners of Lenoir County.

Boundaries of territory on south side of Neuse River included in act.

SEC. 3. That all of the territory on the south side of Neuse River shall be included in this act, bounded as follows: Beginning at the gate across the road near Jesse Jackson's residence in Neuse Township and run in a westerly direction with the White Hall Road to Wayne County line or so far westward as the County Commissioners may see proper within the bounds of Lenoir County; thence northward to Neuse River; thence down the south bank of Neuse River to Stock Law fence of Neuse Township and southward with said Neuse Township Stock Law fence to the beginning.

To what territory applicable.

SEC. 4. That all the provisions of this act of which this is amendatory of chapter 70 of Public Laws of 1883, shall be applicable to all the territory embraced in this act and shall be enforced in the same manner and form.

SEC. 5. That this act shall be in force from April 1, 1901.

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1901.



## CHAPTER 440.

An act to prohibit the manufacture and sale of spirituous, vinous or malt liquors within four miles of Leaksville Baptist Church.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person or persons, firms or corporation to manufacture or sell any spirituous, vinous or malt liquors within four (4) miles of Leaksville Baptist Church in the town of Leaksville in the county of Rockingham: *Provided*, that the County Commissioners of Rockingham County shall have the power to grant or not at their discretion, license to sell liquor in said territory not nearer than one and one-half miles of said church.

Unlawful to manufacture or sell in four miles of Leaksville Baptist Church.

Proviso.

SEC. 2. That the license granted by the said Commissioners shall be for a term of sixty days.

License.

SEC. 3. That the license fee for selling liquor within said territory shall be the same as from time to time is prescribed by the State, and county of Rockingham for the sale of liquor elsewhere in said county not included in an incorporated town.

License fee prescribed.

SEC. 4. That it shall be unlawful for the owner or other person in charge to allow any person under the age of twenty-one years to enter any bar-room or other place of sale of liquors within said territory, and it shall be likewise unlawful for any minor to enter the same.

Unlawful for owner to permit minors to enter bar-rooms.

Unlawful for minor to enter.

SEC. 5. That it shall unlawful for any person engaged in selling liquors in said territory to open up his place of business or sell liquor to any person before six o'clock in the morning, and to keep open or sell the same later than seven o'clock in the evening.

Hours of selling prescribed.

SEC. 6. That Sheriffs and Deputy Sheriffs living and resident within said territory, and those happening to be there at any time, shall have the same powers and authority in said territory as policemen in incorporated cities and towns of this State have and are authorized to exercise: *Provided*, that this section shall not apply to the town of Leaksville.

Sheriffs and deputies to have police power.

Proviso.

SEC. 7. That any person or persons, firm or corporation violating the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned or both, at the discretion of the Court.

Violation of act a misdemeanor.

Penalty.

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 read three times, and ratified this the 7th day of March, A. D. 1901.

## CHAPTER 441.

**An act to divide North Carolina into ten Congressional Districts.***The General Assembly of North Carolina do enact:*

State divided into ten congressional districts. **SECTION 1.** That for the purpose of selecting representatives to the Congress of the United States, the State of North Carolina shall be divided into ten districts, as follows:

First district. *First District*—Beaufort, Camden, Chowan, Currituck, Dare, Gates, Hertford, Hyde, Martin, Pasquotank, Perquimans, Pitt, Tyrrell and Washington.

Second district. *Second District*—Bertie, Edgecombe, Greene, Halifax, Lenoir, Northampton, Warren and Wilson.

Third district. *Third District*—Carteret, Craven, Duplin, Jones, Onslow, Pamlico, Pender, Sampson and Wayne.

Fourth district. *Fourth District*—Chatham, Franklin, Johnston, Nash, Vance and Wake.

Fifth district. *Fifth District*—Alamance, Caswell, Durham, Forsyth, Granville, Guilford, Orange, Person, Rockingham and Stokes.

Sixth district. *Sixth District*—Bladen, Brunswick, Columbus, Cumberland, Harnett, New Hanover and Robeson.

Seventh district. *Seventh District*—Anson, Davidson, Davie, Montgomery, Moore, Randolph, Richmond, Scotland, Union and Yadkin.

Eighth district. *Eighth District*—Alexander, Alleghany, Ashe, Cabarrus, Caldwell, Iredell, Rowan, Stanly, Surry, Watauga and Wilkes.

Ninth district. *Ninth District*—Burke, Catawba, Cleveland, Gaston, Lincoln, Madison, Mecklenburg, Mitchell and Yancey.

Tenth district. *Tenth District*—Bruncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Polk, Rutherford, Swain, and Transylvania.

**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 7th day of March, A. D. 1901.

## CHAPTER 442.

**An act to prevent the obstruction of Upper Little River, in Caldwell County by felling timber in the same or otherwise.***The General Assembly of North Carolina do enact:*

Unlawful to obstruct channel of Upper Little River in Caldwell County, over twenty-four hours.

**SECTION 1.** That it shall be unlawful for any person or persons to put on and allow to remain over twenty-four hours in the channel of Upper Little River in the county of Caldwell, any puncheons, shingle slabs, planks, brush or anything else that

will obstruct the flow of said river, or to fell any timber in the same to remain a longer time than above stated.

SEC. 2. That any person or persons who shall violate this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined and imprisoned, or both, at the discretion of the Court. Violation of 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 the 7th day of March, A. D. 1901.

#### CHAPTER 443.

**An act to allow W. I. Everett, Clerk of the Superior Court of Richmond County, to be absent from his office on Monday, the 3rd day of June, 1901.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one hundred and fourteen, chapter nine, of The Code shall not apply to W. I. Everett, Clerk of the Superior Court of Richmond County, on Monday, the 3d day of June, one thousand nine hundred and one. Section 114, Chapter 9, of Code, not to apply to Monday, June 3, 1901.

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 7th day of March, A. D. 1901.

#### CHAPTER 444.

**An act to amend Chapter 92 of the Laws of 1885.**

*The General Assembly of North Carolina do enact.*

SECTION 1. That the word "exclusively" in line six of section one of chapter ninety-two, of the Laws of eighteen hundred and eighty-five, be struck out, and the following inserted: "*Provided*, where there are not sufficient cars of live stock or other perishable freights to make a complete train, or section of a train, the company may add other cars to complete the same." Section 1, Chapter 92, Laws 1885,

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 7th day of February, A. D. 1901.

## CHAPTER 445.

## An act to regulate stock-law elections in Transylvania County.

*The General Assembly of North Carolina do enact:*

No part of Transylvania County not now in stock law territory to be hereafter included, except on vote of qualified electors.

Unlawful to hold stock law elections in townships, except on petition of majority of qualified voters.

Proviso.

Unlawful for resident of stock law territory to vote on stock law election.

Estate of G. W. Vanderbilt declared stock law territory when properly enclosed.

Misdemeanor to destroy fences or fire timber etc.

Penalty.

Proviso.

SECTION 1. That no part of Transylvania County, not now included in the Stock Law or no fence foundry, shall be hereafter so included, except by a vote of the majority of the qualified voters, living within the boundary desired or sought to be so included, at an election to be held as is now required by law.

SEC. 2. That if a petition bearing the *bona fide* signatures of a majority of the qualified voters of any township be presented to the chairman of the Board of County Commissioners asking that no stock law election be held in said township, then it shall be unlawful to hold such election in that township within less than two years from the ratification of this act, unless revoked by a petition of a majority of the qualified voters of the said township: *Provided*, that nothing in this act shall be construed to prevent any section of said county from obtaining the stock law for a said section by a majority vote of said section, as is now provided by law.

SEC. 3. That in no case shall it be lawful for any man to vote for or against stock law at any election to be held for that purpose who shall live at the time of such election under a stock law enclosure.

SEC. 4. That the real estate in Transylvania County belonging to G. W. Vanderbilt is hereby declared to be a stock law territory whenever surrounded and separated from all other lands owned by other parties within said territory by lawful fence to be built at the expense of the owner of said Vanderbilt land, and any person who shall destroy or injure any fence surrounding said stock law territory or any part thereof or any fence that may be hereafter built around the same or any part thereof or who shall set on fire any of the timber, undergrowth, or wood lands, within the said stock law territory shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned or both, at the discretion of the Court: *Provided*, that Geo. W. Vanderbilt or his assigns shall build and maintain at his or their own expense, good and sufficient gates across all public roads leading into said stock law boundary, and also all private roads leading to or from property owned by other parties within the Vanderbilt boundary.

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 7th day of March, A. D. 1901.

## CHAPTER 446.

**An act to apply certain money to the jury fund of Madison County.***The General Assembly of North Carolina do enact:*

SECTION 1. That all moneys now in the Treasurer's office of Madison County, or due to the county aforesaid by the former Treasurer thereof, which was levied and collected under the act of the General Assembly, chapter 398 of the Laws of 1887, which levy and collection was declared illegal and void, shall be applied and credited to the jury fund of said county, and shall be used in the payment of all jury tickets, now in the hands of the original parties to whom issued, and any balance of said fund shall be used for the payment of jury tickets issued from and after this date.

Certain moneys collected under Chapter 398, Laws 1887, to be applied to jury fund of Madison County.

SEC. 2. Said jury fund shall not be used for any other purpose, except as provided for in this act.

Said fund not to be used for any other purpose.

SEC. 3. This act shall be in force and effect from its date of ratification.

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1901.

## CHAPTER 447.

**An act to prevent public drunkenness in Poplar Branch Township in Currituck County.***The General Assembly of North Carolina do enact:*

SECTION 1. That any person or persons found drunk or intoxicated on the public highway or at any public place or meeting in Poplar Branch Township, Currituck County, shall be guilty of a misdemeanor and upon conviction shall be fined not less than ten nor more than fifty dollars for each offence or be imprisoned not exceeding thirty days at the discretion of the Court.

Misdemeanor to be found drunk or intoxicated on public highways or in public places, in Poplar Branch Township, Currituck County.  
Penalty.

SEC. 2. That upon complaint before any Justice of the Peace he shall issue a warrant for the arrest of the accused and in the absence of a duly authorized officer to execute the said warrant, he shall deputize any citizen to execute the same.

Justice to issue warrant and deputize officer on complaint made.

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

Conflicting laws repealed.

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

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1901.

## CHAPTER 448.

**An act to drain the bottom lands of Cathey's and Holland's Creeks in Rutherford County.***The General Assembly of North Carolina do enact*

Drainage Com-  
missioners ap-  
pointed.

Duties defined.

Boundaries  
divided into four  
sections.  
First section.

Second section.

Third section.

Fourth section.

Term of office.

May fill  
vacancies.

Shall select four  
overseers.

Annual estimate  
to be made first  
Saturday of  
March, each year.

Shall make  
assessments and  
report same to  
County Commis-  
sioners.

SECTION 1. That G. W. Morris, C. J. Long and P. H. Gross are hereby appointed Commissioners for Cathey's and Holland's Creeks, in Rutherford County, from the mouth of Cathey's Creek to the Bryan Ford on same, and from the mouth of Holland's Creek to Ledbetter's Mill, whose duty it shall be to select and employ four suitable men to superintend and oversee the hands employed for the purpose of cleaning out, straightening and deepening said creeks so as to better drain the bottom lands through which they run, between the boundaries above designated.

SEC. 2. That the said boundaries of the creeks shall be divided into four sections as follows: First section beginning at the mouth of Cathey's Creek where the same empties into the river and running up said creek to the bridge at the upper end of McFarland's plantation. Second section beginning at the bridge and running up the creek to the Hampton Old Ford. The third section beginning at the Hampton Old Ford and running to the Bryan Ford, and the fourth section beginning at the mouth of Holland's Creek where the same empties into Cathey's Creek, and extending up Holland's Creek to the Ledbetter Mill, each of which sections shall be superintended by an overseer to be selected by the Commissioners in the manner hereinafter provided.

SEC. 3. That the said Commissioners herein appointed shall hold their place for the term of four years, beginning on the first day of March, 1901, and ending the first day of March, 1905. The said Commissioners shall have power to fill vacancies in their numbers caused by death, resignation or removal and they shall have the power to elect one of their number chairman who shall also be treasurer. That said Commissioners shall on the first Monday in March of each year select four overseers or section foremen, whose place shall be for the term of one year.

SEC. 4. That the said Cathey's Creek Commissioners shall on the first Saturday of March of each year, beginning March, 1901, estimate the number of acres of bottom land on said creeks, belonging to said owners within the boundaries, as above designated, for the purpose of raising money for the drainage of said land, and shall make and estimate not exceeding \$1.00 on the one hundred dollars' worth of bottom land as estimated and ap-



praised by said Commissioners, which assessment shall be reported in detail to the County Commissioners of Rutherford County on or before the first Monday in July in each year, giving appraisements of the bottom land, the name and appraisement of each owner, and also the rate of assessment, that is, the amount assessed against each owner, which report said County Commissioners shall file among their records and enter the same upon their minutes.

County Commissioners to file report.

SEC. 5. That upon filing said report of appraisement as provided in section 4, the County Commissioners shall cause their clerk, the Register of Deeds, to give notice in some newspaper published in said county for at least three weeks, naming a day when exceptions or objections by the owners of the land lying on above-designated boundaries, may be heard and determined by said County Commissioners in their office in the town of Rutherfordton, which said board shall make out a corrected assessment list, and place the same, when so directed by the said Creek Commissioners, into the hands of the Sheriff or Tax Collector for the county of Rutherford. The said list of appraisements after being approved and corrected by Board of County Commissioners shall be placed in the hands of the Sheriff or Tax Collector of Rutherford County, and shall constitute a lien on the said bottom lands of such land owners assessed under the provisions of this act.

County Commissioners to give notice and set time for hearing exceptions to report.

County Commissioners to make corrected list and place in hands of Sheriff or Tax Collector.

SEC. 6. That the said Sheriff or Tax Collector upon the delivery to him [of] the approved assessment list shall proceed to collect the same and shall have the same power and remedies as he has for the collection of the public taxes, and receive the same commissions as are allowed for the State and county taxes and shall pay the same over to the Board of County Commissioners, whose duty it shall be to pay the same over at once to the said Creek Commissioners, which said sum [is] to be applied in draining and clearing the channel of said creeks as herein provided.

Sheriff or Tax Collector to collect assessments as other taxes are collected and pay to Board of County Commissioners.

SEC. 7. That the said Creek Commissioners shall keep a book in which they shall record the appraisements and assessments, against the various owners of the said bottom lands, and an account of receipts and disbursements of the funds so received by them, which book shall be open for the inspection of all persons interested.

Creek Commissioners to keep record.

SEC. 8. That said Creek Commissioners shall furnish each land owner with a copy of the appraisalment and the sum so assessed against him, and if the said land owners shall within the time and manner prescribed by said Creek Commissioners furnish a good, able-bodied man to do the work prescribed by said Creek Commissioners in straightening and cleaning out

Creek Commissioners to furnish land-owners with copies of appraisalment.

Certificate of work done by land-owner to be received by Sheriff on said assessments.

Powers of Commissioners to stop washes, etc.

Owners or section foremen to work under direction of commissioners.

Land-owners failing to furnish, or do satisfactory work, to be discharged.

Amount unpaid to be a lien upon land.

Compensation of commissioners and foremen.

said creeks, at a rate not exceeding \$1.00 per day to be fixed by said Creek Commissioners and shall work under the direction of any section foreman, who may be in charge of the work, then such land owners upon tendering in to the Sheriff or Tax Collector a certificate from said Creek Commissioners for the work done by such owner, then only the balance of said assessment after deducting the allowance for said work shall be a lien on said bottom lands.

SEC. 9. That said Creek Commissioners shall have power to stop all washes, cut and use timber off the lands of the various owners, open the channels of the creek, widen the channels or remove timber or other obstruction from the banks of the lands of any of the owners, and in short to do any and all things necessary to the proper drainage of said lands.

SEC. 10. That the owners or section foremen shall work under the direction of the said Creek Commissioners and shall give three days' notice to the said land owners of the time and place of making, and the kind of tools required of each man. But should any land owner, after such notice refuse or fail to furnish a good able-bodied man or should such hand so furnished fail to do satisfactory work, he may be discharged, and whatever balance of assessment may remain unpaid shall constitute a lien upon such owners [of] bottom land, and such owner in either of the above events shall lose his option to discharge his assessments by work.

SEC. 11. The Creek Commissioners and section foremen shall each be allowed a sum not exceeding \$1.00 per day for the time actually employed in the performance of the duties herein named, the said allowance to be fixed by the several land owners, or a majority of said land owners, which allowance shall be deducted from the amount assessed, against the lands of the section foremen, and Creek Commissioners, and should the amount of labor so performed exceed the amount of such assessment then they are to be paid out of the funds arising from such assessment.

SEC. 12. That this act shall be in force from the time of its ratification till the first day of March, 1905.

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1901.

## CHAPTER 449.

**An act to incorporate the "Montane Road and Power Company."**

*The General Assembly of North Carolina do enact:*

SECTION 1. That W. B. Troy, J. D. Beale, . . . . . Curtis and W. A. Smith, their associates and successors, be and they are hereby declared a body politic and corporate under the name and style of the "Montane Road and Power Company," and by that name shall sue and be sued, plead and be impleaded, make and use a corporate seal, and alter the same at pleasure, contract and be contracted with, and have and enjoy all the rights and privileges necessary for the purposes of this act.

Incorporators.

Corporate name,  
powers and  
rights.

SEC. 2. That the capital stock of the said company shall be five thousand dollars (\$5,000) and may be increased from time to time by a majority vote of the stockholders, to any additional amount not exceeding one hundred and fifty thousand dollars (\$150,000). That the par value of each share shall be fixed by the stockholders, not to exceed one hundred dollars (\$100).

Capital stock.

Par value.

SEC. 3. That the said company shall have a right to take and hold, by gift, purchase or otherwise all kinds of property, real, personal and mixed and may receive property of all kinds at a fair valuation, in payment of stock. That all persons may subscribe for capital stock in said company, and pay for the same by instalments as fixed by the stockholders and that the individual property of the stockholders, other than their stock in said company shall not be liable for the debts of said company and the stockholders shall not be liable in any way for the indebtedness of said company, and no member of said company shall be liable to be sued for any debt contracted by said company unless he or she shall lay himself or herself liable by reason of fraudulent conduct upon his or her part.

May acquire and  
hold real,  
personal and  
mixed property.

Subscriptions to  
capital stock,  
how paid.

Stockholders'  
liability.

SEC. 4. That as soon as a sufficient amount of money has been paid in by the stockholders to enable said company to commence operations, which amount shall not be less than five hundred dollars, the said company may begin the work contemplated in this act.

Company may  
begin work when  
sufficient stock  
paid in.

SEC. 5. That the chief purpose of said corporation shall be to make, grade and operate pleasure drives, boulevards and avenues in the mountains of Western North Carolina, for the entertainment of mountain tourists and pleasure seekers, and said company shall have the right to make, grade, construct, operate and maintain such drives, boulevards, avenues, electric railroads and dummy railroads to be operated by electric engines and cars, dummy engines and cars, horse cars, horse vehicles, auto-

Corporate pur-  
poses and  
objects.

mobiles, locomobiles, and such other modes of carriage for passengers and freight, as may be necessary to promote the objects for which said company is organized and incorporated.

May become  
common carriers.

SEC. 6. That for the purposes set forth above and for the accommodation of the public, said company may become common carriers and liable to the public as such and shall have the right to purchase such land as they may need for the rights of ways and for the erection of such buildings as may be necessary in running said business, and if said company and the owners of lands can not agree upon a price by which said land may be purchased, then and in that event, the said company or the owner of said land may have the right to have said land condemned and the value thereof assessed in the same way, subject to the same rights and privileges as are allowed and awarded to owners of land and railroad companies under the laws of North Carolina.

May condemn  
lands.

May purchase  
land, water-  
powers, etc.

SEC. 7. That said company shall have the right to purchase land and water powers and construct thereon such machinery, plants, powers, etc., as they may wish by which electricity may be generated for the purpose of making lights, and motive power for useful purposes, and shall have the right to sell, lease and use said lights and motive power for any and all useful purposes.

Shall charge  
reasonable tolls  
and fares.

SEC. 8. That said company shall have the right to charge such reasonable tolls, fares, tariffs, and freights, for the carriage of persons and goods, as they may elect.

May construct  
gates and charge  
tolls.

SEC. 9. That said company, for the purpose of protecting them in the use of such drives and boulevards as they may construct upon their own property or rights of way, and outside of the public thoroughfares, shall have the right to construct gates across said drives and boulevards, and may charge such persons as wish to travel said roads and drives in their own vehicles and upon their own horses, such reasonable tolls as are charged and allowed to be charged by turnpike companies.

Principal place of  
business.

SEC. 10. That the principal place of business of said company shall be at Hendersonville, N. C., with the power in said company to establish branch offices at other points in the State.

May erect poles  
and run wires for  
transmission of  
power.

SEC. 11. That said company for the purpose of transferring such power as it may generate from point to point, shall have the right to erect poles, and run wires either in the air or under the ground as it may elect: *Provided*, they shall pay to the owners of the land over which said lines are run, such damage as said owners may sustain therefrom, said damages, if they can not be agreed upon, to be determined in like manner as is

Proviso.

hereinbefore provided for ascertaining damages caused by the construction of the roads mentioned herein.

SEC. 12. That said company shall have the right to purchase lands, lay out towns and villages, sell and transfer town lots, in the same way as individuals are now allowed to do.

May purchase lands and lay out towns and villages.

SEC. 13. That said company shall have the rights granted to the Asheville Electric Company in section six, chapter two hundred and thirty-nine of the Public Laws of 1897.

Shall have certain rights, defined in Section 6, Chapter 239, Public Laws of 1897.

SEC. 14. That the officers of said company shall be a president, vice-president, secretary, treasurer and such subordinate officers as the company may elect or employ and a Board of Directors to be elected by the stockholders consisting of such number as they may determine, and all of said officers to hold their office for such length of time as said stockholders may determine in their by-laws or otherwise.

Company officers.

SEC. 15. That every stockholder in the company shall at all meetings or elections be entitled to one vote for every share of stock registered in his name. The stockholders of the said company may enact such by-laws, rules and regulations for the management of the affairs of the company as they may deem proper and expedient, and that said stockholders shall meet at such times and places as may be determined by them in their by-laws or in such rules as they may adopt, and all vacancies occurring in the offices of said company shall be filled as provided by the stockholders.

Stockholders to have one vote for each share of stock held.

May enact by-laws, etc.

SEC. 16. That this act shall be deemed and taken to be a public act, and a copy of any by-laws or regulation of the said company under its corporate seal, purporting to be signed by the president shall be received as *prima facie* evidence for and against the said company in any judicial proceedings.

This act deemed a public act.

SEC. 17. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

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

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1901.

## CHAPTER 450.

**An act to prevent live stock from running at large in certain parts of  
Wayne County.**

*The General Assembly of North Carolina do enact:*

Stock law bound-  
ary defined.

SECTION 1. That it shall be unlawful for any live stock to run at large in the county of Wayne within the following boundaries, to-wit: Beginning where Nahunta Swamp crosses the Greene County line, thence up said swamp to the line of Stony Creek Township, thence up said line and Saulston's Township line to the present stock law line, thence along said stock law line to Little River, thence up Little River to the Johnston County line, thence with said county line to Watery Prong, thence down said Watery Prong to Sasser's Mill Pond, thence down Great Swamp to the Wilson County line, thence along the Wilson County line to the Greene County line, thence along Greene County to the beginning, including all of Pikeville and Nahunta Townships, together with parts of Stony Creek and Great Swamp Townships.

Live stock  
running at large  
may be  
impounded.  
Fees for impound-  
ing.

SEC. 2. Any person may take up any live stock running at large in the territory embraced in the above lines and impound the same; and such impounder may demand twenty-five cents for each animal so taken up and twenty-five cents for each animal for every day such stock is kept impounded, and may retain the same, with the right to use it under proper care until all legal charges for impounding said stock and for damages caused by the same are paid, said damages to be ascertained by two disinterested freeholders, to be selected by the owner and said impounder, said freeholders to select an umpire if they can not agree, and their decision to be final.

Stock to be held  
and used till all  
charges are paid.

Damages, how  
ascertained.

If owner known,  
impounder to  
notify owner.

Impounded stock  
to be advertised  
and sold when  
same is  
unclaimed or  
owner refuses to  
pay charges and  
redeem same.

SEC. 3. If the owner of said stock be known to such impounder he shall immediately inform such owner when his stock is impounded, and if said owner shall for two days after such notice wilfully refuse or neglect to redeem his stock, then the impounder, after ten days' written notice, posted at three or more public places within the township where said stock is impounded and describing the said stock and stating the place, the day and hour of sale, or if the owner be unknown, after twenty days' notice in the same manner and also at the courthouse door, shall sell the stock at public auction, and apply the proceeds in accordance with the preceding and succeeding sections, and the balance, if any, he shall turn over to the owner, if known, and if the owner be not known to the County Board of Education for the use of the school fund of the district wherein said stock was taken up and impounded, subject in their hands for six months to the call of the legally entitled owner.

Disposition of  
proceeds.



SEC. 4. An impounder wilfully misappropriating any money he may receive under this act or in any manner wilfully violating any of its provisions, shall be guilty of a misdemeanor and fined not exceeding fifty dollars, or imprisoned not exceeding thirty days.

Misdemeanor for impounder to wilfully misappropriate money received for stock sold.  
Penalty.

SEC. 5. Any person unlawfully rescuing or releasing any impounded stock, or attempting to do so, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Misdemeanor to unlawfully rescue or release impounded stock.  
Penalty.

SEC. 6. The word "stock" in this act shall be construed to mean horses, mules, jennets, colts, cows, sheep, calves, goats, and all neat cattle and swine.

The word "stock" construed.

SEC. 7. That any person who shall wilfully permit his or her live stock to run at large within said territory shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Misdemeanor to wilfully permit stock to run at large.  
Penalty.

SEC. 8. That the provisions of this act making it unlawful for stock to run at large in said territory shall not go into effect until January 1, 1902. Before that date said territory shall be inclosed on all sides except those adjoining the territory where the no-fence or stock law is now in force, and notice thereof be given as hereinafter provided and to the end that it may be speedily enclosed, J. T. Hooks, Handy Lancaster and Leonard Dickerson are authorized and directed to cause to be built around such parts of said territory as is not adjacent to territory in which the no-fence or stock law is now in force, a sufficient fence with standard patent gates, easily opened by the traveling public; said gates shall be kept in good repairs and thirty feet on each side of each gate, there shall be placed and kept a hitching post, with a chain three feet long attached, with a spring hook at the end of said chain, to which to fasten horses, across all public highways leading into said territory; and upon completion of the same to report to the Board of Commissioners of Wayne County. In building said fences they may make such arrangements as they may deem just with persons on the boundary of said townships for the use of their fences and materials and with other persons liable under this act to aid in making and keeping up said fence for the contribution of labor and materials to be credited or paid to such persons out of the assessments hereinafter provided for; said committee in their report shall set forth the cost of making said fence.

Act not to go into effect till January 1, 1902.  
Territory to be enclosed.

Commissioners to build stock law fences.

Hitching-posts at gates.

Powers and duties of Commissioners.

SEC. 9. That whenever said committee shall report to the Board of Commissioners of Wayne County that said territory or so much thereof as does not adjoin other territory in which the stock law prevails is enclosed by a sufficient fence, with gates

Duty of Board of County Commissioners on receiving reports.

across all highways leading into the same, it shall be the duty of the chairman of the board immediately to give notice by advertisement in the *Goldsboro Argus* and on January 1, 1902, and after the publication of said notices, all the provisions of this act shall be in full force, and to defray the expenses of building said fence, the County Commissioners shall levy an assessment upon all the farming lands within said territory, including wood or timbered lands and all improvements thereon and cause the same to be collected by the Sheriff and paid over to the County Treasurer to be by him disbursed upon their order. The official bonds of the Sheriff and Treasurer shall be responsible for the faithful accounting for said funds as for public moneys.

County Commissioners to levy tax.

Lands for fence may be condemned.

SEC. 10. That if the owner of any land shall object to the building of the fence herein provided for, his land not exceeding twenty feet in width may be condemned for the fence way as follows: Any person authorized to build said fence may apply to any Justice of the Peace in said township to summon two disinterested freeholders to act with said Justice to lay off and condemn a right of way, said Justice after three days' notice to said land owners, shall proceed with the freeholders summoned by him, to lay off and condemn such fence way and assess such damages as they may deem just.

Fences may be extended so as to take in outside territory contiguous thereto.

SEC. 11. That in building the fence herein provided for, the committee hereinbefore named may extend the fence so as to take in the land of any person outside of the territory hereinbefore described and contiguous thereto who may desire the benefits of the provisions of this act where the same can be done without unreasonable increase in the cost of fencing and the territory so taken in shall be subject to all the provisions of this act. The Board of Commissioners may at any time extend the fence herein provided for so as to take in any adjoining lands when the owner of said land shall apply to them for this purpose, when it can be done without unreasonable cost, and lands so taken in shall be subject to all the provisions of this act.

Fence when completed to be under control and management of County Commissioners.

SEC. 12. After said committee shall have reported the completion of said fence, said fence shall be under the control and management of the Board of Commissioners of Wayne County, and they shall discharge with reference to said fence and the territory therein embraced all the duties prescribed in chapter 28 of The Code relating to territory where a stock law prevails.

Misdemeanor to injure, destroy or pull down gates or fence.

SEC. 13. That any person who shall wilfully or maliciously injure, pull down or destroy any fence or gate, or who shall wilfully leave open any gate provided for in 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. 14. That all the provisions of chapter 20 of The Code relating to stock law and the amendments thereto not inconsistent with the provisions of this act, shall be deemed applicable to the territory embraced herein: *Provided*, that the limitation of the assessment therein provided shall not apply to the assessment to defray the cost of first enclosing the territory herein described. Chapter 20, of Code and amendments thereto applicable. Proviso.

SEC. 15. That all laws and clauses of laws in conflict with this act are hereby repealed, in so far as they are applicable to the territory above set forth. Conflicting laws repealed

SEC. 16. That no stock owned within the territory herein described shall be permitted to run on territory in which the no-fence or stock law does not prevail. Stock in territory not permitted to run at large outside.

SEC. 17. This act shall be in force from its ratification.

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1901.

## CHAPTER 451.

### An act to amend Chapter 356, Public Laws of 1899, relative to the stock law for Johnston County.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter 356 of the Laws of 1899 be amended by striking out section nine (9) of said chapter, and inserting in lieu thereof the following, to-wit: "That all the territory now included within the outside boundaries of said stock law district is hereby declared to be under the provisions of this chapter." Chapter 356, Laws of 1899, amended. Section 9 stricken out and new section inserted.

SEC. 2. That said chapter 356 be further amended by striking out the word "each" in section 2, and in line five thereof, and inserting in lieu thereof the word "the," and by adding the words "annually thereafter" after the word "ninety-nine" in line four of said section. Section 2 amended.

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

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

In the General Assembly read three times and ratified this the 7th day of March, A. D. 1901.

## CHAPTER 452.

An act to amend Chapter 563, of the Public Laws of 1899, authorizing the Commissioners of Mecklenburg County to issue bonds to Macadamize and improve the public roads thereof, and for other purposes.

*The General Assembly of North Carolina do enact.*

Chapter 563, Public Laws 1899, amended.

SECTION 1. That chapter 563 of the Public Laws of 1899 be amended by striking out, in line five, section one of said chapter, the words "one hundred thousand dollars," and inserting in lieu thereof the words "two hundred thousand dollars" and by adding between the word "roads" and the word "of" in line two of said section one of said chapter 563 the words "and paying the floating debt."

SEC. 2. And that said act be further amended by adding the following sections thereto, immediately after section 3 thereof, to-wit:

Section added.

SEC. 4. In case said board shall order an election for the purposes aforesaid, to be held at any time other than at a general or regular election (when county officers are voted for), then such election shall, in all respects, be held and conducted under such rules and regulations as said board shall prescribe and by such election officers as it shall choose and elect: *Provided*, that no person shall be entitled to vote at such election who is not a duly qualified and registered voter under the Constitution and laws of the State: *Provided further*, that for the purpose of ascertaining who are entitled to vote at such elections, the registration books of the qualified voters in said county, as provided by the general election law of the State, then in force, shall be used by the election officers selected by said board to hold said special election, as the only guide for ascertaining the names of the qualified electors in said county.

Elections, how held and conducted.

Proviso.

Separate ballot box to be provided.

SEC. 5. In case said board shall order said election to be held at any general or regular election in said county (at which county officers are voted for), then it shall become the duty of the officers appointed to hold said general or regular election to provide a separate ballot box for each voting place or precinct in which shall be deposited the ballots of electors voting either for or against bond issue; and said election officers shall certify, in writing, to said Board of Commissioners the number of qualified electors registered and entitled to vote at such voting place or precinct, and also the number of votes cast both in favor of and against the proposed bond issue and said board, at its next regular meeting after such election, shall canvass said vote and declare the result, which, together with the returns so

certified, shall be spread upon minutes of said board and duly signed by its chairman and attested by the clerk thereof, and when so signed and attested shall constitute *prima facie* proof of the facts therein containing. And the result of any special election held hereunder shall likewise be declared by said board, and the same, together with the returns certified to it, shall be likewise recorded and have the same force and effect.

Returns, how made and declared.

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 the 7th day of March, A. D. 1901.

## CHAPTER 453.

### An act in relation to the town of Rutherfordton.

*The General Assembly of North Carolina do enact:*

That chapter one hundred and forty-six (146), the Laws of 1887, be amended as follows:

Chapter 146, Laws 1887, amended.

SECTION 1. That after the word "elected" and before the word "as" in third line of second section, the following be inserted "every two years and in other respects."

Section 2 amended.

SEC. 2. That section 13 be stricken out and in lieu thereof insert the following: "That for the violation of any ordinance or by-law made by said Board of Commissioners, they may prescribe penalties not to exceed a fine of fifty dollars or imprisonment for thirty days for each offence; the fine to be recovered by warrant before the Mayor. And when any person shall be convicted for a violation of any ordinance or by-law of said town, the party convicted may, unless the penalty and cost be paid at once, be immediately committed to the common jail of the county for the space of thirty days, and the Mayor shall have the power to work such party as may be committed to prison, upon the streets under such regulations as he may prescribe and shall not be required to report to anyone for such labor received to the town. And that further, the Commissioners shall have the power to tax all property owners abutting the sidewalk, one-half of the cost required to improve and keep up sidewalks of the town of Rutherfordton.

Section 13 stricken out and new section inserted.

Board of Commissioners to prescribe fines and penalties for violation of town ordinances.

Party convicted failing to pay fine, committed to jail and made to work on streets.

Property owners to be taxed half of cost of keeping up sidewalks.

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

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1901.



## CHAPTER 454.

## An act to provide for the working of public roads of Catawba County and issuing bonds for the same.

*The General Assembly of North Carolina do enact:*

County Commissioners authorized to issue coupon bonds for road improvement.

Amount of bonds.

Bonds to be paid by townships for which issued.

County Commissioners to be agents of any township acting under this act.

Question of township bond issue to be submitted to voters on petition filed.

Contents of petition.

Board to order election.

How election held.

SECTION 1. That for the purpose of laying out, establishing, altering, repairing, grading, macadamizing and improving in any way the public roads and streets in the several townships in Catawba County and for purchasing machinery and tools, etc., necessary for such improvements, the Board of Commissioners of Catawba County are authorized, empowered and directed to issue coupon bonds, bearing interest at a rate not to exceed five per cent per annum, payable semi-annually at the office of the Treasurer of the County of Catawba, to an amount not to exceed fifty thousand dollars (\$50,000) for any one township in said county, in the manner and under the restrictions hereinafter provided, and the bonds so issued by the Commissioners of Catawba County shall be paid by the township for which they are issued, and shall not be chargeable against any property or polls outside of such township. The Board of County Commissioners in performing the duties of issuing, selling and purchasing bonds or doing any other thing under this act shall be deemed the agents of any township acting under this act.

SEC. 2. That upon presentation of a petition in writing signed by not less than *one-sixth* of the qualified voters of any township to the Board of County Commissioners of Catawba County, requesting them to submit to the qualified voters of the township where such petitioners reside, a proposition to issue bonds, for the purposes named in the preceding section, for a definite amount, at a maximum rate of interest and to run for a period not exceeding fifty years, all to be named in said petition, the Board of County Commissioners shall within thirty days order an election to be held in such township and submit to the qualified voters therein the question of issuing bonds to the amount, at the rate of interest and to run for the period specified in said petition, at which election all those qualified to vote who are in favor of said proposition, and shall vote a ballot on which shall be written or printed the words "For Road Bonds" and those opposed to the proposition shall vote a ballot on which shall be written or printed the words "Against Road Bonds" and the election for this purpose shall be conducted in the same manner and subject to the same rules and regulations as are or may be provided for the election of township officers by the general election laws of this State, unless in any manner otherwise provided for



in this act. The Board of County Commissioners shall at the time of ordering any election under this act appoint one registrar and two judges of election in each precinct in such township to hold said election. The books shall be kept open for the registration of voters for twenty days preceding the day of election. And for the purpose of registration the books used in general elections shall be delivered to and revised by the registrar and the Commissioners may order a new registration by giving thirty days' notice of such new registration. Such election shall be held after thirty days' notice thereof specifying the amount of the proposed bond issue, rate of interest and period for which bonds shall run, shall have been posted at the court-house and at every polling place in the township where said election shall take place, and publish in four issues of some newspaper published in the county, if the Board of Commissioners so order, and the returns thereof shall be made to the Board of County Commissioners, and the returns recorded and result declared by said Board as they may determine. If a majority of the qualified voters vote "For Road Bonds" then the Board of County Commissioners shall issue coupon bonds to the amount, at the rate of interest and to run for the period specified in the said petition and order of election, and the bonds shall, upon their face, indicate on account of what township they are issued. They shall be in denominations of not less than one hundred dollars (\$100.00) and not exceeding one thousand dollars (\$1,000.00) each. They shall be signed by the chairman of the Board of County Commissioners and attested by the official seal and signature of the Register of Deeds of Catawba County. And the chairman of the Board of County Commissioners under the direction of said board shall sell the bonds so issued at not less than par value and for as much above par value as possible: *Provided*, that said bonds shall be issued and sold only as the funds are needed in the township for the purposes indicated herein: *Provided further*, elections may be ordered and held upon petition under the provisions of this act not oftener than every twelve months in any township until the full amount of bonds authorized by this act shall have been issued for such township.

SEC. 3. That the County Commissioners or other county authorities who are legally authorized and empowered to levy taxes, shall in order to provide for payment of the bonds and interest thereon, to be issued under the preceding section, compute and levy each year at the time of levying county taxes a sufficient tax upon the property and polls, observing the constitutional equation, in any township having issued bonds to pay the interest on the bonds issued on account of such township,

Registration books to be open twenty days preceding election.

New registration may be ordered.

Thirty days notice to be given and published in newspaper, etc.

Election returns to be made to County Commissioners.

Bonds voted for, County Commissioners to issue.

How signed, etc.

Not to be sold for less than par value.

Proviso.

Proviso.

Taxes to be levied to pay for bonds and interest.

Sinking fund to be provided.

and shall also levy a sufficient tax to create a sinking fund to provide for the payment of said bonds at maturity. Such taxes shall be levied and collected annually and under the same laws and regulations as shall be in force for levying and collecting other county taxes.

Record of bonds to be kept by Clerk of Board of County Commissioners.

SEC. 4. 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, the number of the bond purchased, the date of issue, when due, rate of interest, the township on account of which the bond is issued, and the amount received for said bond. They shall also cause to be kept a record of all proceedings, and elections, as well as 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 and that fact recorded: *Provided*, the record of bonds for each township shall be kept separate.

Record of elections, etc., to be kept.

Bonds redeemed to be destroyed.

Sinking fund to be safely invested.

SEC. 5. The fund raised by taxation in excess of the amount required to pay interest on bonds, if any, shall be safely invested by the Board of County Commissioners: and the County Commissioners are authorized to purchase any of said bonds to amount of such excess annually, and after ten years, they may purchase at a sum not exceeding their par value one-twenty-fifth of the bonds issued for any township and if no holder of said bonds shall offer to sell such amount then the said County Commissioners are authorized to designate such bonds as they may desire to purchase, and after the designation of such bond and the notice thereof given through a newspaper published in Catawba County, if the holder of the bonds neglects or refuses to surrender the same and receive their par value with interest accrued thereon at the time of such notice, then the holder shall not receive any interest subsequently accruing: *Provided*, the said bonds designated shall express such conditions on their face.

Board may purchase bonds annually, etc.

Holder of bonds not to receive subsequent interest on refusal to accept payment for bond and accrued interest. *Provido*.

Treasurer to keep separate account of funds raised under provisions of this act.

SEC. 6. That the funds derived from the sale of any bonds hereinbefore provided for, and the taxes levied and collected under this act on account of any township shall be turned over to the County Treasurer of Catawba County and a separate account of each fund for the benefit of each township shall be kept and all such funds belonging to any township shall be kept separate from all other funds. But before any such funds shall be placed in his hands the said Treasurer shall execute a good and sufficient bond in a penal sum of fifty per cent more than the amount of money in his hands at any time for road purposes and payment of bonds and interest thereon on account of

Treasurer to execute bond before receiving any such funds.

the several townships in the county, and for the faithful performance of such other duties as may devolve on him as Treasurer of said fund. The said bond shall not be less than five thousand dollars, and shall be approved by the Board of County Commissioners and shall be recorded and kept as the bonds of county officers are required to be kept.

Amount of bond.

SEC. 7. The Board of County Commissioners may sue and be sued, plead and be impleaded in any Court of competent jurisdiction in this State touching the bonds issued on account of any township in Catawba County or any matter connected therewith, or touching the road fund of any such township derived under this act or on any contract made by or with the said board for carrying out the purposes of this act, and any judgment in favor of said board shall specify for the benefit of what township such judgment is rendered, and any judgment against the said board shall specify what township is liable for the payment thereof and the said judgment shall be paid only out of the funds of such township or by taxes derived from property and polls in such township.

Board of County Commissioners may sue and be sued, on account of said bonds.

What judgment to specify.

SEC. 8. All orders for the payment of any of said bonds, and for interest on said bonds shall be made by the County Commissioners and shall specify thereon the purpose and the amount for bonds and the amount for interest shall be on separate orders. The funds for other purposes shall be expended under the direction of the Commissioners or by the Township Supervisor with the consent of any of the Commissioners, and paid upon the order of the Commissioners or in such manner and on such orders as said Board of Commissioners may direct, and said Board of Commissioners shall make such rules and regulations and make such directions in this respect as they may see proper.

Orders for payment of bonds to be made by County Commissioners.

Other funds, how expended.

SEC. 9. That the funds derived from sale of bonds on account of any township shall be used for the purpose of laying out, establishing, altering, repairing, grading and macadamizing and improving in any manner the public roads and main streets leading from public roads into or through any town or city, in such township, and for purchasing such material, machinery and implements as may be necessary: *Provided*, the money so expended shall be as far as possible used for permanent improvements only, which road and street improvements shall be made in accordance with the provisions of chapter 581, Laws of 1899, as amended by the General Assembly of nineteen hundred and one, so far as the same may be adopted by the Board of County Commissioners, when not inconsistent with the provisions of this act, and the County Commissioners may and they are hereby

How funds to be used.

Proviso.

Improvements to be made in accordance with Chapter 581, Laws 1899, as amended.

Proviso.

Proviso.

Proviso.

authorized to adopt at any regular meeting, any one or more sections of chapter five hundred and eighty-one, Public Laws of eighteen hundred and ninety-nine and amendments thereto as a part of the road law of the county or of any township: *Provided further*, public roads and streets in any incorporated city or town, in any township issuing bonds under this act, shall be established, altered or repaired only with the approval of the authorities of such city or town: *Provided further*, the County Commissioners may at any regular meeting, organize a convict force and elect necessary officers and guards, as provided by law and shall work such convicts on the public roads of the county, or on the roads of any township, and the expenses shall be paid by the county or township or both county and township as may be just and equitable: *Provided further*, that any damages that may be awarded to any person by reason of establishing, altering, or repairing any public roads or streets on which permanent improvements are to be made in any township issuing bonds, shall be paid by the county, township or town, or apportioned as the County Commissioners may deem just and equitable.

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

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1901.

## CHAPTER 455.

### An act to establish a dispensary in the town of Murfreesboro.

*The General Assembly of North Carolina do enact:*

Question of dispensary to be submitted to qualified voters during year 1901.

Election to be advertised thirty days.

Election to be held under rules and regulations prescribed for election of town officers.

Tickets.

SECTION 1. That the Board of Commissioners of the town of Murfreesboro are hereby authorized and empowered to submit to the qualified voters of said town, during the year 1901, the question whether a dispensary for the sale of spirituous, vinous and malt liquors shall be established for and in the said town of Murfreesboro. The said election shall be advertised by the Board of Commissioners of said town for thirty days prior to and next preceding the day of election in some newspaper published in said town and at four (4) other public places in the town; and said elections shall be held under the same rules and regulations prescribed by law for the election of 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."

SEC. 2. If a majority of the vote cast at such election shall be "For Dispensary" the Board of Commissioners of Murfreesboro shall as soon thereafter as is practicable elect three electors, citizens of the town, who shall compose and be known as "Dispensary Trustees," one of whom shall hold the office for one year, one for two years and one for three years, or until their successors are elected and installed, and the Board of Commissioners shall annually thereafter as the terms expire elect one Dispensary Trustee, and shall elect for all vacancies occurring.

If dispensary voted for, then "Dispensary Trustees" to be elected by town board.

Term of office.

One trustee to be elected annually.

SEC. 3. The Dispensary Trustees provided for in this act shall establish and maintain in the town of Murfreesboro at such place as the Board of Commissioners shall approve, a dispensary for the sale of spirituous, vinous and malt liquors. They shall from time to time as and when necessity demands elect a citizen of said town to be known as the manager of said dispensary, who shall have charge and control of said dispensary under the supervision of said Trustees. The manager shall be chosen for such time as the Board of Trustees shall deem best, and may be removed at any time for such cause as they deem sufficient. He shall be required to give bond in the sum to be fixed by the Trustees, not less than five hundred (\$500) dollars, conditioned to faithfully account for all moneys that may come into his hands as such manager and for the faithful performance of the duties required of him by this act, and by the Trustees in their regulations. He shall receive a salary to be fixed by the Trustees and his compensation shall not be dependent upon the amount of sales.

Dispensary Trustees to establish and maintain a dispensary.

Shall elect a manager.

Manager to give bond.

Salary of manager.

SEC. 4. The manager of the dispensary shall purchase and at all times keep under the supervision of the Trustees, a stock of spirituous, vinous and malt liquors in such quantities as the said Trustees shall elect and direct. All bills and obligations incurred in the establishment and maintenance of the dispensary and in purchasing stock therefor from time to time shall be paid by the Treasurer of the town of Murfreesboro upon presentation of proper voucher with bill attached, approved in writing by a majority of the Dispensary Trustees. The manager shall sell only for cash and shall turn over all moneys received by him to the Treasurer of the town each week, who shall keep a separate account of the same, subject to the inspection of the Trustees at all times.

Duties of manager.

Shall sell only for cash, and turn over all moneys to town treasurer. Treasurer to keep account.

SEC. 5. Said Trustees shall make from time to time rules and regulations for the proper conduct and operation of said dispensary, the quantity to be sold to any one person or purchaser shall be determined by them, but in no event shall wine or liquors be furnished in less quantities than one-half pint and none shall be drunk in the building or on the premises

Trustees to make necessary rules and regulations for conduct of dispensary.



where the dispensary is established. The dispensary shall not be open before sunrise and shall be closed by nine o'clock in the evening, and it shall be closed on Sundays, election days and such other days as the Dispensary Trustees may direct. The manager shall be bound by all laws of this State regulating the sale of liquors and all regulations of the Dispensary Trustees not in conflict with the laws of the State.

Trustees to fix prices of wines and liquors. Proviso.

SEC. 6. The Dispensary Trustees shall fix the price at which spirituous, vinous and malt liquors shall be sold: *Provided*, that the same shall not be sold for a price exceeding eighty (80) per centum above the cost thereof.

Manager to sell no liquors except in sealed packages.

SEC. 7. The manager of said dispensary shall sell to no person or persons any spirituous, vinous or malt liquors except in sealed packages, and he shall not keep any broken packages in the dispensary; and when any original package therefor is broken the contents thereof shall at once be bottled and sealed. The manager shall not sell any package to any person intoxicated or known to be an habitual drunkard, nor to any minor. The manager shall make a monthly report to the Dispensary Trustees showing the amount of sales for the preceding month and the stock on hand at the close of the last day of said month.

Shall keep no broken packages in dispensary.

Shall not sell to any intoxicated person.

Shall make monthly report of sales, etc.

Stock to be inspected and analyzed from time to time by competent chemist.

SEC. 8. Said Dispensary Trustees shall cause an inspection and analysis to be made of the stock on hand from time to time by a competent chemist, and if any spirituous, vinous or malt liquors are condemned by the chemist making the analysis as impure and unwholesome, such liquors shall not be sold by the manager and payment for the same shall be refused to the party from whom such liquors were purchased, and no spirituous, vinous or malt liquors shall be sold in said dispensary that are not well known in the market as pure and unadulterated.

Condemned liquors not to be sold or paid for.

Liquors not to be sold to purchasers for purpose of selling again.

SEC. 9. No spirituous, vinous or malt liquors shall be sold in said dispensary to persons purchasing for the purpose of selling again either lawfully or unlawfully, and the said Trustees are required to make such rules and regulations, and require the manager to make such investigations as will prevent persons from so purchasing; and if said Trustees become satisfied that any person has purchased or is purchasing for the purpose of reselling they shall direct the manager as to the quantity to be sold to such person or persons, which shall be such an amount as will prevent a resale; and in case the Dispensary Trustees are satisfied that any person is directly or indirectly purchasing repeatedly for the purpose of reselling, the Trustees are authorized to direct the manager not to sell to such person or persons except upon the certificate of a reputable physician that such liquors are needed for medical purposes.



SEC. 10. The manager of the dispensary shall not allow any person or persons to loiter in or about the dispensary or the premises on which it is situated, and for a failure to enforce this law shall be removed by the Trustees; and any person refusing to leave the dispensary and the premises on which it is situated, shall be punished upon conviction in the Mayor's Court as shall be prescribed by the ordinances of said town.

SEC. 11. That the Board of Commissioners of Murfreesboro shall from time to time pass such ordinances as may be necessary to carry out the purposes of this act and shall provide suitable penalties for violations of the provisions of this act or the regulations of the Dispensary Trustees to be enforced by the Mayor or other parties.

SEC. 12. The Board of Commissioners of Murfreesboro shall appropriate from the Public Treasury of the town a sufficient amount to establish the dispensary as provided for in this act, which amount shall be repaid to the general fund of the town from the dispensary account kept by the Town Treasurer, and the said Commissioners are required to appropriate at any time such sums as may be necessary to keep the dispensary in operation, such sums to be charged to and refunded by the dispensary account.

SEC. 13. The Dispensary Trustees shall make quarterly reports to the Commissioners of Murfreesboro on the third Mondays of March, June, September and December of each year, showing the receipts, expenses and cash and stock on hand of the dispensary for each quarter, and the amount of net profits shall be credited to and placed in the general fund of the town to be used for public improvements therein as the Board of Commissioners of Murfreesboro may determine, and said Commissioners in their discretion may appropriate a part of said profits to the school fund of the town or to the public schools of the town district if no graded schools are established.

SEC. 14. That no person holding any office or position of any kind under the charter or ordinances of the town of Murfreesboro shall be eligible to be chosen as Dispensary Trustee or manager of the dispensary during the time he holds office.

SEC. 15. That the Dispensary Trustees shall be paid for their services such sums as the Board of Commissioners of Murfreesboro shall determine.

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

SEC. 17. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1901.

Manager not to allow persons to loiter in or about the dispensary or premises on which situated.

Persons refusing to leave dispensary or premises, to be punished on conviction as may be prescribed in town ordinances.

Town Commissioners may pass such ordinances as are necessary, and provide penalties for violations.

Town Commissioners to appropriate a sufficient sum from town treasury to establish dispensary.

How repaid.

May appropriate necessary sums from time to time.

Trustees to make quarterly reports of receipts, expenses, cash and stock on hand.

Net profits to be placed in general town fund for public improvements.

Commissioners may appropriate part of profits to school fund.

No town official eligible to office of Dispensary Trustee or Manager.

Compensation of Dispensary Trustees.

Conflicting laws repealed.

## CHAPTER 456.

**An act to authorize the Board of Commissioners of Wilkes County to issue bonds.***The General Assembly of North Carolina do enact,*

Board of County Commissioners to submit question of bond issue to qualified voters.

Amount of issue \$50,000.

Election to be advertised thirty days in some newspaper.

How held.

Tickets to be voted.

Bond issue to be used for road improvement.

County Commissioners to have power to condemn rights of way for purposes of this act. Manner of procedure.

Issue authorized. Commissioners to issue as needed.

SECTION 1. That the Board of Commissioners for the county of Wilkes are hereby authorized to cause an election to be held at the various polling places in said county at such time as said Commissioners may appoint, and to submit to the qualified voters of said county the question of issuing bonds to the amount of fifty thousand (\$50,000) dollars for the purposes and under the provisions hereinafter named in this act and levying and collecting annually a special tax to provide for the payment of the interest thereon and to provide a sinking fund for the payment of the principal of said bonds when they shall become due.

SEC. 2. That said election shall be advertised for thirty days immediately preceding the day of election in some newspaper published in said county and held by inspectors and judges under the same rules and regulations provided for the election of State and county officers.

SEC. 3. Those who are in favor of issuing said bonds and levying and collecting said taxes shall vote a written or printed ticket with the words "For Bonds" thereon and those who are opposed shall vote a written or printed ticket with the words "Against Bonds" thereon.

SEC. 4. Said bonds shall be used for the purpose of improving, straightening, grading and macadamizing the public roads or highways of Wilkes County, and no section of roads or highways shall be graded, improved or straightened with said funds unless the section so graded, improved or straightened shall be immediately thereafter macadamized.

SEC. 5. For the purpose of carrying into effect this act the said Commissioners shall have the right to condemn rights of way in the manner authorizing railroads to condemn rights of way in chapter 49, volume one of The Code, but section 1952 of The Code shall not apply to this act.

SEC. 6. If a majority of the qualified voters of said county shall vote for bonds and the result entered of record by the said Board of Commissioners on their minutes and certified to by the chairman of said board, then the Commissioners for said county shall issue as needed, for the purpose herein expressed, bonds not exceeding in total amount fifty thousand dollars and in denominations of not less than five hundred dollars and not more than one thousand dollars, bearing interest from the date of

their issue at a rate not exceeding five per cent per annum payable semi-annually at such places as said Commissioners shall name on the first day of January and July of each year.

SEC. 7. The said bonds shall be made payable thirty years When payable. from the date thereof and shall bear on their face the purpose for which they were issued. The bonds and coupons shall be numbered and shall be signed by the chairman of said Board of Commissioners and countersigned and attested by the Treasurer of said county and bear the corporate seal of said county of Wilkes.

SEC. 8. A record shall be kept by the 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. Record to be kept by Commissioners.

SEC. 9. 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 special tax upon all polls and real and personal property and other subjects of taxation for State and county purposes always observing the constitutional equation between the tax on property and the tax on polls. Commissioners to levy special annual tax to pay interest.

SEC. 10. That said tax when collected shall be kept separate and apart from all other taxes and shall be used only for the purpose for which they were levied and collected and any Commissioner or Treasurer or other person who shall by vote or otherwise appropriate said funds for any other purpose shall be guilty of a misdemeanor: *Provided*, that if the sum collected in any one year shall exceed the sum required to pay the interest the same may be used in purchasing any of said outstanding bonds. Taxes when collected to be kept separate from all other taxes.

SEC. 11. 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 twenty years after the date of said election annually levy and collect a special tax in addition to the interest tax above mentioned, equal in amount to one-tenth of the total amount of bonds issued under this act and shall continue to levy said tax till said bonds are paid. Misdemeanor to appropriate funds to any other purpose. Proviso.

SEC. 12. 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 fund in the purchase of any of said bonds at a price deemed advantageous to said county by said Commissioners; but in case said bonds can not be purchased, the said Commissioners may lend said sinking fund or any part thereof in such sums as they may deem proper for a length of time not exceeding beyond six months prior to the date of maturity of said bonds, taking as security for the payment Sinking fund provided for.

How sinking fund to be managed.

thereof mortgages or deeds in trust on sufficient real estate, or bonds under this act may be taken as collateral security for such loan.

Notes, etc., executed to and in name of Board of County Commissioners.

County Treasurer named as trustee.

Funds may be placed on deposit if loans can not be made.

Misdemeanor for county officials to be interested in loan, directly or indirectly.

Bonds not to be sold at less than par.

Competent engineer to be employed to locate roads, etc.

Commissioners may purchase tools and materials.

SEC. 13. That notes or other evidences of debt given for any loan under this act shall be executed to and in the name of said Board of Commissioners and the Treasurer of said county shall be named as the trustee and shall bear interest at the highest legal rate, and in case said moneys can not be loaned as above described, said Commissioners may deposit same with some bank or safe deposit company of undoubted solvency at the best attainable rate of interest and any and all interest from the investments as above directed shall be reinvested in the manner as above provided, but any county officer who shall be interested directly or indirectly in any such loan shall be guilty of a misdemeanor.

SEC. 14. That said bonds shall not be sold for less than par.

SEC. 15. The Board of Commissioners of said county is authorized to employ a competent engineer for the purpose of locating, laying off and straightening the public roads of said county and to do such other work as the said board may direct.

SEC. 16. The said Board of Commissioners may also purchase tools and materials to work and build the public roads of said county; and the hands now liable to work the public roads in said county shall continue to do so until the bonds in this act shall be sold and the said board shall authorize the said roads to be worked by taxation provided for in this act.

SEC. 17. This act shall be in force from its ratification.

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1901.

## CHAPTER 457.

### An act to provide for the passage of fish in Linville River in Burke County.

*The General Assembly of North Carolina do enact:*

Mill owners to provide sluiceways for free passage of fish over dams.

Violation of act a misdemeanor.

Effective after July 1, 1901.

SECTION 1. That all persons owning or operating water mills on Linville River, Burke County, be and they are hereby required to provide sluice ways over their said mill dams for the free passage of fish.

SEC. 2. That all persons violating this act shall be guilty of a misdemeanor.

SEC. 3. That this act shall be in force from and after July 1, 1901.

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1901.

## CHAPTER 458.

An act to authorize the Boards of Commissioners for the counties of Mecklenburg, Gaston and Lincoln, or any one of them, or any one in conjunction with another, to establish a public bridge over the Catawba River at Rozzell's Ferry.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Commissioners for the counties of Mecklenburg, Gaston and Lincoln; that the Board of Commissioners of Mecklenburg County in conjunction with either Gaston County or Lincoln County; that the Board of Commissioners of Mecklenburg County be and they are hereby authorized and empowered to establish and cause to be erected a public bridge across the Catawba River at or near the place known as "Rozzell's Ferry" in the counties of Mecklenburg and Gaston for the purpose of connecting the public road in the county of Mecklenburg leading to said ferry on the east side of said river with the public road in the county of Gaston leading to said ferry on the west side of the same, and to that end said Commissioners of Mecklenburg County and Gaston County or Mecklenburg County are hereby fully authorized and empowered to condemn and appropriate to public use a right of way not more than two hundred feet wide across said river at the place where the Charlotte and Lincolnton plank road bridge was formerly located, including the stone piers or pillars formerly used for a support or foundation for said plank road bridge, as well as right of way of like width on either side of said river from said bridge to the respective public roads aforesaid as now located, and if necessary may condemn the following land or more if needed, viz.: In Mecklenburg and Gaston counties, in Paw Creek Township, Mecklenburg County, and River Bend Township, Gaston County. Beginning at a stone in Mecklenburg County, the corner of Laura S. Bizzell's land, and runs in a northwestern direction fifty-three poles to a stone, the corner of W. C. Cansler's land, in Gaston County, and runs thence in a northeastern direction two hundred feet to a stone, thence in a southeastern direction fifty-three poles to a stone, thence in a southwestern direction two hundred feet to a stone, the beginning corner. The above land contains about six and one-fourth acres. The above land extends from Mecklenburg County into Gaston County and the old piers of the old plank road bridge, near Rozzell's Ferry is included in the above boundaries, excepting from the above land, a small piece of land north of the public road in Gaston County.

Commissioners of Mecklenburg, Gaston and Lincoln counties, or either in conjunction with another, authorized to build a public bridge across Catawba River at or near Rozzell's Ferry.

May condemn right of way.

Land that may be condemned defined.



May order land surveyed.	SEC. 2. That in case said Commissioners shall determine to establish and build said public bridge, they shall cause the right of way for the same, including the approaches thereto, if they should think the title to the above-described land, which was deeded by E. M. Rozzell, Commissioner, and others to the Commissioners of Mecklenburg County, not sufficient to convey the undisputed title to said land in fee-simple, to be surveyed by some competent surveyor or civil engineer who shall prepare plats of said survey, showing the location for said bridge and its approaches, the width thereof, as well as all lands necessary to be used or occupied for or by said bridge and the approaches aforesaid, and when said plats have been filed with the respective Boards of Commissioners of Mecklenburg and Gaston
To prepare survey. What survey to show.	counties, they shall each cause their respective chairmen to issue a writ to the Sheriff of his county, commanding said Sheriff to summon three freeholders from the body of his county to appear on a day to be named in said writ at the place designated for the location of said bridge to view the right of way as laid off by said survey; and when the freeholders from each of said counties shall have so appeared and assembled they shall
Chairman to issue writ.	together constitute the jury to assess the damages, if any, sustained by the owner or owners of the land over which said right of way shall have been surveyed as aforesaid, and after having been duly sworn to do equal justice between the parties said jury shall proceed to ascertain and assess the damages, if any, sustained by the owner or owners of the land condemned for said right of way, including the stone piers or pillars as aforesaid, and after so ascertaining and assessing said damages, said jury shall make due report of their said proceedings under their hands and seals, within ten days thereafter to the respective Boards of Commissioners as aforesaid, which said reports, with the plats aforesaid, shall be filed, and the chairman of each of said Boards of Commissioners shall cause notice to issue to the owner or owners of the lands and property condemned as aforesaid, situate in his county, to appear before said board within thirty days from the service of said notice and accept or agree to said report. If parties can not personally be served, notice by publication once a week for thirty days, setting forth the condemnation proceeding shall be adjudged sufficient. Said publication shall be binding as if notice had been served personally. If parties are unknown, publication for unknown parties will be adjudged sufficient. If party or parties do not appear, judgment by default shall be taken. If party or parties appear, he, it or they shall file their said exceptions in writing, setting forth the grounds thereof, whereupon the said Board of
Character of jury.	
To be sworn.	
Damages assessed.	
Notice to issue.	
When to appear.	
What notice to set forth.	
Judgment by default.	



Commissioners shall immediately transfer the report of the jury, the exceptions and all papers connected therewith to the Superior Court, where the issue of damages shall be tried in term time by a jury, and the Court shall give judgment thereon, from which either party may appeal to the Supreme Court in the manner now provided by law, but this shall not prevent the county or counties from taking possession of said land before the suit is determined for the purposes of this act.

When papers to be sent to Superior Court.

SEC. 3. That each of the counties of Mecklenburg, Gaston and Lincoln or Mecklenburg in conjunction with Gaston and Lincoln or Mecklenburg County, shall pay the costs and expenses of building said bridge in said manner and proportion as they shall mutually agree between them, as well as any damages that may be assessed according to the provisions of section two of this act, and the Commissioners of said counties are hereby authorized to apply any funds in the treasury of their respective counties, not otherwise appropriated, for that purpose.

What counties to participate.

Expenses; how paid.

Authorized to apply funds.

SEC. 4. Nothing herein contained shall be construed so as to admit the ownership in said right of way to be vested in any person or persons other than the counties aforesaid, or to prevent the county authorities from establishing a public bridge at the place hereinbefore described according to the provisions of existing laws, in case they shall so elect. That the county of Mecklenburg shall not appropriate for this purpose over five thousand dollars (\$5,000.00); Gaston or Lincoln counties over three thousand dollars (\$3,000.00). That the city of Charlotte shall have the power and authority, and the same is hereby given it, to appropriate two thousand dollars (\$2,000.00) towards building said bridge.

How not to be construed.

Limit of amount to be severally appropriated.

SEC. 5. All laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

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

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1901.

## CHAPTER 459.

### An act to create a stock law in a portion of Ocracoke Township on Ocracoke Island.

*The General Assembly of North Carolina do enact.*

SECTION 1. That the shores of Pamlico Sound between Springer's Point and Jackson's Point at low water mark on Ocracoke Island and a direct line from said Jackson's Point to the Atlantic Ocean, and the shores of the Atlantic Ocean at low water

Stock law boundaries defined, certain shores made a lawful fence.

Stock law  
territory.

Justice of Peace  
to deputize com-  
petent person to  
impound stock  
running at large.

Fees for impound-  
ing stock.

Owner unknown  
or refusing to re-  
claim impounded  
stock, constable  
or deputy to  
advertise same  
for sale.

Notice, what to  
contain.

Stock to be sold if  
not reclaimed,  
costs and fees  
paid, and residue  
turned into school  
fund of Hyde  
County.

"Stock" defined.

Justice failing or  
refusing to cause  
stock at large to  
be impounded,  
guilty of a mis-  
demeanor.

Person deputized  
or appointed by  
Justice, refusing  
to perform the  
duties required  
by this act, guilty  
of resisting an  
officer.

Horses excepted.  
In effect Novem-  
ber 1, 1901.

mark southwardly to a point directly opposite Springer's Point, and a line thence to Springer's Point be and the same are declared a lawful fence; and the territory embraced within said bounds on Ocracoke Island in Ocracoke Township, in the county of Hyde, being the resident portion of said island, be and the same is declared a stock law territory, and it shall be unlawful for any person to permit any stock, except horses, to run at large in said territory.

SEC. 2. It shall be the duty of any Justice of the Peace residing in Ocracoke Island, upon information that any stock is at large in said territory to deputize any competent person to forthwith impound the same and notify the owner thereof, and the said stock shall be delivered to such owner upon payment to the Justice of the Peace authorizing such impounding, the sum of 50 cents for each head of stock as fee of Justice, and the sum of 50 cents for each head of stock as fee of Constable or deputy for impounding the same, and if the owner be not known, or if known, shall refuse to reclaim the stock impounded, the said Constable or deputy shall post three notices at three different places on Ocracoke Island for five days, advertising the said stock for sale; which notices shall contain a description of the stock impounded, and if not reclaimed and the fees and cost of feeding paid, the same shall be sold to the highest bidder for cash at a certain time and place, and out of the proceeds from such sale retain the Justice's fee and the Constable's and the cost of feeding, and turn the balance, if any, into the school fund of Hyde County.

SEC. 3. That the word "stock" in this act shall be construed to mean all cattle, sheep, goats and hogs.

SEC. 4. That any Justice of the Peace in Ocracoke Township failing or refusing to cause the impounding of any stock upon information that the same is at large in said territory, shall be guilty of a misdemeanor, and any person deputized or appointed by any Justice of the Peace in said township, who shall refuse to perform the duties prescribed in this act shall be guilty of resisting an officer.

SEC. 5. Nothing in this act shall be construed to prohibit horses from running at large on any part of Ocracoke Island.

SEC. 6. This act shall be in force on and after November 1, 1901.

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1901.

## CHAPTER 460.

**An act to amend Chapter 269, Public Laws of 1899, the same being an act to establish a graded school in the town of Albemarle, Stanly County**

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter 269 of the Public Laws of 1899, be Chapter 269, Public Law 1899, amended. and the same is hereby amended by inserting between section seven (7) and section eight (8) the following:

Sub-section 1. In order to pay the interest on said bonds the Sub-Section 1. Commissioners for said town are hereby authorized and it shall be their duty to annually compute and levy at the time of levying other taxes of said town, a sufficient special tax upon all Duty of Commissioners to levy special tax. polls and all property, real and personal, and other subjects of Upon what to levy. taxation mentioned in the charter of the said town, and acts amendatory thereto, which shall be returned or listed for general taxation in said town, with which to regularly and promptly To what applicable. pay the interest on said bonds: said taxes shall be collected in the same manner and at the same time the other taxes of said How collected. town are collected, and shall be paid over by the Town Tax Collector to the Treasurer of said town, deducting such commissions as may be allowed by said Commissioners.

Sub-section 2. That the taxes levied and collected for the purposes specified in sub-section one of this act shall be kept separate and distinct from any and all other taxes, and shall be used Sub-Section 2. only for the purposes for which they are levied and collected: Funds to be kept separate. *Provided*, that if the taxes levied and collected for the payment of interest shall in any year exceed the sum required for that Proviso. purpose, the amount in excess shall be applied to the credit of the interest fund for next succeeding year, and said Commissioners, at the time of levying taxes for payment of interest for said next succeeding year, shall take into consideration said Interest. excess and compute and levy said taxes accordingly.

Sub-section 3. That for the purpose of creating a sinking fund with which to pay the principal of the bonds issued under section six of said chapter 269, it shall be the duty of the Commissioners to annually levy and collect a special tax, in addition to that mentioned in sub-section 1 of this act, and the tax provided for in this sub-section shall be sufficient in amount to pay off the principal of said bonds as they become due; and whenever the amount of taxes collected under this sub-section, together with the interest accumulated from the investment thereof, as provided in sub-section 4 of this act, shall be suffi- Sub-Section 3. Sinking fund. Section 6, Chapter 269. Special tax to be levied. Application of said levy.

When levy to  
cease.

Sub-Section 4.

Commissioners  
to invest.

Date of maturity  
of investments.

Collateral  
security.

Bonds and notes.  
How executed.

Rate of interest.

Inability to  
invest.

A misdemeanor,  
Section 9, Chapter  
269, Public Laws  
1899, amended.

cient to pay off the principal of all said bonds, then said Commissioners shall cease to levy taxes for said sinking fund.

Sub-section 4. That it shall be the duty of said Commissioners to annually invest any and all money arising from the special tax collected under sub-section three of this act in the purchase of any of said bonds at a price deemed advantageous to said town by said Commissioners, but in case said bonds can not be purchased as herein provided, the said Commissioners may lend said sinking fund or any part thereof in such sums as they may deem proper, for a length of time not exceeding six months prior to the date of maturity of said bonds, taking as security for the payment thereof, and for the payment of the interest thereon, mortgages or deeds in trust in the name of the Mayor, on sufficient real estate, or bonds issued under this act may be taken as collateral security for such loan. The notes or other evidences of debt given for any loan under this section shall be executed to and in the name of the Commissioners for the town of Albemarle, and shall bear interest payable annually at a rate not less than six per centum per annum, and in case the Commissioners for said town shall not be able to invest any or all of said money annually as directed above, they may and it shall be their duty to cause such part as they are unable to invest to be deposited with some bank, trust company or safe-deposit company, of undoubted solvency, at the best obtainable rate of interest and any and all interest arising from the investments as above directed shall be re-invested in the manner as above provided. Any Mayor or Commissioner of said town who shall be personally interested, directly or indirectly, in any loan shall be guilty of a misdemeanor.

Sec. 2. That section nine (9) of said chapter 269, Public Laws of 1899, be and the same is hereby amended by striking out the word "three," in line eight (8) between the words "Albemarle" and "school," and insert in lieu thereof the word "two;" and after the word "ninety-nine," in line eleven (11) add the following: "And thus the number of School Commissioners shall be gradually reduced from nine (9) to six (6)."

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~~ the 7th day of March, A. D. 1901.

## CHAPTER 461.

**An act to protect fish in Watauga and Elk Rivers in Watauga County.***The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person to catch or take fish from the Watauga and Elk Rivers or their tributaries in Watauga County, without the written permission of owner or owners or their agents of the lands through which said streams run.

Unlawful to catch fish, where.

SEC. 2. That any person violating 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 or to be imprisoned not less than fifteen days nor more than thirty days.

A misdemeanor.

Penalty.

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 the 7th day of March, A. D. 1901.

## CHAPTER 462.

**An act to amend Chapter 581, Laws of 1899, relating to the road law of the townships of River and Judkin in Warren County.***The General Assembly of North Carolina do enact:*

SECTION 1. That in this act as applied to the townships of River and Judkin in said county, J. J. Myrick, E. T. Wilson and Frederick Shearin for River Township, and M. E. Newsome, A. D. Stallings and Wm. Noal for Judkin Township shall be and the same are hereby constituted a special Road Commission for their respective townships, which Road Commission in carrying out the provisions of this act as applied to said townships are hereby vested with all the duties, rights and powers (except that of levying taxes) otherwise in this act conferred upon the County Commissioners. The County Commissioners under this act shall levy such and only such road tax for the above townships within the limits prescribed in section one as may be recommended by said Board of Road Commissioners and all moneys arising therefrom shall be kept separate by the County Treasurer and shall be expended in the above-named townships respectively; vacancies on said Boards of Road Commissioners shall be filled by the Board of County Commissioners, and its members shall be paid out of the township road fund of the townships owing it, not exceeding one dollar per day each while

Personnel of Road Commission.

Duties of.

Road tax.

To be kept separate.

Vacancies in Board.

actually engaged in the necessary work of the Commission for not more than three days during any one month. Such moneys as may be paid in lieu of the labor in said townships may be collected by the Township Supervisor of the road elected by the said Road Commission and deposited by them for road purposes in such manner and with such person or bank, and expended as may be designated by the said Road Commission of the respective townships.

Conflicting laws repealed.

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

SEC. 3. This act shall be in force from and after the 15th day of May, 1901.

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1901.

#### CHAPTER 463.

#### An act relative to pilots and pilotage on the Cape Fear River and bars.

*The General Assembly of North Carolina do enact:*

Commissioners to regulate license, etc.

SECTION 1. That the Commissioners of Navigation and Pilotage for the Cape Fear River and bars, upon application of the master or agent of vessels when in the port of Wilmington, shall allow vessels running coastwise under United States license, to pay, after paying the inward and outward pilotage for the first trip, an annual license fee of 25 cents per registered ton, which shall belong to the pilot entitled to the inward and outward pilotage fee, and the payment of said license fee shall exempt at the port said vessels for twelve months thereafter from compulsory employment of a pilot, either inward or outward, or payment therefor unless services of a pilot are accepted; license shall be renewed to vessels after having arrived in the port, and if they approach the port, after the expiration of a former license, the license shall be granted only after they have paid the inward and outward pilotage for that trip, if services have been tendered outside the bar; and any vessel while in said port, may, within ninety days after expiration of said license, make application for and on payment of the license fee, shall receive a new license for twelve months from date of the expiration of the old license.

Conflicting laws repealed.

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

When effective.

SEC. 3. That this act shall be in force from and after the first day of May, 1901.

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1901.



## CHAPTER 464.

**An act to provide for the election of two additional Tax Collectors for  
the county of Mecklenburg.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That the county of Mecklenburg be and is hereby divided into three tax districts, as follows: County divided into districts.

District No. 1—Paw Creek, Long Creek, Lemleys, Huntersville, Deweese, Mallard Creek and Crab Orchard Townships. First district.

District No. 2—Charlotte Township, as established by chapter six hundred and eighty one (681) of the Public Laws of eighteen hundred and ninety-nine (1899). Second district.

District No. 3—Berryhill, Steele Creek, Sharon, Pineville, Providence, Morning Star and Clear Creek Townships. Third district.

SEC. 2. That at the next regular election for members of the General Assembly and every two years thereafter there shall be elected in Tax Districts Nos. one (1) and three (3) above named, a Tax Collector for such districts, the person so elected to hold his office for the term of two years or until his successor is duly elected and qualified. That in case of any vacancy by death, resignation or otherwise the Board of County Commissioners shall elect a person to fill the unexpired term. Collectors to be elected, when.

SEC. 3. That the Tax Collectors elected under this act before entering upon the discharge of their duties, shall file with the Board of County Commissioners of Mecklenburg County all bonds now required to be filed by the Sheriff for collection of taxes; said bonds to be approved and in all respects conform to the laws relating to the bonds of Sheriffs given for the collection of taxes. And if any person elected Tax Collector under the provisions of this act shall fail to file his bond required, then the Board of County Commissioners shall declare the office of such Tax Collector vacant, and shall proceed to fill the same according to the law as it now exists where Sheriffs fail to file their bonds. And said Tax Collectors are hereby invested with all the rights and powers prescribed by law for the collection of taxes by Sheriffs. Duration of office.

SEC. 4. That the Tax Collectors provided for in this act shall only be required to file bonds for the collection of, and shall only collect general and special, State, county, school and convict taxes. That all license taxes and privilege taxes for carrying on a trade, practicing a profession, etc., shall be collected by the Sheriff of Mecklenburg County, who shall issue all license required for such purposes, and he is hereby invested with all the rights and powers prescribed by law for the collection of license and privilege taxes by Sheriffs. To file bond.

Failure to file said bond.

Duties of said tax collectors

This act not applicable to present officers.

SEC. 5. That this act shall in no way apply to or affect the present Tax Collectors of Mecklenburg County who were elected under chapter four hundred and sixty (460) of the Public Laws of eighteen hundred and ninety-seven (1897), or under chapter six hundred and eighty-one (681) of the Public Laws of eighteen hundred and ninety-nine (1899).

Section 4, Chapter 681, Public Laws 1899, amended.

SEC. 6. That section four (4) of chapter six hundred and eighty-one (681) of the Public Laws of eighteen hundred and ninety-nine (1899) be amended by striking out in said section the words "two and one-half (2½)" in line five thereof, and inserting in lieu thereof the word "three (3)."

County Commissioners to fix compensation.

SEC. 7. That the Board of County Commissioners shall fix a compensation for the Tax Collectors for Districts Nos. one (1) and three (3) for the collection of taxes of not over five per centum for all taxes collected by them for State purposes, and not over three (3) per centum for all taxes collected for county purposes.

Chapter 681, Public Laws 1899, certain provisions of.

SEC. 8. That all the provisions of chapter six hundred and eighty-one (681) of the Public Laws of eighteen hundred and ninety-nine (1899), allowing or requiring the Sheriff of Mecklenburg County to collect any other than license and privilege taxes, anywhere in said county, after the Tax Collectors provided for under this act shall have been elected and qualified, are hereby repealed, and that all laws and clauses of laws in conflict with this act are hereby repealed.

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

In the General Assembly read three times and ratified this the 7th day of March, A. D. 1901.

## CHAPTER 465.

### An act to amend Chapter 649 of the Public Laws of 1899.

*The General Assembly of North Carolina do enact:*

Chapter 649, Public Laws 1899, amended.

SECTION 1. That chapter 649 of the Public Laws of 1899, section one, be and the same is hereby amended by inserting in line three the words "the waters of" after the word "in" so as to read "in the waters of Moccasin River."

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

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1901.

## CHAPTER 466.

**An act supplemental to an act entitled an act to authorize the Commissioners of Harnett County to issue bonds to build a bridge across Cape Fear River and to levy a special tax.**

*The General Assembly of North Carolina do enact:*

SEC. 1. That whereas an act has been passed authorizing the County of Harnett to issue bonds to build a bridge across Cape Fear River in Harnett County, this act supplemental to the act entitled as above, therefore the Commissioners of Harnett County are hereby authorized and empowered to issue ten thousand dollars in bonds for the purpose of constructing a bridge across the Cape Fear River at or near Averysboro in Harnett County, North Carolina, with all the powers, provisions and authority conferred and contained in the said act above mentioned and that act is hereby made and constituted a part and parcel of this act. Preamble.

SEC. 2. That whenever the County Commissioners of Harnett County shall deem it necessary and expedient they shall call an election of the qualified voters of Harnett County and the ballots cast shall be labeled "For Bridge" and "Against Bridge," and if a majority of the votes cast shall be marked "For Bridge" then the Commissioners shall at once issue the bonds and proceed to secure the construction of said bridge, but if a majority of the votes cast shall be marked "Against Bridge," then the Commissioners shall not issue said bonds. Commissioners to submit issue to voters.

SEC. 3. That the election shall be held subject to the existing election law at the time the election is held and subject to the rules and regulations of said election law. Rules governing election.

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 7th day of March, A. D. 1901.

## CHAPTER 467.

**An act to repeal Chapter 683 of the Public Laws of 1899.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter 683, Public Laws of 1899, be and the same is hereby repealed. Chapter 683, Public Laws 1899, 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 7th day of March, 1901.

## CHAPTER 468.

**An act to drain Beaver Dam Creek in Cleveland County.**

*The General Assembly of North Carolina do enact:*

Unlawful to obstruct said waters.

SECTION 1. That it shall be unlawful for any person to in any way obstruct or hinder the free passage of water in Beaver Dam Creek in Cleveland County, and every riparian land owner along said creek in No. 2 Township of said county, is hereby required to remove and clear out all obstructions which now exist in said creek within said territory.

A misdemeanor.

SEC. 2. That anyone violating the provisions of this shall be guilty of a misdemeanor and upon conviction shall be fined not more than ten dollars or imprisoned not exceeding ten 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 the 7th day of March, A. D. 1901.

## CHAPTER 469.

**An act to protect game in Mecklenburg County.**

*The General Assembly of North Carolina do enact:*

Unlawful to take quail, when.

SECTION 1. That it shall be unlawful for any person to net, trap, take, catch or in any manner destroy any quail or partidges between the tenth day of January and the first day of December in any year.

Unlawful to hunt game; where.

SEC. 2. That it shall be unlawful for any person to hunt any game upon the lands of another without permission of the land owner, and if any 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.

Application.

SEC. 3. That this act shall only apply to the county of Mecklenburg.

Misdemeanor.

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.

Penalty.

Conflicting laws repealed.

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

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

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1901.

## CHAPTER 470.

**An act for relief of E. W. Hyman.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That the County Board of School Directors for Halifax County be and they are hereby authorized to pay to E. W. Hyman the sum of nineteen dollars, the amount of a school order due Willie Carpenter and which was assigned by said Carpenter to said Hyman.

School Directors of Halifax County to pay E. W. Hyman \$19.00, school claim.

SEC. 2. That said sum shall be paid out of any funds apportioned to the colored race for Enfield Township in said county.

To be paid out of funds for colored race in Enfield township.

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

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1901.

## CHAPTER 471.

**An act to be entitled an act to regulate the manufacture and sale of spirituous liquors in the county of Richmond.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That spirituous, vinous and malt liquors shall not be manufactured or sold in the county of Richmond outside of an incorporated town, and shall not be manufactured inside of an incorporated town, until the Commissioners of said consent thereto: *Provided*, this act shall not apply to Steele's Township: *Provided further*, that this act shall not prevent the manufacture of spirituous, vinous and malt liquors in that portion of Marks Creek Township lying south of a line one mile south of the town of Hamlet, and the sale of same in unbroken packages in quantities not less than ten gallons.

What prohibited.

Proviso.

SEC. 2. Any person violating the provisions of this act shall be guilty of a misdemeanor and fined and imprisoned in the discretion of the Court.

Misdemeanor. Penalty.

SEC. 3. This act shall be in force thirty days after its ratification.

In the General Assembly read three times and ratified this the 7th day of March, A. D. 1901.

## CHAPTER 472.

**An act to incorporate the State's Prison of North Carolina and to provide for the government thereof.***The General Assembly of North Carolina do enact:*Incorporation  
and name.

SECTION 1. That the State's prison of North Carolina, located near the city of Raleigh, be and the same shall remain a corporation under that name. The said corporation shall be in-

Powers and  
liability.

vested with all the property, real and personal, choses in action, rights in action, and other rights now owned, held or enjoyed by the North Carolina Penitentiary or State's Prison, and shall

Proviso

be liable for all of the debts and other liabilities for which the said penitentiary or State's prison is now liable: *Provided*, that any suit or action against said corporation shall be construed to be a suit against the State and no person, company or corporation shall have the right to bring or maintain any suit or action against it, nor shall any of the Courts of the State have jurisdiction to try, hear or determine any such suit or action, except as allowed by the Constitution in case of suits against the State.

Power to pur-  
chase and lease.

SEC. 2. The said State's Prison of North Carolina shall be and is hereby empowered to buy, acquire, lease and hold all property, real and personal or mixed, which may be necessary for conducting its operations, as may be provided by law.

Board of Direc-  
tors.

SEC. 3. The said State's Prison of North Carolina shall be governed and controlled by its Board of Directors, hereinafter provided for. Said Board of Directors shall be authorized to

Powers of board.

employ such managers, wardens, physicians, supervisors, overseers and other servants, or agents, as they may deem necessary for the management of the affairs of said State's prison and the safe keeping and employment of the convicts therein

Compensation of  
employees.

confined. They shall fix the compensation of such servants or agents, prescribe their duties by proper rules and regulations, and may discharge them at will.

Board to have  
charge of all  
property.

SEC. 4. The said Board of Directors shall have charge of and through its agents and employees aforesaid, hold and manage all the property and effects of the said corporation, and conduct the operation of all its affairs. The said Board of Directors may adopt and enforce such rules and regulations for the government of the said institution, its agents and employees, and the convicts therein confined, as to them may seem just and proper.

Board to make  
provision for all  
convicts.

SEC. 5. The said Board of Directors shall make provision for receiving and keeping in custody until discharged according to law, all convicts now confined in said prison, and all such as



may be sentenced to imprisonment therein by the Courts of this State. They shall also provide for the employment of said convicts, either in said prison or on farms leased or owned by said corporation. The said Board of Directors may provide for the recapture of convicts that may escape from said prison, in such manner as they may deem best, and may pay such reward and expenses to any person making such recaptures as they may think proper. Any citizen of North Carolina shall have authority to apprehend any convict that may have escaped from said State's Prison, before the expiration of his term of imprisonment, and return him thereto.

Recapture of convicts.

Any citizen may apprehend convicts.

SEC. 6. The Board of Directors shall be empowered to lease, sublet or sell to any person or corporation any or all lands or personal property owned or leased by said State's Prison and contract for the hire or employment of any able-bodied convicts not necessary to be detained in the prison near Raleigh, upon such terms as may be just and fair to the State's Prison: *Provided*, that such convicts, when so hired or employed, shall remain under the actual management, control and care of the said Board of Directors or its employees, agents and servants: *Provided*, that no sale of real estate shall be made, except by a unanimous vote of the Board of Directors, to be approved by the Governor.

Board may lease and control all property real or personal.

Proviso (1).

Proviso (2).

SEC. 7. The said Board of Directors shall require such of its officers, employees or agents as they shall authorize to receive the moneys and earnings of said institution to enter into good bonds, to be approved by the board, in such amount or amounts as will fully secure their faithfully accounting for the same; said bonds may be given in any bonding company authorized to do business in North Carolina. All moneys belonging to said institution which shall come to the hands of any of its officers or employees, shall be paid into the hands of the State Treasurer within ten days after the same is received, accompanied by a statement showing the source or sources from which the same was derived.

Certain officers to give bonds.

All moneys to be paid by board to State Treasurer.

SEC. 8. The Treasurer of the State shall keep the funds of the said State's Prison of North Carolina separate from other public funds, and shall disburse the same on account of the State's Prison upon vouchers consisting of itemized accounts of the claim, and an order of payment signed by such officer or agent as the Board of Directors of said State's Prison shall authorize to sign the same, approved by the chairman of said board. Duplicates of such vouchers shall be kept and filed in the office of the chairman of the Board of Directors and the original thereof shall be kept and filed when paid in the office of the State Treasurer.

Treasurer to keep funds separate.

Disbursements. Duplicate vouchers to be kept.

Board, how constituted.

When to be appointed.

When board to meet.

Oath.

Compensation of board.

Mileage.

Proviso (1).

Salary of chairman.

Proviso (2).

Board to make report.

Power of Governor to remove from office.

Notice.

Hearing to be allowed.  
Governor's decision final.

Existing suits exempt.  
Conflicting laws repealed.

SEC. 9. The Board of Directors of said State's Prison of North Carolina shall consist of a chairman and four other members, to be appointed by the Governor, by and with the advice and consent of the Senate. Said board shall be so appointed during the present session of the General Assembly, and every four years thereafter, and their term of office shall be four years, beginning on the 15th day of March next after their appointment.

SEC. 10. The Board of Directors to be appointed during this session of the General Assembly shall meet in the State's Prison near Raleigh or in the city of Raleigh, on or after the 15th day of March, 1901, and after taking the proper oath of office before some person authorized to administer oaths, enter upon the discharge of the duties hereby imposed upon them.

SEC. 11. The members of said Board of Directors shall receive as compensation for their services four dollars (\$4.00) per day each, and five cents per mile each way of travel, while in the discharge of their official duties: *Provided*, that the board may allow its chairman a salary in lieu of per diem and mileage, and confer such authority, and impose such duties upon him in reference to the management of said institution as they may think proper: *Provided*, that no member of the Board of Directors shall be eligible to any other office in connection with said State's Prison.

SEC. 12. The said Board of Directors shall make to the Governor a full report of the financial and physical condition of the said State's Prison of North Carolina annually and at such other times and as often as the Governor may call upon them for same.

SEC. 13. The Governor is hereby empowered to remove the chairman or any member of said Board of Directors from office for inefficiency or misconduct in office, or if he shall become neglectful of his official duties. The Governor shall give such party at least ten days' notice of such intended removal, and the grounds therefor, naming a day certain on which such party may be heard. On the day named the Governor shall give said party a full hearing, and the Governor's decision upon the matter shall be final.

SEC. 14. That this act shall not apply to existing suits.

SEC. 15. That all laws and parts of laws in conflict with this act be and they are hereby repealed.

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

In the General Assembly read three times, and ratified this the 8th day of March, A. D. 1901.

## CHAPTER 473.

**An act to regulate elections in the city of Charlotte and for other purposes.**

*The General Assembly of North Carolina do enact:*

SECTION 1. The administration and government of the city of Charlotte, N. C., shall be vested in one principal officer to be styled the Mayor, a board of thirteen Aldermen, nine School Commissioners and such other officers as are now or may be provided by law.

Government vested in a mayor and thirteen aldermen.

SEC. 2. That said city shall be divided into four wards by the intersection of Tryon and Trade streets. The part lying east or northeast of said intersection to be known as Ward 1, that part lying south, or southeast of said intersection as Ward No. 2, that part lying west (or southwest) No. 3, that part lying north or northwest as Ward No. 4, the said division being the [same]

Four wards.

as now exists in said city. Ward one shall elect four Aldermen and three School Commissioners, and Wards two, three and four shall each elect three Aldermen and two School Commissioners who shall hold their offices for two years and until their successors are elected and qualified. Such Aldermen and School Commissioners shall be electors, and citizens and residents of the ward for which they are chosen and shall be elected by the qualified voters of such ward. That the candidate receiving the highest number of votes for Mayor, in any election in this act provided for and ordered to be held, shall be declared elected. And the Sheriff of Mecklenburg County shall cast off the tie and decide the results as hereinafter provided in case any two or more persons receive the same number of votes for said office. That the candidates receiving the highest number of votes for School Commissioner and Aldermen respectively in the respective wards of the city of Charlotte, shall be declared elected Aldermen or School Commissioners, as the case may be, of and in their respective wards: *Provided*, that in case two or more candidates for either of said offices shall receive the same number of votes, the registrar and judges of the ward in which such candidates reside and are voted for shall cast off the tie and decide the result as hereinafter provided.

Calls.

Number of aldermen and school commissioners appointed.

Qualifications.

Sheriff to decide tie vote.

Whom declared elected.

Tie vote.

SEC. 3. The Board of Commissioners of Mecklenburg County shall appoint on or before the 15th day of March, A. D. 1901, and every two years thereafter a registrar of voters for each of the four wards of the city of Charlotte and shall cause publication thereof to be made at the county court-house door and notice to be served on such persons by the Sheriff. If any registrar shall

Board of Commissioners to appoint.

Publication to be made.

Vacancies.

fail or refuse to perform the duties of his office, or shall die or resign, or if there shall for any cause be a vacancy in any such office, the chairman of the Board of County Commissioners of Mecklenburg County shall appoint another in his place, and no person who is a candidate for office shall be a registrar or judge of election. That the registrar on demand of any elector upon the payment of ten cents for every one hundred names, shall furnish same to any elector who desires a list of the voters registered by him as registrar or that may appear on his registration books: *Provided*, that the demand be made at least five days before the election."

Proviso.

Registration  
books

SEC. 4. Said registrars shall be furnished by said County Commissioners with registration books and it shall be the duty of said registrars appointed for the year 1901 and thereafter to open their books, at some convenient place in the ward for which they were appointed, on or before the last Monday in March in such year when elections are to be held, for the purpose of registering voters therein. That for the election in May, 1901, there shall be an entirely new registration of all persons who shall be entitled to register in every ward in the city and only such persons as are registered shall be entitled to vote in any election, held under this act. That in all cases the applicant for registration shall be sworn by the registrar before being registered and shall state and answer his name, age, place of birth, place of residence, stating ward, number of house, if numbered, and, if not numbered, then a designation of its locality by streets and if not the owner then the name of the owner or renter; the time of his residence in the county of Mecklenburg and in the ward, if not known to the registrars to be qualified to register, his avocation, place of business, where and by whom employed, if employed, if a new comer, from whence he came, and his post-office address before removal; whether he has been disqualified as a voter by a judgment or decree of any Court, if so, by what Court or how otherwise reinstated, and any other questions which may be material upon the question of the identity and qualification of the said applicant to be admitted to registration. The registrar, if in doubt as to the right of the applicant to register, may require other evidence satisfactory to him as to the qualifications of the applicant, and thereupon, if the applicant shall be found duly qualified and entitled to be registered as an elector, the registrar shall register the applicant, giving his race opposite his name, and shall record his name, age, residence, place of birth and the township, county or State from which he has removed, in the event of a removal, in the appropriate column of the registration books; and the

Applicants to be  
sworn by regis-  
trar.

Registration.

registration books containing the said record, shall be evidence against the applicant in any Court of law in a proceeding for false or fraudulent registration: *Provided*, that nothing herein contained shall prevent any elector or judge of election on the day of election and when the elector presents himself to vote from challenging the right of the elector to vote. If an elector has been previously admitted to registration in any ward in said city, he shall not be entitled to register again in another ward in said city, until he produces a certificate of the registrar in the former ward, that his name has been erased from the registration book of the ward from which he has removed and the identity of any person, claiming the right to be registered in any ward by virtue of such certificate with the person named therein shall be proven to the registrar, if not known to him. If any applicant for registration shall not disclose the place of residence in his ward, his wilful failure to do so shall be *prima facie* evidence that he is not entitled to register in such ward. That after the new registration in May, 1901, shall have been made, by virtue hereof, a new registration shall not be made biennially, but such registration book shall be revised so as to show an accurate list of electors previously registered and still residing in said city, without requiring such electors to be registered anew; and such registrars shall on or before the last Monday in March biennially open said books for the registration of any electors entitled to registration, whose names have never before been registered in such ward or do not appear on the revised list: *Provided, however*, that the Board of Aldermen may at any time order a new registration in the manner herein prescribed. Every person qualified as an elector shall take the following oath, viz.: "I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of North Carolina, not inconsistent therewith; that I have been a resident of the State of North Carolina for twelve months and of the county of Mecklenburg for ninety days, and . . . . . Ward (naming the ward) for sixty days; that I am twenty-one years of age; that I have not registered for this election in any other ward; that I am the identical person that I represent myself to be; that I am a *bona fide* resident of . . . . . Ward (naming the ward). So help me God." And thereupon the said person, if qualified, shall be entitled to register.

Registration book made evidence.

Right to challenge.

New registration.

Aldermen may order new registration.  
Oath.

SEC. 5. No elector shall be entitled to register or vote in any other ward than the one of which he is a resident on the day of election, and no person who is in said city for a temporary purpose shall be considered a resident of the ward in which he is sojourning for the purpose of registration or voting.

Where to vote.



**Duty of registrar.** Sec. 6. That the registrar of each ward shall be furnished with a registration book and it shall be his duty between the hours of nine o'clock a. m. and sunset on each day (Sunday excepted) commencing on the last Monday in March biennially and continuing for thirty days (counting Sunday as part of the thirty days) to open said book for the registration of any elector entitled to registration. That said books shall not be kept open for over the thirty days and shall be closed for registration at sunset on the day of the expiration of the thirty days.

**Board of Commissioners to appoint.** Sec. 7. The Board of County Commissioners of Mecklenburg County on or before the 15th day of April, 1901, and biennially thereafter or at such other time, as it may be necessary to do so, shall appoint two persons, who shall act as judges of election at each place of holding elections in their respective wards, each of whom shall be men of good moral character and able to read and write. The said judges of election shall attend at the polling places for which they are severally appointed on the day of election and they together with the registrar for such ward,

**Judges of election.** who shall attend with the registration books, after being sworn to be sworn, by some Justice of the Peace or other person authorized to administer oaths to conduct the election fairly and impartially according to the Constitution and laws of the State, shall open the polls, and superintend the same, until the close of the election. They shall keep poll books, in which shall be entered the names of every person who shall vote, and at the close of the election the said registrar and judges of election shall certify the same over their proper signatures and deposit the same with the Clerk of the Superior Court of Mecklenburg County and said poll books shall in any trial for illegal and fraudulent voting, be evidence. The Board of County Commissioners shall immediately after the appointment of the judges of elections as herein provided, furnish a list of the names of such judges to the Sheriff of the county, who shall within five days serve notice of such appointment upon said judges and, if any person appointed judge of election shall fail to attend or to act, the registrar of the ward shall appoint some discreet person to act in his stead, who shall be by him sworn before acting; and if the registrar shall fail to appear on the day of election, then the judge or judges of election appearing may appoint another to act as registrar who shall be sworn by him or them before acting.

**Duties of judges.** **Judges to appoint registrar, when.** **Whom disqualified from voting.**

Sec. 8. The following classes of persons shall not be allowed to register or vote in any election held under this act, to-wit: First, persons under twenty-one years of age; second, idiots and lunatics; third, persons who upon conviction or confession in open Court shall have been adjudged guilty of felony or other



crimes infamous by the laws of this State committed after the first day of January, 1877, unless they shall have been legally restored to the rights of citizenship.

SEC. 9. Subject to the foregoing exceptions, every male person, born in the United States and every male person who has been naturalized, twenty-one years of age, who shall have resided in the State twelve months, next preceding the election, and ninety days in the county, and sixty days in the city and ward in which he offers to vote, shall be a qualified elector in the ward, in which he resides, and all electors shall register and vote in the ward of their residence. The residence of married man shall be where his family resides, and that of a single man where he boards; but no elector shall be allowed to register in any ward to which he shall have removed for the mere purpose of being a voter therein, nor unless his residence therein is actual and *bona fide*; and it shall be the duty of the registrar or any of judges of election, when requested by any bystander, to swear any person offering to register or vote, as to his residence and to have placed in writing opposite his name the word "Sworn," and any person knowingly and fraudulently registering or voting at any other place than that of his *bona fide* residence, shall be guilty of a crime infamous by the laws of this State, and punished by a fine not exceeding one thousand dollars or imprisoned at hard labor not exceeding two years, or both, in the discretion of the Court.

Who allowed to vote.

Regulations governing voting.

SEC. 10. That no registration shall be allowed on the day of election, but if any person shall give satisfactory evidence to the registrar and judges of election that he has become qualified to register and vote after the time for registration has expired, he shall be allowed to register and vote on that day.

Those becoming of age subsequent to registration day.

SEC. 11. On the day of election any elector may, and the judges of election may challenge the vote of any person who may be known or suspected not to be a duly qualified voter.

Right to challenge.

SEC. 12. When any person is challenged, the judges and registrar shall explain to him the qualifications of an elector and shall examine him as to his qualifications; and if the person insist that he is qualified, and shall prove his identity with the person in whose name he offers to vote, and his continued residence in the ward since his name was placed upon the registration list, as the case may be, by the testimony, under oath, of at least one elector, one of the judges, or the registrar, shall tender to him the following oath: "You do solemnly swear (or affirm) that you are a citizen of the United States; that you are twenty-one years old, and that you have resided in this State for twelve months, and in this county ninety days and in the city and ward

Upon challenge being made, what course to pursue.

sixty days next preceding this election, and that you are not disqualified from voting by the Constitution and laws of this State, that your name is (here insert the name given), and that in such name you were duly registered as a voter of this ward and that you are now an actual resident of the same, and have been ever since you were so registered; and that you are the identical person you represent yourself to be, and that you have not voted in this election at this or any other polling place. So help you God." And if he refuses to take such oath his vote shall be rejected; if, however, he does take the oath when tendered, his vote shall be received: *Provided*, that after such oath shall have been taken, the registrar and judges may, nevertheless, refuse to permit such person to vote unless they be satisfied that he is a legal voter; and they are hereby authorized to administer the necessary oaths or affirmation to all witnesses brought before them to testify to the qualifications of a person offering to vote. When any person's vote shall be received, after having taken his oath prescribed in this section, the clerks of election shall write on the poll books, at the end of such person's name the word "Sworn." The same powers as to the administration of oaths and examination of witnesses, as in this section granted to registrars and judges of election, may be exercised by the registrars in all cases where the names of persons registered or offering to register are objected to.

Polls, when  
opened and  
closed.

Voting, how  
conducted.

SEC. 13. That the polls shall be open on the day of election from sunrise in the morning until sunset on the same day and no longer, and each elector whose name shall appear registered, and who shall not be challenged and rejected, shall be entitled to vote. A space of not more than fifty feet in every direction from the polls or the rooms in which the election is held may be kept open and clear of all persons except the election officers herein provided, which space may be railed or roped off with a narrow passage leading to and from the polls, and each elector shall approach the poll from one direction, through such passage; and after his ballot is deposited in the box with as little delay as possible shall depart by the passage leading from the poll. Only one elector shall enter the said passage leading to the polls at one time; and after the elector has entered the passage, no one except the registrar or judges of election or the challengers, hereinafter provided for, shall be permitted to speak to him or make any signs to him, nor shall he be permitted to speak to or make any signs to anyone except the registrar and judges of election, except in case his vote is challenged as hereinafter provided, until his ballot has been deposited in the box, and he has passed out of the enclosure. The said railed or

roped space shall at all times during the hours for balloting be kept open and cleared of all persons, except the election officers aforesaid; and it shall be the duty of the election bailiffs, hereinafter provided for, to keep such space so cleared and opened. The Board of Aldermen of the city of Charlotte, and the Board of Commissioners of Mecklenburg County shall each, at least ten days before each election in this act provided for, appoint for each polling place one discreet person, challenger (from opposite political parties if any two of the candidates belong to opposite political parties, otherwise any discreet person); and in the event either board fails to appoint such challengers, or any of them, those not appointed by either board shall be appointed in the registrars' and judges' discretion, and if the vote of any elector shall be challenged by them or any other elector, or the registrar or judges of election, upon the announcement of such challenge said challengers, or either of them, and any of the witnesses that may be called for, or against, the elector, whose vote has been challenged, shall be permitted to proceed through the passage or entrance aforesaid to the polling place, and remain while the testimony is being taken upon the question of challenge, and no longer.

Election bailiffs.

SEC. 14. After the ballots are counted, they shall be carefully preserved and shall be together with the poll lists, which shall be signed by the judges of election, and the registration book, delivered to the Clerk of the Superior Court of Mecklenburg County, North Carolina.

Ballots to be preserved.

SEC. 15. The registrar and judges of election may appoint as many election constables or bailiffs, not to exceed three, as they may deem necessary for each ward, to be present during the election, to keep the peace and to protect the voting place, and to prevent improper intrusion upon the voting place, or the booths or railed or roped space provided in this act, or interfering with the election, and to arrest all persons creating any disturbance about the voting place and to enable all persons who have not voted, and who desire to vote, to have unobstructed access to the polls, for the purpose of voting, when others are not voting, and to keep clear the open space hereinbefore provided, at all times during the election. It shall be the duty of the election constables or bailiffs to be present at the voting place, and to take such steps as will accomplish the object of their appointment and they shall have full power to do so. And they may summon to their aid all persons present at the voting place, and may arrest offenders against this section, and hold them in custody as long as may be necessary, not to exceed twenty-four hours. And for the purpose of carrying out the

Bailiffs, how and by whom appointed.

Duties of.

Election place, how located.

powers herein conferred upon them, the registrar and judges of election shall be and are hereby constituted conservators of the peace.

Candidates to file notice with clerk, when.

Sec. 16. That the several candidates for Mayor, Aldermen, School Commissioners and candidates for any other offices of the city to be filled at any election, shall at least five days prior to any election file with the Clerk of the Superior Court of Mecklenburg County a notice in writing, stating that he will be a candidate in such election and the office for which he will be a candidate, which notice shall be signed by him; and said Clerk shall endorse on the back of each of such notices the date when it was filed in his office and shall preserve the same with the other records of the county. Any elector of the city shall have the right to inspect the same. That it shall be the duty of said

Clerk to have ballots printed.

Clerk of the Superior Court within three days before any such election to have printed the ballots to be used and cast by the electors in such election, which ballot shall contain the names of all the candidates who filed said written notice as above prescribed, and there shall be printed on each ballot a square opposite the name of each candidate, all of which names together with the offices for which they are respectively candidates shall be printed on the same ballot and no candidates for any office shall be voted or, in any election, who have not filed written notice in said Clerk's office as in this act provided, and said Clerk shall also provide necessary ballot boxes in which ballots are to be placed. That the Mayor of the city of Charlotte, shall

Style of ballot.

City Treasurer to pay for printing.

issue a warrant or order on the City Treasurer in favor of said Clerk for the amount of expenses incurred for the printing and distributing said ballots or tickets and holding elections herein provided for, and said Treasurer shall pay the same. That said Clerk shall not later than sunset of the day preceeding the election deliver to each registrar three times as many of said printed ballots as the registration books shall show that there are electors in such registrar's ward, and it shall be the duty of each of said registrars to have said ballots and tickets at his polling place at sunrise on the morning of the election and to see that two of such tickets are given to every elector presenting himself to vote in said election. That it shall further be the duty of said registrars to have and keep posted in a conspicuous place at his polling place, during the whole of the election day a

List of candidates to be posted.

list of all the candidates that may be voted for in said election and the offices for which each is a candidate. That in the event any elector shall not be provided with a ticket or ballot by the registrar of his ward, upon his demand for the same, such elector if entitled to vote shall have the right to prepare and write or

have prepared and written his own ballot and cast the same, if otherwise entitled so to do, and such ballot shall be counted. That each elector who shall upon his demand be furnished with a printed ballot, as in this act provided, shall make a cross mark with ink or pencil in the square opposite the name of the candidate or candidates for whom he purposes to vote in said election, and shall deposit his ballot so marked in the ballot box or cause same to be deposited. If the elector can not read or write he may have one of the judges or registrars or any of the bailiffs or challengers, or in case they refuse then anyone else to prepare his ballot for him: *Provided*, that if any elector by his ballot votes for more persons than he is entitled to vote for, such ballot shall not be counted.

Preparation of  
ballots.

SEC. 17. If among the persons voted for, for Aldermen or School Commissioners in any ward, there shall be a tie and such persons having received more votes than the others voted for the registrar and judges of election for such ward shall decide the election between such persons. As soon as the result of the election in any ward is determined two certificates thereof shall be made under the hands of the judges and registrar or a majority thereof setting forth in writing and words the number of votes each candidate received, one of which certificates shall be delivered to the Sheriff of Mecklenburg County who shall at once make proclamation thereof, at the county courthouse door, and the other shall be delivered to the Mayor of the city of Charlotte and upon application they shall also furnish to each person elected Alderman or School Commissioner in their ward a certificate of his election. The Board of Aldermen shall fill all vacancies occurring in their board by death, resignation or otherwise.

Tie vote.

Result to be certi-  
fied.

Sheriff to make  
proclamation.

Vacancies, how  
filled.

SEC. 18. The Mayor shall be elected by the qualified voters of the city of Charlotte for the term of two years and until his successor shall be elected and qualified. The Board of Aldermen may allow said Mayor an annual salary not exceeding fifteen hundred dollars to be paid out of the City Treasury. In case a vacancy shall occur in the office of Mayor, the Board of Aldermen shall appoint a qualified person to fill the vacancy for the unexpired term. In case two or more persons receive an equal number of votes (being more votes than the other candidates received) for the office of Mayor, in any election, the Sheriff of Mecklenburg County shall determine the matter by his vote.

Mayor, how  
elected, tenure of  
office, compensa-  
tion.

Vacancy.

Tie vote.

SEC. 19. That on or before the fifth day after their election, the Mayor and Aldermen so elected shall meet at the hall or some other place by them appointed and shall then and there

First meeting.



Oath.	take an oath to support the Constitution and laws of the United States and the Constitution and laws of North Carolina and discharge the duties imposed upon them by virtue of their office as Mayor and Aldermen with fidelity and integrity to the best of their ability, which oath shall be administered by a Judge, Justice of the Peace or by the retiring Mayor.
Frauds, how to be prevented.	SEC. 20. Any person who shall, with intent to commit a fraud, register and vote at more than one box or more than one time or who shall induce another to do so in the same election, or any person who shall illegally vote at any election, shall be guilty of an infamous crime and imprisoned not less than six months nor more than twelve months, or fined not less than one hundred nor more than five hundred dollars, at the discretion of the Court, and any registrar of voters or any clerk or copyist, who shall make any entry or copy with intent to commit a fraud, shall be liable to the same penalty.
A crime.	
Penalty.	
False swearing.	SEC. 21. Any person who shall falsely and corruptly take the oath prescribed for voters shall be guilty of perjury, and be fined not less than five hundred dollars nor more than one thousand dollars, and be imprisoned at hard labor in the penitentiary not less than two nor more than five years.
Penalty.	
Interference with election, how prevented.	SEC. 22. Any person, who by force or violence shall break up or stay any election by assaulting the officers thereof or depriving them of the ballot boxes, or by any other means, himself, his aiders, and abettors, shall be guilty of a misdemeanor and imprisoned not more than three months, and pay such fine as the Court shall adjudge, not exceeding one hundred dollars. If any person shall interrupt or disturb the registrar while actually engaged in the registration of voters, or the registrar or judges of election while engaged in holding the election, or in counting and adding up the result thereof; or behave in a disorderly or boisterous manner in the presence of said officer while so engaged in the discharge of their official duties, or obstruct such officers in the legal discharge of the duties of their several positions, such person shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days.
A misdemeanor.	
Penalty.	
Interfering with an official.	SEC. 23. Any person who shall treat with either meat or drink, on any day of election or on any day previous thereto with an intent to influence the election, shall forfeit and pay two hundred dollars, the one-half for the use of the county, and the other to the use of the person who shall sue for the same.
Unlawful to seek to influence election.	
Penalty.	
Coercion or intimidation prohibited.	SEC. 24. Any person who shall discharge from employment, withhold patronage from, or otherwise injure, threaten, oppress or attempt to intimidate any qualified voter because of the vote



such voter may or may not have cast in any election, under this act shall be guilty of a misdemeanor.

SEC. 25. Any person who shall, at any time before, during or after an election, give any money, property or reward to any elector in order to secure his vote, shall be guilty of an infamous crime and fined or imprisoned in the discretion of the Court, and any person who shall receive or agree to receive such bribe shall also be guilty of an infamous crime, and fined or imprisoned in the discretion of the Court.

SEC. 26. The registrars and judges of election are hereby empowered to administer all oaths and affirmations necessary in conduct of the elections.

SEC. 27. Any person who shall bet or wager any money or other thing of value upon any election, under this act shall be guilty of a misdemeanor.

SEC. 28. Any person who shall cause or procure his name to be registered in more than one election ward, or shall cause or procure his name, or that of any other person whose name he has procured to be registered, and who is not entitled to vote in the ward wherein such registration is made, or who shall falsely personate any registered voter, shall be guilty of a crime infamous by the laws of the State, and shall be punished for every such offence, by a fine not exceeding one thousand dollars, or imprisonment at hard labor for a term, not exceeding two years or both in the discretion of the Court.

SEC. 29. If any person be challenged as being convicted of any crime which excludes him from the right of suffrage, he shall be required to answer any questions in relation to such alleged conviction; but his answer to such questions shall not be used against him in any criminal prosecution, but if any person so convicted shall vote at the election, without having been restored to the rights of citizenship, he shall be guilty of an infamous crime, and punished by a fine not exceeding one thousand dollars, or imprisoned at hard labor, not exceeding two years, or both.

SEC. 30. The judges of election shall in no case receive the vote of any person, unless they shall be satisfied that such person is in all respects qualified and entitled to vote; and for the purpose of satisfying themselves as to the right of any person who shall claim the right to vote they shall have power to examine such person, and any other person or persons, under oath or affirmation touching such right, and if any judge of election shall receive or assent to receive the vote of any person challenged, without requiring such person to take the oath or affirmation hereinbefore prescribed, and if such person shall not

A misdemeanor.

Buying votes.

A crime.

Penalty.

Oaths, how and by whom administered.

Betting prohibited.

A misdemeanor.

False registration.

A crime.

Penalty.

Persons convicted of crime—mode of challenge.

A crime.

Penalty.

Judges prohibited from receiving questionable votes.

be qualified and entitled to vote, such judge of election so receiving or assenting to receive such a vote, shall be deemed to have received the same knowing it to be illegal.

Power of election officers to maintain order.

SEC. 31. That the registrar, and judges of election in each ward shall respectively possess full power and authority to maintain order, and to enforce obedience to their lawful command during their sessions, respectively, and shall be constituted inferior courts for that purpose, and if any person shall refuse to obey the lawful command of any such registrar or judge of election, or by disorderly conduct in their hearing or presence shall interrupt or disturb their proceedings they may by an order in writing signed by the chairman, and attested by their clerk, commit the person so offending to the common jail of the county for a period not exceeding thirty days, and such order shall be executed by the Sheriff or Constable to whom the same shall be delivered, or if the Sheriff or a Constable shall not be present, or shall refuse to act, then by any other person who shall be deputed by such ward Board of Elections in writings, and the keeper of said jail shall receive the person so committed and safely keep him for such a time as shall be mentioned in the commitment.

Sale and gift of liquors regulated.

SEC. 32. That any person who shall give away or sell any intoxicating liquors, except for medical purposes, and upon the prescription of a practicing physician at any places within Charlotte Township at any time within twelve hours next preceding or succeeding any public election, under this act, or during the holding thereof, shall be guilty of a misdemeanor, and fined not less than one hundred nor more than one thousand dollars.

Violation of this act by any officer.

SEC. 33. If the Clerk of the Superior Court, Board of Aldermen of the city of Charlotte, or any member thereof, chairman of the Board of County Commissioners or any member of such board or any election officers required by this act to perform any duties pertaining to said election shall wilfully fail or refuse to perform any duty or do any act required to be done by him under the provisions of this act he shall be guilty of a misdemeanor and fined or imprisoned in the discretion of the Court.

A misdemeanor.

All laws in force, except as herein modified.

SEC. 34. That in all respects, except as herein provided, the election in and for said city of Charlotte shall be held and conducted in said city as now provided by law, and the election laws and other laws now in force in said city shall remain in full force and effect except as herein modified, altered and amended or repealed.

SEC. 35. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 8th day of March, A. D. 1901.

#### CHAPTER 474.

#### **An act to protect the interests of infants and married women in corporations.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That any married woman, owning or to whom stock in a corporation has been or may be transferred on the record books of such corporation, may at all meetings of such corporation represent and vote said stock, in person or by proxy, in the same manner and with the same effect as if she were a *feme sole*. Married women interested in corporations.

SEC. 2. That where any stock in a corporation is owned by or has been, or shall be transferred on its record books to one or more persons for life with remainder over, such life tenant at all meetings of such corporation may represent and vote said stock in person or by proxy, in the same manner and with the same effect as if such life tenant was the absolute owner thereof. Life tenant's interest in stock.

SEC. 3. That when any person has died or shall die, owning stock in a corporation as shown by its record books, the personal representatives of such deceased person until such stock is transferred on said books to the legatee or distributee entitled thereto may at all meetings of such corporations represent and vote said stock in person, or by proxy in the same manner and with the same effect as if such personal representative was the absolute owner thereof. Personal representative's rights in stock.

SEC. 4. That any person or persons heretofore or hereafter appointed to carry out the trusts upon which stock in a corporation is transferred, conveyed or bequeathed may, until the termination of such trust, at all meetings of such corporation, represent and vote in person or by proxy the stock standing in the name of such trustee, upon the books of said corporation in the same manner and with the same effect as if such trustee was the absolute owner thereof, unless the instrument creating such trouble shall provide to the contrary. Trustee's rights in stock.

SEC. 5. 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 the 8th day of March, A. D. 1901.

## CHAPTER 475.

**An act to prohibit the felling of trees in certain streams of Beaufort County.***The General Assembly of North Carolina do enact:*

Unlawful to fell trees in certain waters.	SECTION 1. That it shall be unlawful for any person or persons to fell any tree or trees in any of the streams tributary to Pamlico River, lying or being in Beaufort County, which stream or streams are navigable, without removing the said tree or trees immediately after the same shall have been so felled.
A misdemeanor.	SEC. 2. That any person or persons violating section one (1) of this act shall be guilty of a misdemeanor and upon conviction, be fined five dollars, or imprisoned five days for each and every offence.
Penalty.	
Chapter 16, Code.	SEC. 3. That no corporation heretofore, or which may be hereafter, created or organized under the laws of the State of North Carolina, whether organized and created under The Code, chapter 16, or under and by virtue of any private act of the General Assembly shall be allowed to hold, either directly or indirectly or through any trustee or trustees, more than three hundred acres of timber land, or the standing timber upon more than three hundred acres, or the right and privilege to cut the timber upon more than three hundred acres of land, anything in the charter of the said company to the contrary notwithstanding, unless the said company shall have, maintain and operate either directly or indirectly, mill or mills within the State of North Carolina, at which the said timber shall be manufactured. That no corporation, unless created under the laws of North Carolina, and having its principal place of business in North Carolina, shall hold more than three hundred acres of land, or the timber upon three hundred acres of land, or the right and privilege to cut the timber upon more than three hundred acres of land.
Amount of timber and land to be held by corporations.	
Violation to be with certain forfeitures.	SEC. 4. That any corporation violating the provisions of sections three (3) and five (5) of this act, shall forfeit any timber lands, or the timber upon any lands, or the right and privilege to cut the timber upon said lands, in excess of three hundred acres.
Corporations to file statement with clerk.	SEC. 5. That any corporation engaged in getting timber from the woods, shall, on the first day of June of each year, file with the Clerk of the Court in each and every county where they are operating, a sworn statement as to the location of their mills, and where they are manufacturing the timber cut by them, and the number of acres of timber land, or timber privileges they own.
What to set forth.	

SEC. 6. That it shall be the duty of the Clerk of the Court to hand said report to the Solicitor for that district, who shall in the event of a failure of any corporation to comply with the terms of sections 3 and 5 of this act, institute a suit to declare the forfeiture of said timber, or lands, or privileges to cut timber.

SEC. 7. This act shall not apply, in sections 3, 4, 5 and 6 to corporations created under the laws of North Carolina, who are engaged in cutting or hauling timber, and selling the same to mills located in this State, for manufacture by the said mills. Certain corporations excepted.

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

In the General Assembly read three times, and ratified this the 8th day of March, A. D. 1901.

#### CHAPTER 476.

##### An act to incorporate certain churches in Robeson County.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person, firm or corporation to manufacture any spirituous or malt liquors, or to sell, barter, exchange or dispose of in any manner directly or indirectly for gain, reward or anything of value any spirituous, vinous, malt or fermented liquors, brandy peaches, bitters or any liquor of any name or kind which is intoxicating within three miles of Bethany Baptist Church, Smith's Chapel, a Methodist Church: Ashepole Presbyterian Church, Big Branch Baptist Church, Long Branch Baptist Church, Antioch Baptist Church and Hillside Presbyterian Church, in Robeson County. Unlawful to sell or manufacture spirits.  
When unlawful.

SEC. 2. That any person 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. A misdemeanor.  
Penalty.

SEC. 3. Any person who shall, in any manner, directly or indirectly aid, abet, encourage or assist any person in the violation of any of the provisions of section one above, shall likewise be guilty of a misdemeanor, and shall be punished as provided in section two of this act. Accessories to said offence.  
How punished.

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 the 9th day of March, 1901.

## CHAPTER 477.

**An act to authorize Yancey County to issue bonds for the purpose of paying for a bridge.***The General Assembly of North Carolina do enact:*

Board of Commissioners to issue bonds.	SECTION 1. That the county of Yancey through its Board of County Commissioners be and is hereby authorized and empowered to issue coupon bonds of the county for the purpose
Purpose of issue.	of paying for a bridge which has been constructed across Toe River at the mouth of Cane River, in Yancey and Mitchell counties, by the New Columbus Bridge Company, of Columbus, Ohio,
Amount.	in the sum of \$3,200.00, bearing the rate of interest of 6 per cent
Interest.	per annum, bonds to be payable in four years from the date
Date of maturity.	thereof, as said County Commissioners may order and direct.
How executed.	SEC. 2. That said bonds shall be signed by the chairman of the Board of Commissioners of Yancey County, and countersigned by the secretary of said County Board of Commissioners, with his official seal affixed to the same, and be in denominations of one to five hundred dollars as the said County Commissioners may direct, and be numbered in order of issuance, beginning with number 1.
Interest coupons.	SEC. 3. That each of said bonds shall have attached to it interest bearing coupons showing each annual instalment of interest, on said bonds, when the same shall fall due, and showing
What to state.	on their face the number of bonds to which they are attached; the coupons shall be signed in the same manner as the bonds, but without the official seal of the secretary of the board.
Commissioners to levy a tax.	SEC. 4. That it shall be the duty of the County Commissioners of said county, annually to levy a tax on the taxable polls and property and privileges of said county, for the purpose of paying the annual interest on said bonds, and for the purpose
Sinking fund.	of creating a sinking fund to pay said bonds when due, and the
Tax, how and by whom collected.	County Tax Collector or Sheriff shall collect and account for said taxes and receive the same compensation he is allowed by law for collecting other taxes, and the amount so levied
Amount of tax.	shall not exceed in any one year 15 cents on the one hundred
Bonds to be sold.	dollars valuation, and 45 cents on the poll. The bonds herein provided for shall not be sold for less than par value, and when paid off shall be canceled by the County Commissioners of said county.
When to issue.	SEC. 5. That it shall be the duty of the said County Commissioners within 20 days after a certified copy of this act shall have been exhibited to them, to issue said bonds as herein authorized.



SEC. 6. That this act shall take effect from and after its ratification, the public welfare requiring it.

In the General Assembly read three times, and ratified this the 8th day of March, A. D. 1901.

## CHAPTER 478.

### An act to protect drainways in Beaufort, Tyrrell, Pitt and Craven counties.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person, persons or corporation to fell tree or trees into any ditch, canal or natural drainway of any farm or farms, unless such person, persons or corporation shall remove such tree or trees so felled into such ditch, canal or drainway, and put such ditch, canal or drainway in as good condition as the said ditch, canal or drainway was before the said tree or trees were so felled.

Unlawful to fell trees in certain aqueducts.

SEC. 2. That it shall be unlawful for any person, persons or corporation to stop up or fill in such ditch, canal or drainway and thereby obstruct the free passage of water along the said ditch, canal or drainway unless the said person, persons or corporation shall first secure the written consent of the land owner, and those damaged by such obstruction in said ditch, canal and drainway, or unless such person, persons or corporation so filling in and stopping up such ditch, canal or drainway, shall upon the demand of the person or persons so damaged, clean out and put the said ditch, canal or drainway in as good condition as the same was before such filling in and stopping up of the said ditch, canal or drainway happened.

Persons so obstructing to obtain written consent of land-owners.

SEC. 3. That any person, persons or corporation violating any section of this act shall be guilty of a misdemeanor and upon conviction shall pay a fine of not less than ten dollars nor more than fifty dollars, or imprisoned not less than ten days or more than thirty days for each and every violation of this act.

A misdemeanor.

Penalty.

SEC. 4. That this act shall apply only to Beaufort, Pitt, Tyrrell and Craven counties.

To what counties applicable.

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 8th day of March, A. D. 1901.

## CHAPTER 479.

**An act to amend Chapter 377, Public Laws of 1899, concerning the Department of Agriculture.***The General Assembly of North Carolina do enact:*

Chapter 377, Public Laws 1899, amended.

SECTION 1. That chapter 377, Public Laws of 1899, be amended so as to read as follows: "That chapter 85 of Public Laws of 1897, and sections 2319, 2320, 2321, 2322, 2323 and 2324 of The Code and all other laws inconsistent with this act, be and the same are hereby repealed.

Department of Agriculture and Immigration placed under Board of Agriculture.

SEC. 2. The Department of Agriculture, Immigration and Statistics shall be under the control and supervision of the Commissioner of Agriculture with the consent and advice of a board to be styled the Board of Agriculture, constituted as follows, to-wit: The persons denominated Commissioners in chapter

Chapter 85, Laws of 1897.

85 of the Laws of 1897, who shall retain their places until the expiration of the terms for which they were respectively elected, and one member from each Congressional District to be appointed by the Governor and confirmed by the Senate, who shall

How members of board appointed.

hold office for the terms for which they shall be appointed. No successors are to be elected to the nine persons denominated Commissioners whose terms are to expire in 1901 and 1903 nor

Terms.

to the five elected for two years to succeed the five persons denominated Commissioners whose terms expire March 9, 1899, as aforesaid. All vacancies occurring in the board shall be

Vacancies.

filled by appointment of the Governor and shall serve until their successors are appointed and qualified. *Provided*, that the unexpired terms of the said Commissioners holding over as aforesaid, shall not be filled in case of vacancies therein. The members from the First, Fourth and Seventh Districts elected by

Tenure by districts.

the Legislature of 1899 for terms of two years shall be succeeded by members appointed by the Governor for terms of six years beginning on the 9th of March, 1901. The members from the Second, Fifth and Eighth Districts elected by the Legislature of 1899 for terms of four years shall be succeeded at

the expiration of their terms by members appointed by the Governor for terms of six years. The members from the Third, Sixth and Ninth Districts elected by the said Legislature for terms of six years, shall be succeeded at the expiration of

their terms by members appointed by the Governor for terms of six years. A member from any other Congressional District that may be established by the Legislature, shall be appointed by the Governor for a term of six years. Any vacancies occurring in the board shall be filled by appointment of the Governor for the term for which the original occupant was elected or appointed.

SEC. 3. The board shall meet for the transaction of business in the city of Raleigh, twice a year and oftener if called by the Commissioner of Agriculture, one of which meetings shall be on the first Wednesday in December; they shall receive no compensation except four dollars per day to each member of the board for the days during which he attends a session of the board, and the days necessarily spent in traveling from and to their respective places of residence, and also for each meeting of the board they attend, five cents a mile for the distance to and from Raleigh by the usual direct routes. The board shall be empowered to hold in trust and exercise control over donations or bequests made to them for promoting the interests or purposes of this act. The board shall elect from its body two standing committees, an Executive Committee of four and a Finance Committee of four. The Commissioner shall be *ex officio* a member and chairman of each of these committees, thus making each committee consist of five members. The board shall prescribe the powers and duties of these committees. The Commissioner may call meetings of these committees whenever in his opinion such meetings are desirable for the good of the Department. When attending any committee meeting members of the committee other than the chairman, shall receive the same per diem and mileage as is fixed for attending meetings of the board. The board shall have general supervision and control of the finances of the Department and regulate the salaries of all officers and employees other than those whose salaries are fixed by this act.

Meetings, when and where held.

Compensation.

Powers of board.

Standing committees.

Commissioners to call meetings.

Powers of board.

#### SEC. 4. *Powers and duties of the Commissioner of Agriculture.*

(a) The Commissioner of Agriculture, elected at the general election of 1900, shall hold his office for the term of four years from his qualification, and at the general election every four years a Commissioner of Agriculture shall be voted for on the same ballot with other State officers and his election canvassed and determined in the same manner and time and his term of office be the same as theirs. Any vacancy in the office of Commissioner of Agriculture shall be filled by appointment of the Governor, the appointee to hold until the next regular election to this office and the qualification of his successor; the salary of the Commissioner of Agriculture shall be \$2,000.00 per annum. The Commissioner of Agriculture shall appoint a secretary and prescribe his duties and shall appoint such employees, as may be necessary to the efficient prosecution of the duties of the Department of Agriculture. The Commissioner of Agriculture shall be *ex officio* a member of the board and shall preside at all meetings of the board. The Commissioner of Agriculture shall investigate all complaints made by purchasers

Powers and duties of Commissioner.

Secretary to be appointed.

Duties of Commissioner continued.

of fertilizers, and render such services as he may be able in bringing about an adjustment and satisfactory settlement of such complaints. It shall be the duty of the Commissioner of Agriculture to ascertain as near as may be the actual cost of blood tankage, fishserap, nitrate of soda, cotton-seed meal, and other materials from which ammoniac or nitrogen is obtained; the cost of all phosphate rock together with a description of the treatment with acids, the grinding and general manufacture of acid phosphate, and the actual cost thereof as near as may be and to communicate with dealers both in this country and in Germany as to the cost of muriate of potash, kainit and other sources of potash, and to publish the same in the Bulletin, but he shall not expose to the public the name of any manufacturer in this State who may give him information on this subject nor shall he divulge any information concerning the private business of any corporation or company manufacturing fertilizers solely in this State: *Provided*, such corporation or company is not a part or branch of any trust or combination; said Commissioner of Agriculture shall also make and publish in every Fertilizer Bulletin a price list of the market value of all the materials of which fertilizers are made and revise the same as often as may be necessary.

(b) *The Commissioner of Agriculture by and with the consent and advice of the board shall:*

Duties of Commissioner by and with advice and consent of board.

(1) Investigate and promote such subjects relating to the improvement of agriculture, the beneficial use of commercial fertilizers and composts, and for the inducement of immigration and capital as he may think proper, but he is especially charged:

Trusts and combinations.

(2) With such supervision of the trade in commercial fertilizers as will best protect the interests of the farmers, and shall report to Solicitors and to the General Assembly information as to the existence or formation of trusts or combinations in fertilizers or fertilizing materials which are or may be offered for sale in this State whereby the interests of the farmers may be injuriously affected, and shall publish such information in the Bulletin of the Department.

Animals, diseases of.

(3) With investigations adapted to promote the improvement of milk and beef cattle, and especially investigations relating to the diseases of cattle and other domestic animals, and shall publish and distribute from time to time information relative to any contagious diseases of stock, and suggest remedies therefor, and shall have power in such cases to quarantine the infected animals and to regulate the transportation of stock in this State, or from one section of it to another, and may co-operate with the U. S. Department of Agriculture in establishing and

maintaining cattle districts or quarantine lines, to prevent the infection of cattle from splenic or Spanish fever. Any person wilfully violating such regulations shall be guilty of a misdemeanor, and shall be liable in a civil action to any person injured, and for any and all damages resulting from such conduct.

(4) With investigations relative to the ravages of insects and with the dissemination of such information as may be deemed essential for their abatement and shall make regulations for destruction of such insects. The wilful violation of any of such regulations by any person shall be a misdemeanor. Insects, ravages by.

(5) With investigations and experiments directed to the introduction and fostering of new agricultural industries, adapted to the various climates and soils of the State, especially the culture of truck market gardens, the grape and other fruits.

(6) With the investigation of the subject of drainage and irrigation and shall publish information as to the best methods of both, and what surfaces, soils and locations may be most benefitted by such improvements, also with the collection and publication of information in regard to localities, character, accessibility, cost and modes of utilization of native mineral and domestic sources of fertilizers, including formulæ for composting adapted to the different crops, soils and materials. Drainage and irrigation, etc.

(7) With the collection of statistics relating to the subject of farm fences, with suggestions for diminishing their cost, and the conditions under which they may be dispensed with altogether. Statistics for farm fencing, etc.

(8) With the supervision of all measures for the propagation and culture of fish in the rivers and inland waters of the State, and to this end may avail himself of such aid as the Fish Commission of the United States may be induced to extend, and shall offer such encouragement as may be within his power to induce said Commission to establish within this State one of its Fish Hatcheries, and secure the liberation within the waters of this State of the spawn or fry of such fishes as are best suited to our inland streams; he may inquire into the practicability of construction of fishways over the dams and other obstructions of the waters of the State and secure as far as possible the co-operation of mill owners, and with the enforcement of the provisions of sections 3410, 3411 and 3412 of chapter 43, volume 2, of The Code, and acts amendatory thereof, in reference to the free passage of fish through certain waterways in the State. Chapter 43, Code.

(9) With the enforcement and supervision of the laws which are or may be enacted in this State for the sale of commercial Commercial fertilizers, seed, etc.

fertilizers, seeds and food products, and with authority to make regulations concerning the same, the wilful violation of any of which regulations by any person shall be a misdemeanor.

Capital, immigration, etc.

(10) With the inducement of capital and immigration by the dissemination of information relative to the advantages of soil and climate and to the natural resources and industrial opportunities offered in this State, by the keeping of a land registry and by the publication of descriptions of agricultural, mineral, forest and trucking lands which may be offered the Department for sale; which publication shall be in tabulated form, setting forth the county, township, number of acres, names and addresses of owners, and such other information as may be needful in placing inquiring home-seekers in communication with land owners; and he shall publish a list of such inquiries in the Bulletin for the benefit of those who may have land for sale.

Diversified farming.

(11) With such investigations as will best promote the improvement and extension of diversified farming, including the rotation of crops, the raising of home supplies, vegetables, fruits, stock grasses, etc.

Farmers' institutes, etc.

(12) With the holding of farmers' institutes in the several counties of the State, as frequently as may be deemed advisable, in order to instruct the people in improved methods in farming, in the beneficial use of fertilizers and composts, and to ascertain the wants and necessities of the various farming communities, and may collect the papers and addresses made at these institutes and publish the same in pamphlet form annually for distribution among the farmers of the State. He may secure such assistants as may be necessary or beneficial in holding such institutes.

Bulletins and publications.

(13) He shall publish a monthly Bulletin, which shall contain a list of the fertilizers and fertilizing materials registered for sale each year, the guaranteed constituents of each brand, reports of analyses of fertilizers, the dates of meeting and reports of farmers' institutes and similar societies, description of farm buildings suited to our climate and needs, reports of interesting experiments of farmers, and such other matters as may be deemed advisable. He shall transmit to the General Assembly at each session a report of the operations of the Department with suggestions of such legislation as may be deemed needful.

Museum, etc.

(14) He shall keep a museum or collection to illustrate the agricultural and other resources and the natural history of the State.

Tax of twenty cents per ton on fertilizers.

SEC. 5. For the purpose of defraying expenses connected with the inspection of fertilizers and fertilizing materials in this State, there shall be a charge of 20 cents per ton on such fer-



tilizers and fertilizing material, except that which is sold to a manufacturer for the sole purpose of use in the manufacture of fertilizers, for each fiscal year ending November 30th, which shall be paid before delivery to agents, dealers or consumers in this State: *Provided*, the Commissioner, with the advice and consent of the board, shall have discretion to exempt such natural material as may be deemed expedient; each bag, barrel or other package of such fertilizers or fertilizing material shall have attached thereto a tag, stating that all charges specified in this section have been paid and the Commissioner with the advice and consent of the board is hereby empowered to prescribe a form for such tags, and to adopt such regulations as will insure the enforcement of this law. Any person, corporation or company who shall violate this chapter, or who shall sell or offer for sale any such fertilizers or fertilizing material, contrary to the provisions above set forth, shall be guilty of a misdemeanor, and all fertilizers and fertilizing material, so sold or offered for sale, shall be subject to seizure, condemnation and sale by the Commissioner. Such seizure and sale shall be made under the direction of the Commissioner by an officer or agent of the Department. The sale to be made at the court-house door in the county in which the seizure is made, after thirty days advertisement in some newspaper published in said county, or if no newspaper is published in such county, then by like advertisement in a newspaper published in the nearest county, thereto having a newspaper, the advertisement shall state the brand or name of the goods, the quantity, why seized and offered for sale. The Commissioner, however, shall have the discretion to release the fertilizers so seized and condemned, upon the payment above specified, and all cost and expense incurred by the department in any proceedings connected therewith. The net proceeds of such sale shall be placed in the general fund of the Department and accounted for upon its books.

Proviso.

A misdemeanor.

Violation, how punished.

Confiscated property, how disposed of.

SEC. 6. Every bag, barrel or other package of such fertilizers or fertilizing material as above designated offered for sale in this State, shall have thereon plainly printed a label or stamp, a copy of which shall be filed with the Commissioner of Agriculture, on or before delivery to agents, dealers or consumers, in this State, and which shall be uniformly used and shall not be changed during the fiscal year, for which tags are issued. And there shall be delivered to the Commissioner a statement of the materials or source from which the phosphoric acid, nitrogen and potash are each derived in each brand of goods registered, which statement and information therein contained shall not be disclosed by the Department, unless the material set forth

Fertilizers, what to show.

Statement of material.

Ingredients to be set forth.	therein is such as would lower the standard of the fertilizer as registered. If the source of the ingredients is changed notification thereof shall be promptly furnished to the Department. No brand or name shall be changed to a lower grade at any subsequent registration than that at which said brand was first registered.
Brands and trade marks.	The said Commissioner shall publish a list of brands or trade marks arranged alphabetically in groups of brands or names containing the same amount of identical constituents, <i>e. g.</i> , all goods containing phosphoric acid 8 per cent, 2 per centum of ammonia or its equivalent in nitrogen, potash 2 per cent shall compose a group and so with others. If the same fertilizer is sold under more than one name a statement shall be furnished as to what brands are identical. A brand name entered by one person shall not be allowed to be registered by another. The person whom the records of the Department show to have first registered the name shall be permitted to retain it subject, however, to appeal to the board to determine who is entitled to the brand, but the action of the board shall be without prejudice to the legal rights of the parties to the brand or trade mark; and the said label or stamp shall truly set forth the name, location and trade mark of the manufacturer, also the chemical composition of the contents of such package and the real percentage of any of the following ingredients asserted to be present, to-wit: Soluble and reverted phosphoric acid, soluble potassa, and ammonia, and that the requirements of the law have been complied with. It shall be unlawful to sell or offer for sale fertilizers and fertilizing material not coming up to the following minimum requirement:
Ingredients.	
Unlawful to sell without complying.	
Requirements.	<p>(1) Any complete fertilizer containing phosphoric acid (<math>P_2O_5</math>) ammonia (<math>NH_3</math>) and potash (<math>K_2O</math>) when the sum of the available phosphoric acid, ammonia and potash do not amount to 11 per centum in the aggregate.</p> <p>(2) Any fertilizer containing phosphoric acid and potash when the sum of the available phosphoric acid and potash do not amount to 10 per centum.</p> <p>(3) Any fertilizer containing phosphoric acid and ammonia, when the available phosphoric acid and ammonia do not amount to 10 per centum.</p> <p>(4) Any fertilizer containing ammonia and potash when the sum of ammonia and potash do not amount to 10 per centum.</p> <p>(5) Any acid phosphate which contains less than 10 per centum of available phosphoric acid. No mixed fertilizer of any kind shall be sold which contains less than 2 per centum of ammonia or one per centum of potash or both when they are claimed in the same fertilizer.</p>

SEC. 7. Whenever the Commissioner of Agriculture shall be satisfied that any fertilizer is essentially below the guaranteed value in plant food, it shall be his duty to assess said deficiency against the manufacturer of the fertilizer, and require that the value of the deficiency be made good to all persons who in the opinion of the Commissioner have purchased the said low grade fertilizer: and the Commissioner may seize any fertilizer belonging to said company, if the deficiency shall not be paid within thirty days after notice to the company. If the Commissioner shall be satisfied that the deficiency in plant food was due to the intention or fraud of the manufacturer, then the Commissioner shall assess and collect from the manufacturer twice the amount of the deficiency and pay over the same to the parties who purchased said fertilizer. That if any manufacturer shall resist such collection or payment, the Commissioner shall immediately publish the analysis and the facts in the Bulletin and in such newspapers in the State as he may deem necessary.

Deficiency to be assessed.

Fraud, what to be done when shown.

SEC. 8. Any merchant, trader, manufacturer or agent who shall sell or offer for sale any commercial fertilizer or fertilizing materials without having such labels, stamps and tags as hereinbefore provided, attached thereto, or shall use the required tag the second time to avoid the payment of the tonnage charge, and every person, who shall remove any such fertilizer, shall be liable to a penalty of ten dollars for each separate bag, barrel or package sold, offered for sale or removed, to be recovered by any person who may sue for same. If any such fertilizer shall be condemned, as herein provided, it shall be the duty of the Department to have an analysis made of the same and cause printed tags or labels expressing the true chemical ingredients of the same put upon each bag, barrel or package and shall fix the commercial value thereof at which it may be sold, and any person who shall sell, offer for sale or remove any such fertilizer, or any agent of any railroad or other transportation company who shall deliver any such fertilizer in violation of this section shall be guilty of a misdemeanor.

Penalty for selling or offering for sale without tag.

SEC. 9. The Department of Agriculture shall have power and authority at all times and at all places to have collected samples of any commercial fertilizer or fertilizing materials offered for sale in this State, and have the same analyzed and such samples shall be taken from at least 10 per centum of the lot from which they may be selected. It shall be unlawful to sell or offer for sale in this State any fertilizer or fertilizing material which contains hair, hoof meal, horn, leather scraps or other deleterious substances not available as food for plants, but in which

Samples to be collected.

Certain fertilizers forbidden to be sold.

- said forbidden materials aid in making up the required or guaranteed analysis. And the person or persons wilfully violating this provision shall be guilty of a misdemeanor, or, whenever the analysis by the Department shall show the presence of any of these unlawful materials in goods registered for sale, publication shall be made in the next monthly Bulletin and in such newspapers as the Commissioner may deem necessary, giving the name or brand of the goods and the unlawful substance or substances contained in its composition. No manufacturer or seller of such goods shall be allowed to collect pay for the same, and when payment has been made it shall be returned by the seller to the purchaser. A copy of the Bulletin containing the statement of the presence of unlawful materials in the named goods shall be evidence in any Court in this State, in bar of payment and for recovery of money paid for goods so named. The presence of any forbidden material shall vitiate the whole: *Provided, however*, that manufacturers who desire to use any such material may do so under such regulations as the board may prescribe, if it be shown they are available for a proper purpose.
- A misdemeanor.**
- Bulletin made evidence.**
- Proviso.**
- Department may require statements from common carriers.**
- Failure a misdemeanor.**
- Chemist to be employed.**
- Duties of Chemist.**
- SEC. 10. It shall be lawful for the Department of Agriculture to require the officers, agents or managers of any railroad, steamboat or other transportation company, transporting fertilizers or fertilizing material in the State, to furnish monthly statements of the quantity of such fertilizers, with the names of the consignor and consignee and the name of brand delivered on their respective lines at any and all points within this State. And said Department is hereby empowered to compel said officers, agents, or managers to submit their books for examination if found expedient so to do, and any such agents, officers or managers failing or refusing to comply with the requirements of this section shall be guilty of a misdemeanor.
- SEC. 11. The Department of Agriculture shall employ an analyst or State chemist, skilled in agricultural chemistry, and such assistants as may be necessary. It shall be the duty of the said State chemist to analyze such fertilizers and products, as may be required by the Department of Agriculture and to aid as far as practicable in suppressing fraud in the sale of commercial fertilizers. He shall also, under the direction of the said Department, analyze for citizens of the State such samples of ores, minerals, mineral and portable waters, soils, marls and phosphates as may be deemed by the Department of benefit to the development of the material interests of the State, when such samples are supplied under rules by the Department, and he shall carry on such other investigations as said Department

may direct. He shall make regular reports to the said Department of all analyses, assays, and experiments made, which shall be furnished when deemed needful to such newspapers as will publish the same.

SEC. 12. Whenever any manufacturer of fertilizers or fertilizing materials shall have paid the charges hereinbefore provided, his goods shall not be liable to any further tax, whether by city, town or county. Additional tax prohibited.

SEC. 13. That the Board of Agriculture shall investigate and report upon the conditions of the timber in North Carolina, and recommend such legislation as will promote the growth thereof and preserve the same. Board to report timber resources.

SEC. 14. Bonds may be required for such amounts as the board may think best for all officers of the Department who handle funds. Officers may be bonded.

SEC. 15. This act shall be in force from and after March 1, 1901.

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1901.

## CHAPTER 480.

### An act to appoint additional Justices of the Peace for Craven County.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the following-named persons be and the same are hereby appointed Justices of the Peace for the various townships in Craven County, who are hereby appointed in lieu of those already appointed by law whose terms expire during the year 1901, and that the said Justices so appointed by this act shall serve for the full term of six years from the date of their appointment, and their said terms respectively shall begin from the ratification of this act, as follows, to-wit: Justices appointed in Craven County.

*Number One Township*—S. J. Lane, Hugh Lancaster, E. A. Askins, George S. Dixon, Wiley Causey, C. R. Brower, A. M. Williams, Edward F. White, William Cleve, J. B. Oneil, George C. Gaskins, J. M. Ipock, C. E. Laughinghouse, Zeb. S. Butler, Joe Dixon, J. E. Noble, G. F. Bright, W. F. Lancaster, Geo. Wilson. Tenure of office.

*Number Two Township*—J. A. Everington, N. T. Fulcher, Madison Hartley, Arrington Purifoy, W. A. Barrington, F. S. Ernul, Josiah Tinghe, G. A. Gaskins, F. P. Rowe, W. H. Price, W. H. Gaskins, Charles Caton, Levin Gaskins. Names of justices for Township; No. 2.

Names of justices for Township No. 3.      *Number Three Township*—John L. W. Pearce, Dan. Richardson, Seth West, W. C. White, S. G. Ferrell, R. A. Richardson, R. A. Russell, B. B. Woollen, J. E. Kornegay, F. P. Outlaw, Timothy McCoy.

Names of justices for Township No. 5.      *Number Five Township*—Claud Taylor, Joe A. Morton, Edward Bangert, M. F. Morton.

Names of justices for Township No. 7.      *Number Seven Township*—John S. McGowan, Zeb. Vance Butte, J. H. Vinson.

Names of justices for Township No. 6.      *Number Six Township*—R. L. Tolson, J. E. White, W. Y. Wynn, H. A. Marshall, John Buys, Thomas Eborn.

Names of justices for Township No. 8.      *Number Eight Township*—W. F. Rountree, John C. Thomas Jr., Edward Clark, S. H. Lane, Enoch Wadsworth, Hughes Holland, Haywood E. Facker, T. W. Dewey, F. F. McCarthy, James B. Hill, F. T. Patterson, C. J. McSorley, E. M. Green, S. R. Street, J. E. Smith, L. H. Cutler, George E. Jones, J. J. Tolson, J. B. Watson, Fred Thomas, S. R. Ball, W. E. Charlotte, W. R. Barrington, W. K. Baxter, Fernie Gaskill, J. L. Hartsfield, Thomas Daniels, C. T. Watson, J. M. Hargett, J. E. Wilcox, L. A. Taylor, W. S. Phillips, Daniel Lane, John Dunn.

Names of justices for Township No. 9.      *Number Nine Township*—T. A. Dillon, A. E. Wadsworth, J. T. House, E. W. Wadsworth, A. B. Dawson, O. H. Worthington, Deew Dixon, W. G. B. Lane.

Time to qualify.      SEC. 2. That all of the above-named persons whose term of office shall begin under this act, shall have until the 1st Monday of April, 1901, to qualify hereunder, and all persons whose terms have not expired by limitation at the date of the ratification of this act, but whose offices will expire during the year 1901 shall have thirty days after the expiration of their said offices respectively, in which to qualify under this act.

When office to begin.      SEC. 3. That the terms for which said persons respectively are appointed, shall begin at the time of the ratification of this act and shall continue for the full term of six years from the date thereof.

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. 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. 1901.



## CHAPTER 481.

**An act to regulate the sale of intoxicating liquors in the city of Goldsboro.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That no liquor dealer in the city of Goldsboro shall sell any intoxicating liquors between the hours of 9:30 o'clock at night and 5 o'clock in the morning; except upon urgent necessity, upon the prescription of a practicing physician, which prescription shall state the urgency and the quantity necessary; any liquor dealer in the city of Goldsboro selling any intoxicating liquor between the hours above named, except on such prescription, or in any greater quantity than the amount named in such prescription, shall be guilty of a misdemeanor, punishable for the first offence not exceeding a fine of one hundred dollars, and upon the second conviction, in addition to said punishment, he shall forfeit his license, and shall be incapable of again selling intoxicating liquors in the county of Wayne.

No liquor dealer in city of Goldsboro shall sell between 9:30 p. m. and 5 a. m., except on prescription.

A misdemeanor.

Penalty.

SEC. 2. That any liquor dealer convicted a second time of selling intoxicating liquors on Sunday in the city of Goldsboro, shall in addition to the punishment now prescribed by law, forfeit his license and shall be incapable of again selling intoxicating liquors in the county of Wayne.

Second offence, how punishable.

SEC. 3. No liquor dealer in the city of Goldsboro shall knowingly sell any intoxicating liquors to any habitual or periodical drunkard or intoxicated person or to any person for the use of any such habitual or periodical drunkard or intoxicated person; any liquor dealer violating the provisions of this section shall be guilty of a misdemeanor, and shall also be liable in civil damages to the husband or wife of such person: *Provided, however,* that such liquor dealer shall have been forbidden to sell intoxicating liquors to such habitual or periodical drunkard or intoxicated person in writing, by the person entitled to bring said action, before such sale, in order that he shall be civilly responsible.

Prohibited from selling to drunkards.

A misdemeanor. Liable civilly.

SEC. 4. No liquor dealer in the city of Goldsboro shall knowingly allow any minor to enter his place of business or to loiter about his premises. Any liquor dealer violating the provisions of this section shall be guilty of a misdemeanor.

Minors, forbidden to sell to. A misdemeanor.

SEC. 5. Any physician giving such prescription as is provided for in section 1 of this act in bad faith, shall be guilty of a misdemeanor.

Physician giving prescription in bad faith.

SEC. 6. No liquor dealer in the city of Goldsboro shall keep a gambling establishment in the city of Goldsboro or allow gam-

Gambling establishments prohibited.

bling in any form on any of his premises in the city of Goldsboro. Any liquor dealer violating the provisions of this section shall be guilty of a misdemeanor punishable for the first offence by a fine not exceeding one hundred dollars and for the second offence, in addition to such punishment, shall forfeit his license, and shall be incapable of again selling intoxicating liquors in the county of Wayne.

**Board of Aldermen may prescribe different hours.** SEC. 7. The Board of Aldermen of the city of Goldsboro shall have power to prescribe an earlier hour in the night after which no liquor can be sold and a later hour in the morning than is hereinbefore provided.

**Failure of city officers to carry out this act.** SEC. 8. Any policeman or Mayor of the city of Goldsboro who knowingly permits any violation of this statute without taking such steps to prevent and punish the same, as the nature of his office suggests, or the laws of the State or the ordinance of the city requires, shall forfeit his office and shall be incapable of holding said office for the period of five years thereafter.

**Persons procuring liquor for drunkards.** SEC. 9. That any person knowingly buying spirituous liquors for any habitual or periodical drunkard, intoxicated person or minor in the city of Goldsboro shall be guilty of a misdemeanor.

**This act applicable to all incorporated towns in Wayne County.** SEC. 10. That the provisions of this act shall apply to all incorporated towns in Wayne County in which intoxicating liquors are sold and the Aldermen or Commissioners shall have the powers in their respective towns herein conferred upon the Aldermen of Goldsboro in reference to Goldsboro, and all other places where liquor is sold.

SEC. 11. 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. 1901.

## CHAPTER 482.

### **An act to allow the Board of Aldermen of Salisbury to have a new registration of qualified voters of said city.**

*The General Assembly of North Carolina do enact:*

**Aldermen empowered to order new registration.** SECTION 1. That the Board of Aldermen of the city of Salisbury are hereby empowered to have a new registration of the qualified voters of said city, whenever in their opinion the same may be necessary for any election.

**Conflicting laws repealed.** SEC. 2. 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 the 9th day of March, A. D. 1901.

## CHAPTER 483.

**An act in relation to certain school orders in Halifax County.***The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of County School Directors of Halifax County be and they are hereby authorized and required to direct the payment of and the Treasurer of said county to pay the following school orders, to-wit: District No. 27 (colored), Weldon Township, \$45.00; District No. 13 (colored), Brinkleyville Township, \$22.50; District No. 13 (colored), Brinkleyville Township, \$45.00; District No. 15 (colored), Weldon Township, \$45.00; District No. 15 (white), Weldon Township, \$45.00; District No. 2 (white), Butterwood Township, \$22.50; District No. 7 (colored), Halifax Township, \$112.50; District No. 10 (colored), Roseneath Township, \$45.00; District No. 7 (white), Halifax Township, \$67.50; District No. 19 (colored), Palmyra Township, \$67.50; District No. 10 (white), Rose-neath Township, \$67.50, which were issued by the School Committee of the said townships in 1897 and were approved by the Board of County Commissioners of said county.

Treasurer of Halifax County to pay certain school orders.

SEC. 2. Said orders shall be paid by the Treasurer of said county out of any funds which may be now or hereafter appor-tioned to said respective townships.

Orders to be paid out of what funds.

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. 1901.

## CHAPTER 484.

**An act to prevent the cutting of cherry timber in Graham County when the leaves are on the trees.***The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person, company or firm to cut cherry timber in Graham County, during the season of the year when the leaves are on the timber.

Unlawful to cut cherry timber in Graham county, when.

SEC. 2. That any and all persons who commit such offence shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned in the discretion of the Court.

Penalty for violation of 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 the 9th day of March, A. D. 1901.

## CHAPTER 485.

## An act to incorporate churches in Snow Creek Township in Mitchell County.

*The General Assembly of North Carolina do enact:*

Unlawful to sell or dispose of liquor within three miles of certain churches.

SECTION 1. That it shall be unlawful for any person or persons to sell or otherwise dispose of any spirituous liquors or wines, for the sake of gain at any time, within three miles of any church in Snow Creek Township in the county of Mitchell.

Unlawful to treat or be drunk near a public meeting.

SEC. 2. That it shall be unlawful for any person to treat or be drunk within one hundred yards of any public meeting, entertainment or religious service, being held at any of the above-named churches in Snow Creek Township in Mitchell County, and any person violating the provisions of this act shall upon conviction be deemed guilty of a misdemeanor and fined not more than thirty dollars or imprisoned not exceeding thirty 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 the 5th day of March, A. D. 1901.

## CHAPTER 486.

## An act to amend section 272 of The Code.

*The General Assembly of North Carolina do enact:*

Section 272 of The Code, relative to amendments of pleadings after allowance of demurrer, amended.

SECTION 1. That section 272 of The Code be amended by adding thereto the following: "That in any and all actions in which the complaint is so amended as to change the nature of the action and the character of the relief demanded, the judgment therein rendered shall not operate as an estoppel upon any person acquiring an interest in the property in controversy prior to the allowance of such amendment."

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

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1901.

## CHAPTER 487.

**An act to raise revenue to construct bridges and improve the public roads in Hickory Township, Catawba County.**

WHEREAS, Hickory Township is bounded on the north and northeast by the Catawba River, a stream that can be crossed only over bridges, and by ferries; and, Preamble.

WHEREAS, The want of bridges and the changeable and dangerous character of the ferries prevent the incoming and outgoing of much valuable traffic that seeks accommodation in Hickory Township; and,

WHEREAS, The public roads of Hickory Township are in poor condition and demand large expenditures of money and labor, in grading and macadamizing so as to render them conveniently routable; and,

WHEREAS, There are no funds available and no provisions, under existing statutes, whereby the necessary revenue may be raised to effect such needed improvements; now, therefore,

*The General Assembly of North Carolina do enact:*

SECTION 1. That Hickory Township be and the same is hereby constituted a legal corporate body, for the purpose of raising revenue, constructing bridges and improving the public highways. Hickory Township created a body corporate, purpose of.

SEC. 2. That L. C. Huffman, O. M. Royster, A. Y. Sigmon, T. P. Cloninger and D. M. McComb are hereby constituted Bridge and Road Trustees for the said Hickory Township, whose term of office shall expire on the first day of December, nineteen hundred and four, or as soon thereafter as their successors are duly elected and qualified as hereinafter provided. Board of Bridge and Road Trustees, names of, terms of office.

SEC. 3. That said Trustees shall meet within thirty days after the ratification of this act, and organize themselves into a board by electing one of their number chairman, and the further election of a citizen of Hickory Township, who shall not be a member of said Board of Trustees, to act as secretary and treasurer. The said secretary and treasurer shall be required to execute an indemnifying bond, with approved securities, in the sum of twenty-five hundred dollars, payable to the Board of Bridge and Road Trustees, to insure the faithful performance of his duties as secretary, and the safe keeping and proper application of all moneys intrusted to his care. Organization of board and election of officers.

SEC. 4. That the Board of County Commissioners of Catawba County shall, upon the filing with them of a petition, or petitions, signed by one hundred or more qualified electors of Hickory Township, praying for an election to be held in said Hick- Secretary and Treasurer, official bond of, duties of.  
Question of special tax to be submitted to qualified voters; election, how called and held.

ory Township, on the question of levying a special tax, for carrying out any of the specific objects of this act, as may be set forth in said petitions, order an election to be held in said Hickory Township, within ninety days, after the consideration of such petitions, under the laws governing State and county elections. At said election, those favoring the levying of such special tax may vote a ticket on which will be printed the words "For Tax," and those opposed may vote a ticket on which may be printed the words "Against Tax." Should a majority of the votes cast at such election be "For Tax," then the said tax shall be levied upon the taxable property and polls of the township as other State and county taxes are levied and collected.

Tax, how levied;  
limit of taxation.

SEC. 5. That should a majority of the votes cast at such election be "For Tax," then it shall be the duty of the Board of Bridge and Road Trustees, or their successors in office, to ascertain the necessary amount of money to carry forward their proposed designs of bridge building and road improvement, and levy a tax on the taxable property and polls of Hickory Township, for such purposes, which shall not exceed in one year twenty cents on every one hundred dollars worth of property, or forty-five cents on each poll. And it shall be the duty of the secretary and treasurer of the Board of Bridge and Road Trustees to compile the tax list from the returns made for State and county taxes, last preceding, and fill out receipts of same, and shall receive compensation therefor not exceeding \$100.00 per annum, which shall be compensation in full for all his services.

Compensation of  
Secretary and  
Treasurer for  
compilation of  
tax list.

Tax collector,  
election of, duties  
of, official bond,  
collection and  
turning over of  
taxes, and receipts  
for payment of  
same.

SEC. 6. That in the event a tax is voted and levied, the Bridge and Road Trustees shall elect a Tax Collector, whose duty it shall be to collect said tax and who shall be a citizen of Hickory Township but not a member of the Board of Bridge and Road Trustees. He shall be duly qualified and bound in a bond, with approved securities for such an amount as the Board of Bridge and Road Trustees may adjudge to be sufficient to insure his faithfully accounting for and turning over to the secretary and treasurer all the moneys that may come into his hands, by virtue of his office as Tax Collector. The receipts of the secretary and treasurer, for such moneys, shall be his vouchers and evidence of the same having been faithfully paid over. Such Tax Collector shall have all power and authority usually vested in the Sheriff of Catawba County to enforce the payment of said special tax and shall receive as compensation for his services not exceeding five per cent of the amount collected by him.

Powers and com-  
missions of Tax  
Collector.

Powers of board  
to receive dona-  
tions, etc.

SEC. 7. That in addition to the duties hereinabove defined or hereinafter conferred upon the said Bridge and Road Trustees



they shall have the right to solicit and receive donations from private individuals, firms or corporations, either in or out of Hickory Township, to be applied to the furtherance of any bridge building or road improvement provided for by this act.

SEC. 8. That when the Bridge and Road Trustees shall have procured sufficient funds, under the provisions of this act available for the purposes herein contemplated it shall be their duty to make specifications, receive bids, and award contracts for such bridge building and road improvement, and provide for the same being duly executed as economically as may be consistent with prudence and safety and draw warrants on the treasurer for the same, which shall be signed by the chairman and at least one other member of the Bridge and Road Trustees.

Board to award contracts and see to execution of same.

SEC. 9. That the secretary and treasurer shall keep a minute book in which he shall record the proceedings of all meetings of the Bridge and Road Trustees. He shall also keep a correct account of all moneys that may come into his hands, for the purposes of this act, safely keep the said moneys and pay the same out only on warrants issued by the chairman and one or more members of the Bridge and Road Trustees, as provided in section eight of this act.

Record and account books of Secretary and Treasurer.

SEC. 10. That the said Bridge and Road Trustees shall meet at the call of the chairman, not later than the 10th day of January, in each and every year, and at such meeting shall appoint an Auditing Committee to be composed of two citizens of Hickory Township, not members of the Bridge and Road Trustees, who, after being duly qualified by oath that they will faithfully and impartially perform their duties, shall, with the aid of the chairman of the Board of Trustees, carefully audit the books and accounts of the secretary and treasurer, and cause to be published and posted, at least at three public places in Hickory Township, a full statement of the receipts and disbursements of the said secretary and treasurer for the year ending December 31st, preceding.

Auditing Committee, election of, duties of.

SEC. 11. That the chairman may call a special meeting of the Bridge and Road Trustees at any time that he may deem it necessary for the consideration of matters pertaining to the office of said Trustees, or, upon the written request of a majority of the members of the Bridge and Road Trustees, he shall call a special meeting, of which each member shall have at least five (5) days' notice. Three members shall constitute a quorum for the transaction of business by the said Board of Trustees.

Special board meetings, when and how called.

SEC. 12. That the term of office of the respective members of the Board of Bridge and Road Trustees for Hickory Township,

Terms of members of board, vacancies, how filled.

shall be four years, terminating with each presidential election at which time their successors shall be elected: *Provided, however,* that they shall not vacate their offices until their successors shall have been elected and duly qualified. But in event of a vacancy from death, or removal, or any other cause, the same shall be filled by the remaining members of the Board of Trustees, making selection from the electors of Hickory Township.

SEC. 12. 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. 1901.

## CHAPTER 488.

### 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:*

Fence Commissioners, appointment, powers and duties of.

SECTION 1. That the Board of Commissioners of Beaufort County are hereby authorized and empowered to appoint three Fence Commissioners for the stock territory in Richland Township, Beaufort County, on the west side of South Creek, who shall have full and ample supervision, control and direction of the building, repairing and keeping of the fence around said territory and to hold office for such term as the said Board of County Commissioners shall designate in the order of appointment.

Special tax, when levied; purpose of and limit of taxation, and tax collector, appointment, bond, duties and powers of.

SEC. 2. That the said Board of Commissioners of Beaufort County shall, as soon as practicable, levy a tax on the land owners within said stock law territory for the purpose of building, repairing, and keeping such fence, not to exceed fifteen cents on the \$100.00 worth of taxable property, observing the constitutional equation between the property and poll; said tax shall be collected by a Tax Collector to be appointed by the said Board of County Commissioners, who shall enter into bond as directed by the said board, and the said Tax Collector shall have the same rights and powers for the collection of said tax as is given to Sheriffs for the collection of general taxes. Said taxes shall be due and collectable immediately upon said levy, and the said Tax Collector shall proceed at once and as early as practicable to collect the same, and to pay the same to the Fence Commissioners, upon their order.

SEC. 3. That it shall be unlawful for any person, knowingly to allow stock to run at large within said territory and a viola-

tion of this act shall constitute a misdemeanor and be subject to a penalty of not less than two dollars and not more than ten dollars.

Unlawful to allow stock to run at large in stock law territory.  
Penalty.

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, A. D. 1901.

#### CHAPTER 489.

**An act to punish drunkenness as a misdemeanor, at Haw River, in Alamance County.**

*The General Assembly of North Carolina do enact:*

SECTION 1. It shall be unlawful for any person to be found under the influence of liquor and using vulgar, obscene or profane language, or to be engaged in noisy, boisterous or unbecoming conduct, within one-half of a mile of the Granite Manufacturing Company store, situated on the North Carolina Railroad, at the point where said railroad crosses Haw River in Alamance County.

Unlawful to be drunk and disorderly within one-half mile of Granite Manufacturing Company.

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

Penalty for violation of act.

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, A. D. 1901.

#### CHAPTER 490.

**An act supplemental to an act, ratified at the present session, authorizing the Commissioners of Wilkes County to levy a special tax.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That the authority given in an act, authorizing the Commissioners of Wilkes County, to levy a special tax, ratified at the present session, is limited to a levy of a special tax, sufficient to raise an amount to pay off and discharge the amount now due by said county, for the two bridges erected across the Yadkin River, known as the Curtis Ford Bridge and the bridge at the bluff in the town of North Wilkesboro, N. C.

Authority given to Wilkes County Commissioners by act of this session to levy special tax, limited.

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. 1901.

## CHAPTER 491.

**An act to incorporate the Kenansville Air-Line Railroad.***The General Assembly of North Carolina do enact:*

Corporators.	SECTION 1. That S. A. Middleton, Thos. S. Kenan, W. M. Shaw, J. C. D. Herring, G. B. D. Parker, W. L. Hill, Henry Farrior, A. J. Jones, H. D. Williams, J. A. Gavin, Jr., D. A. Beasley and Herbert Smith, and such other persons as may be associated with them, their successors and assigns, be and they are hereby created a body politic and corporate under the name and style
Name.	of "The Kenansville Air Line Railroad Company" which shall
Existence and powers.	have succession for sixty years and may sue and be sued, plead and be impleaded, contract and be contracted with, adopt and use a common seal, and change the same at pleasure, and be capable of taking and holding by purchase, gift or devise, or in any other manner, real and personal property, and of leasing, selling or conveying the same or dealing with the same in any manner. And the said corporation shall have and enjoy all privileges, rights and immunities which corporate bodies may lawfully exercise, and make all by-laws necessary for its government or which its directors may deem proper and expedient, not inconsistent with law.
Capital stock.	SEC. 2. That the capital stock of said corporation shall be
Shares.	one hundred thousand dollars divided into shares of fifty dollars
Power to increase capital stock.	each, with power and authority to the directors of the said company to increase the same at any time to an amount not exceeding twenty-five thousand dollars per mile for every mile
Subscriptions.	of road completed or owned by the said company, and subscription to the capital stock may be made by individuals, corporations, counties, cities, towns or townships, and the said subscription may be paid in money, labor, land, materials, cross-ties, stocks, bonds or other securities, and the company may receive donations of any kind of property or labor.
Books of subscription.	SEC. 3. That the incorporators, or any two of them, in person or by attorney, shall have power to open books of subscription to the capital stock of said company at such times and places as they may deem best and keep the same open as long as they may deem expedient; that whenever the sum of five thousand dollars has been subscribed to the capital stock of the said company, the incorporators may, when they deem proper, after ten days' notice by mail to the subscribers, call together the subscribers to the said shares of stock at any place in or out of the State, and said subscribers shall then complete the or-
Organization, when and how completed.	

ganization of the corporation by electing a board of not less than three and not more than fifteen directors, and at such meeting and at all meetings of the stockholders of the said company, each share of stock shall be entitled to one vote, which may be cast by the owner of said shares or by proxy, verified as the by-laws may prescribe, and at all stockholders' meetings, a majority of the stock subscribed shall constitute a quorum, and said stockholders shall adopt by-laws prescribing for the government of the said corporation and the Board of Directors so elected shall meet at such time and place, either in or out of the State, as may be agreed upon, and elect from their number a president and such other officers as the by-laws may prescribe or they may deem necessary, and may do all other acts that they may deem necessary to carry into effect this charter.

Board of Directors, election of.

Stock, how voted.

Quorum.

Officers and by-laws.

SEC. 4. That the said company shall have the right to construct, and is hereby authorized and empowered to construct, operate and maintain a railroad with one or more tracks, standard gauge or otherwise, by such route as may be deemed most advantageous and expedient from any point on the Atlantic Coast Line Railroad at or between the town of Faison and the town of Wallace, through the counties of Duplin and Onslow or one or both of said counties to some point on the Atlantic Coast in said Onslow County. And it may also construct, maintain, and operate such lateral branch lines, not exceeding twenty-five miles in length, as may be necessary or advantageous to the extension, completion or successful operation of said railroad; and may also construct, maintain and operate telegraph and telephone lines along the line of said road. And said railroad company may use either electricity or steam as a motive power; and the said railroad company may and it is hereby authorized to condemn and hold during its corporate existence all lands within fifty feet of the center of the track of the said railroad company on either side, and to purchase and to hold such other tracts of land as may be needed by said company for railroad purposes or for the increase of freight shipped over its road. And the said company shall have power and authority to construct dams, trestles, culverts and bridges over and across streams, valleys, and depressions, and is authorized to erect a bridge, according to the plans and specifications of the United States Government, over the Northeast Cape Fear River and any other navigable stream in said counties, and to cross the same, and to cross, grade over or under, to join, intersect, or unite its railway with any other railroad now constructed in this State upon the lands of such other railroad company at

General business, of what to consist.

any point in its route, and to build all necessary turnouts, sidings, switches, and other conveniences required for the operation of the said road; and the said company may acquire, by purchase or lease, any other railroad now built or projected in the State, or may consolidate with any other railroad now built or projected, and assume its corporate name, or may sell or lease any part of the whole of its lines to any other railroad company, and if a portion of or the whole of its lines or line shall be sold to any other company, then the company purchasing shall take the lines so purchased with all the franchise herein granted, and may manage the same under its own corporate name: *Provided*, such consolidated company shall be a domestic corporation under the laws of North Carolina.

**Eminent domain.** SEC. 5. That it shall be lawful for any officer or agent, surveyor or engineer or other employee of said company to enter upon lands for the purpose of exploring, leveling or doing anything necessary or proper to be done for laying out said railroad and locating the same; and upon the location and construction of the said road or any part thereof, if no agreement with the owners of the land through which the road shall be constructed shall have been made by the company, the land on either side of the center of the track, for a distance of fifty feet shall be vested in the company, and the proceedings for the condemnation of said land and for the recovery by the owners for the value thereof, shall be the same as prescribed in The Code of North Carolina. And in making the valuation, the Commissioners shall take into consideration the loss or damage that may accrue to the owner in consequence of the right of way's being surrendered or other property for station houses, turnouts, water-tanks, depots or warehouses.

**Power to negotiate loans.**

SEC. 6. That said company shall have power, and is authorized to issue bonds of the company, either coupon or registered, to any amount necessary, not exceeding fifteen thousand dollars per mile, for every mile of road completed or owned by said company, and to secure the payment of said bonds by executing a mortgage or mortgages or deed of trust upon any or all of its property, and the franchise of said company on such terms as the Directors may prescribe, and any such conveyance, when registered in the county in which said property is situated, shall constitute a lien upon the franchise of the company and all of its property in the counties in which such mortgage is registered.

**Rights as common carriers.**

SEC. 7. That said company shall have the right to transport and carry passengers and freight over and along its said line



and branches, and mails and express matter, and to charge such fares and tolls for the same as may be prescribed by the Board of Directors, not inconsistent with law, and to fix rates for the use of services of its telegraph or telephone lines, not inconsistent with law, and to do any and all things necessary or expedient for the proper management of the said company as usually exercised or performed by railroad companies, and to purchase and to hold stock in any other railroad or transportation company, express company, telegraph or telephone company or other corporation, or may purchase or lease the same and operate the same or contract with such company or corporation for transportation of passengers or freight.

SEC. 8. That any county, city or town or township along the line of said railroad or any of its branches, or at any terminal point of said railroad, or any of its branches, may subscribe to the capital stock of said company in the following manner: Upon the presentation in writing, signed by at least one-fourth of the freeholders in said county, city, town or township, to the Board of Commissioners of said county, or to the proper authorities of said city or town, requesting them to submit to the qualified voters of the county, township, city or town where said petitioners may reside a proposition to subscribe a definite sum, named in said petition, to the capital stock of said company. The Board of Commissioners of said county or the proper authorities of said city or town, shall, within thirty days after the filing of the said petition, order an election to be held in such county, township, city or town, and submit to the qualified voters therein the question of subscribing to the capital stock of the said company the amount specified in said petition, at which election all those qualified to vote who are in favor of such subscription, shall vote a ballot on which shall be written or printed the words "For Subscription," and those opposed to such subscription shall vote a ballot on which shall be written or printed the words "Against Subscription," and the election for this purpose shall be conducted in the same manner and subject to the same rules and regulations as are or may be provided for the election of county officers by the general election laws of the State of North Carolina. Such election shall be held, after thirty days' notice thereof shall have been given, specifying the amount of the proposed subscription, and the returns thereof shall be made to the Board of Commissioners of the county or the proper authorities of such city or town; and if a majority of the qualified voters vote for subscription, then the Board of Commissioners of such county, or the proper authorities of said city or town shall immediately make said subscription, and pay for the same in cash, or may issue coupon bonds to the

Bonds for subscription to capital stock by counties, cities and towns, how and when issued.

amount of said subscription in order to pay for the same, and said bonds shall, upon their face, indicate on account of what county or township or city or town they are issued. Said bonds shall be in denominations of not less than one hundred dollars nor more than five hundred dollars each, and shall run for twenty years and shall bear interest at six per centum per annum payable semi-annually.

Special tax levy to provide sinking fund and for payments of interest.

Sec. 9. That in case a subscription shall be made to said railway company by any county, township, city or town in North Carolina as prescribed herein, it shall be the duty of the Board of Commissioners of said county or the proper authorities of said city or town, if bonds are issued, to levy a special tax sufficient to meet the interest charges, and to provide a sinking fund with which to pay off and discharge the principal of said bonds as the same may become due.

Meetings of stockholders and directors.

Sec. 10. That the stockholders shall provide in the by-laws for their regular meetings, but Directors' meetings may be held at any time or place, either in or out of this State, as the Directors or a majority of them may determine, and the stockholders shall not be individually liable for the debts of the corporation. The company shall maintain an office in the town of Kenansville, and shall at all times have an agent or attorney resident of said town.

Stockholders not individually liable.

Principal place of business.

Limit of time for commencement of work.

Sec. 11. That if work is not begun and prosecuted upon said road within five years from the ratification of this act, then this charter is to become void, otherwise to remain in full force and effect.

Sec. 12. 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, A. D. 1901.

## CHAPTER 492.

**An act supplemental to an act ratified the fifth day of February, 1901, entitled an act to allow the Board of Commissioners for Jackson County to levy a special tax.**

*The General Assembly of North Carolina do enact:*

Act passed at this session to allow Board of Commissioners of Jackson County to levy a special tax, amended.

SECTION 1. That section one of said act be and the same is hereby amended by adding after word "bridges" in said section and before the word "in," the words "and roads."

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. 1901.

## CHAPTER 493.

**An act to provide stock-law for certain sections of Craven County.**

*The General Assembly of North Carolina do enact:*

SECTION 1. The following section of 3d Township, Craven County, be and is hereby declared under stock law: Beginning on Neuse River at Village Landing and runs with Village Landing Road to the high-water mark of River Low Grounds; then down with said high-water mark to high-water mark of Flat Swamp Low Grounds; then up with said high-water mark to Neuse Road; then up said Neuse Road to the upper line of John Biddle's Rose Hill plantation; then with said Biddle and heirs of Moses Jones, and Fort Barnwell plantation line to Neuse River Low Grounds; then with high-water mark to Biddle's Landing, being same as now known as Stock Law Territory on the south side of Neuse River in 3d Township.

Section of certain territory in Craven County declared under stock law.

Boundaries of stock law territory.

SEC. 2. That it shall be unlawful for any owner or manager of any horse, mules, cattle, sheep, goat, swine or geese of any description to permit the said animals or geese to run at large in said territory.

Unlawful for stock to run at large in stock law territory.

SEC. 3. That John Biddle, M. H. Carr, N. M. Barwick, B. B. Wooten and J. F. Register shall be and are hereby appointed Fence Commissioners of said territory with power to contract for the erection and maintenance of a good and substantial lawful fence at least  $4\frac{1}{2}$  feet high upon (or near) the line mentioned in section 1, with gates at every crossing of the public road. That they shall hold office two years and thereafter said Commissioners shall be elected by the Board of Commissioners of Craven County, who also shall fill vacancies in said Fence Commissioners.

Fence Commissioners, names of, duties, powers and term of office.

SEC. 4. That it shall be the duty of said Fence Commissioners to report annually to the August meeting of the Board of Commissioners of Craven County, the conditions of said fence and gates; the cost of building and repairs the preceding year, and their estimate of its cost the following year, and any indebtedness on its cost, and the said Board of Commissioners of Craven County shall levy a tax upon the real estate within said boundary according to the tax valuation thereof, to raise such sum as said Fence Commissioners shall report is necessary, which taxes shall be collected by the Sheriff of Craven County in the same way and manner he collects State taxes. The building lots in Fort Barnwell Village shall not be subject to the fence tax and the owners shall keep up their front fence at their own expense.

Fence Commissioners, annual report of

Special tax levy.

Chairman of Board; election of, bond of, duties; penalty for failure in performance of duties.

SEC. 5. That said Fence Commissioners may elect one of their number as chairman or overseer who shall give a justified bond of the sum of \$500.00 for the honest and faithful performance of his duties, which duties shall be, that he shall keep said fences and gates in good lawful condition, at all times and at least 1½ feet high, and upon failure to do so, he shall be guilty of a misdemeanor, and on conviction be fined not exceeding \$50.00 or confined in county jail not over thirty days.

Unlawful to injure or destroy fence or gates.

SEC. 6. That it shall be unlawful to injure or destroy said fence or gates or for any person to leave the fence down or gates open, and any person so offending shall be guilty of a misdemeanor and shall be fined on conviction not exceeding \$5.00 for each offence. Said fine shall be applied to fence fund.

Penalty.

Impounding and sale of live stock and sales of.

SEC. 7. That if any live stock or geese 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 ten days' notice, any Justice of the Peace can order the sale of the same at public sale to the highest bidder for cash, at Fort Barnwell, North Carolina, the proceeds of such sale to pay the impounder if for a horse or mule, 25 cents for impounding and 25 cents for each day's keeping for feed and attention. If for cattle and all other stock and geese, 25 cents for impounding and 10 cents per day for feed and attention and after paying the Justice of the Peace 50 cents and cost and for damage caused by said stock to the person or persons damaged, if any, the balance shall be paid to the owner, if known; if not known, then to be paid to the chairman of Fence Commissioners, who shall hold the same subject to the claim of owner for 12 months, after which time if not claimed, shall be applied to the fence fund. Stock shall be responsible and held for damage fees and costs.

Assessment of damages.

SEC. 8. If the owner of the stock and impounder can not agree on damage the Justice of the Peace shall appoint two disinterested freeholders to assess damage; if they can not agree they shall call in the third man and their decision shall be final.

SEC. 9. 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. 1901.

## CHAPTER 494.

**An act to authorize the Commissioners of Granville 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 Granville 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 eighty thousand (\$80,000.00) 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 coupon attached payable semi-annually, at such time and places as may be deemed advisable by said Board of County Commissioners; such bonds to be of such form and tenor, and transferable in such way, and the principal thereof payable at such time or times, not exceeding forty 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.

Bond issue authorized.

Amount.

Rate of interest, etc.

Maturity.

Proviso.

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 Granville.

Bonds, how numbered, signed and attested.

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.

Bonds, record of.

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 levy to provide for payment of interest.

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, kept separate.

Sinking fund,  
provisions for.

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,  
investment of.

SEC. 7. That it shall be the duty of said Commissioners to annually invest any and all moneys arising from the special tax for sinking fund in the purchase of any of said bonds at a price deemed advantageous to said county by said Commissioners. But in case said 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.

Interest on sink-  
ing fund, rate and  
investment of.

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.

Proceeds of bond  
sale, how dis-  
posed of.

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.

Bonds, deposit of.

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 the joint order of the chairman of said board and the Treasurer of said county, and not more than twenty thousand dollars of said bonds shall be disposed of in any one year, the proceeds of which shall be applied in the way hereinbefore provided for.

Bonds, amount of  
annual sale of.

SEC. 11. That in addition to the provisions of the foregoing sections of this act, sections one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen and twenty of chapter 581, Laws of 1899, are hereby re-enacted and made applicable to this act.

Certain sections  
of Chapter 581,  
Laws of 1899,  
relating to charter  
of town of Wil-  
ton, re-enacted.

SEC. 12. 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. 1901.



## CHAPTER 495.

**An act to amend Chapter 60, Laws of 1876 and 1877.***The General Assembly of North Carolina do enact:*

SECTION 1. That chapter 60 of the Laws of 1876 and 1877 be amended by adding after the word "same" in line five of section 3, the following words, "and impound the same and such impounder may demand one dollar for each animal so taken up and fifty cents for each animal for every day such stock is kept impounded and may retain the same until all legal charges for impounding said stock are paid."

Chapter 60, Laws of 1876 and 1877, relative to stock law, amended.

SEC. 2. That if any person shall leave open the gate known as the "Mud Castle" gate [he] shall be guilty of a misdemeanor and upon conviction shall pay a fine not exceeding fifty dollars or be imprisoned not exceeding thirty days.

Penalty for leaving "Mud Castle" gate open.

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. 1901.

## CHAPTER 496.

**An act to amend Chapter three hundred and sixty-three of the Public Laws of eighteen hundred and eighty-nine, and to repeal Chapter seven hundred and one of the Public Laws of eighteen hundred and ninety-nine, relating to the road law of Raleigh Township, Wake County.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That section seven (7) of chapter three hundred and sixty-three of the Public Laws of eighteen hundred and eighty-nine, be and the same is hereby amended by striking out in line eight (8) of said section seven (7) after the word "exceeding" and before the word "on" the words "eight per cent," and insert in lieu thereof the words "ten cents," and by striking out in line fourteen (14) of said section after the word "exceeding" and before the word "cents" the words "twenty-four" and inserting in lieu thereof the word "thirty."

Chapter 363, Public Laws 1889, relating to road law of Raleigh Township, amended.

SEC. 2. That chapter seven hundred and one (701) of the Public Laws of eighteen hundred and ninety-nine, be and the same is hereby repealed.

Chapter 701, Public Laws 1899, relating to road law of Raleigh Township, 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, A. D. 1901.

## CHAPTER 497.

**An act to establish graded schools in the town of Greenville, N. C.**

*The General Assembly of North Carolina do enact:*

Boundaries of  
school district.

SECTION 1. That all the territory embraced within the following limits in the town of Greenville, Pitt County, to-wit: Beginning on Tar River at the River Bridge foot of Pitt Street, thence up said river to the first branch commonly called Skinner's Ravine, thence with said ravine or branch to the eastern boundary line of the W. and W. Railroad, where it crosses said branch, thence with said eastern boundary of right of way of said railroad to Tar River, thence up Tar River to the present corporate limits of said town, thence with said corporate limits of said town to the river road at a point where Fifth Street extended would cross said line, thence with said river road for Fifth Street to J. L. Suggs' northwest corner on said street, thence his line so as to include his lot to the western line of the right of way of the W. and W. Railroad, thence across said railroad to John Flanagan's southwestern corner on said right of way, thence his back line and N. H. Bagwell's, Miss Martha O'Hagan's and Dr. C. O. H. Laughinghouse's back line to Pitt Street, thence across Pitt Street an air line to S. T. Hooker's back line, thence his line, Miss McKenny Perkins' and J. A. Andrews' back line to C. D. Rountree's corner on his back line, thence C. D. Rountree's line to Greene Street, thence down Greene Street to the Methodist parsonage's southern corner on said street, thence with said parsonage line to R. N. King's line, thence his line to Frank Tyson's, thence with B. F. Tyson's back line including said Tyson's lot to Dickerson Avenue, thence with northern side of Dickerson Avenue to R. A. Tyson's first corner on said street, thence his back line including said lot to Greene Street, thence across Greene Street to C. D. Rountree's northeast corner, thence his line so as to include his lot and R. A. Tyson's line to Pitt Street, thence up said Pitt Street to B. S. Sheppard's northeast corner, thence his line to a point one-half distance between Pitt and Clark Streets, thence from this point a line parallel with Pitt Street an air line to Zeno Moore's line, thence his line to Clark Street, thence with Clerk Street to Dickerson Avenue, thence with Dickerson Avenue in a westerly direction to the first ditch crossing said street, thence up said ditch to the W. and W. Railroad trestle, over said ditch, thence an air line from said trestle to the northeast corner of old college lot, thence with old college line in a westerly direction and south-

erly direction including said college lot to old plank road, thence along and across in a southwesterly direction old plank road to E. A. Moye's northeast corner, thence his line to a point 60 feet north of Broad Street, thence a line parallel with Broad Street and 60 feet north of said street to the western boundary of the right of way of the W. and W. Railroad, thence along said right of way to a point where Eleventh Street extended would cross said railroad, thence with the line of Eleventh Street to a point where an air line drawn from the eastern side of Liberty warehouse would cross said street, thence a line made by extension of eastern side of Liberty warehouse to Ninth Street, thence Ninth Street 200 feet in an easterly direction, thence a line parallel with the eastern side of Liberty Warehouse to Twelfth Street, thence with Twelfth Street to the road leading from Greenville to Greene's Mill Run, thence with said road in a northerly direction to Alfred Forbes' northeast corner of the lot on which he now lives, thence his line to the livery stable lot of G. M. Tucker and Rickey Moore, thence this eastern line to Fifth Street, thence with Fifth Street in an easterly direction to a point midway between Cotanch and Read Streets, thence a line from this point parallel with Cotanch Street to Second Street, thence with Second Street to Evans Street, thence with Evans Street to a point midway between First and Second Streets, thence a line midway between First and Second Streets to eastern line of Washington Street, thence with Washington Street to a point midway between Second and Third Streets, thence this line parallel with Third Street 165 feet, thence an air line parallel with Washington Street to Second Street, thence with Second Street to Washington Street, thence with Washington Street to a point midway between First and Second Streets, thence an air line parallel with Second Street to Pitt Street, thence with Pitt Street to the beginning, shall be and is hereby constituted the Greenville Graded School District, No. 1. That the Aldermen of the town of Greenville are hereby authorized and directed to submit to the qualified voters of the above-described district at such time (not later than the first Monday in June) under such rules and regulations as they may prescribe, whether an annual assessment shall be levied in said district for the support of the graded schools for the children of said district, and at said election such qualified voters as are in favor of levying the assessment hereinafter prescribed for the purpose of maintaining the graded schools shall vote a written or printed ballot with the words "For School" upon it, and such voters as are opposed to the levying of such assessment shall vote a written

Question of assessment to be submitted to qualified voters.

What ballots to contain.

or printed ballot with the words "Against School" upon it, and the penalties for illegal and fraudulent voting shall be in all respects the same as in the annual election for Mayor and Commissioners of the town of Greenville.

Tax assessment,  
when and how  
made.

SEC. 2. That in case a majority of the qualified voters of said district shall be in favor of the assessment hereinafter prescribed for the purpose of a graded school, the same shall be levied and collected by the Town Commissioners of the town of Greenville under the same rules and regulations by which other assessments are levied and collected, and the Town Tax Collector shall be subject to the same penalties and liabilities for the collection of said assessments and the payment thereof to the Town Treasurer as he may be for other town assessments.

Special tax levy,  
by whom levied;  
minimum and  
maximum rates.

SEC. 3. That in case the majority of the qualified voters of the said district should vote in favor of schools the Town Commissioners or Aldermen of the town of Greenville shall, at their next regular meeting, levy a tax upon the property of said town included in the boundaries of said school district, of not less than 10 cents, nor more than 50 cents on the \$100 of the property valuation, and not less than 30 cents nor more than \$1.50 upon the poll of each of the inhabitants subject to poll tax in said district, the amount of which levy and assessment of property the said Board of Aldermen shall fix according to the recommendations of the Board of Trustees of said school, who are hereinafter named.

Board of Trustees,  
names of, classes  
of, terms of office;  
vacancies, how  
filled.

SEC. 4. That C. T. Munford, E. A. Moye, Jr., W. H. Bagwel, W. M. B. Brown, S. B. Wilson, J. B. Cherry, Sr., and J. B. Moye, and W. H. Tucker are hereby appointed Trustees of the first class; R. W. King, W. R. Parker and B. F. Patrick, Trustees of the second class; J. R. Moore, W. H. Long and W. B. Wilson, Trustees of the third class, who shall hold office for the purposes hereinafter mentioned for the following terms: The term of office of the Trustees of the first class shall expire two years from the time of the first meeting of the said Board of Trustees; the Trustees of the second class shall hold office for four years from the time of the first meeting of the said Board of Trustees; and the Trustees of the third class shall hold office for a term of six years from the time of the first meeting of the said Board of Trustees; whenever the term of office of the first class, as above provided, shall expire their successor or successors shall be appointed for a term of five years by the County Board of Education of Pitt County; whenever the term of office of the second and third class as above provided shall expire their successor or successors shall be

appointed for a term of five years by the Board of Aldermen of the town of Greenville; whenever any vacancy occurs on said Board of Trustees by death or resignation, the remaining Trustees shall fill such vacancy for the period of time unexpired of the vacancy occurring.

SEC. 5. That the Board of Trustees above mentioned shall have entire and exclusive control of the graded school interest and property in the town of Greenville; shall prescribe rules and regulations for their own government not inconsistent with the provisions of this act; shall employ and fix the compensation of officers and teachers of the graded schools hereby established and do all other acts that may be just and lawful to properly conduct and manage the general school interest of said district.

Board of Trustees,  
powers and  
duties of.

SEC. 6. That the persons herein named as Trustees of the graded schools are hereby constituted and appointed Trustees of Pitt Academy and they, together with W. M. B. Brown, S. B. Wilson, A. W. Moye, J. B. Cherry and W. H. Tucker, the surviving members of the Board of Trustees of Pitt Academy, shall be and are constituted the Board of Trustees of said academy.

Board of Trustees  
of Pitt Academy  
named.

SEC. 7. That if the Trustees of the graded school herein appointed shall deem the grounds on which Pitt Academy is now located a suitable place for the location of the graded school building for the white children of the said district then the said graded school may be located there by and with the consent of the Trustees of the said academy; but if they shall deem another location more suitable then the Board of Trustees of the academy as herein constituted may, if they shall deem it advisable to do so, sell said academy and all the lands belonging thereto in such manner and on such terms as they may deem best, make a good title to the purchasers and invest the proceeds of such sale in a location and buildings for a graded school for the whites of said district.

Relating to loca-  
tion of white  
graded school.

SEC. 8. That all children within the limits of the district herein described who are entitled to attend the public schools shall be admitted into the said graded schools free of charge: *Provided always*, that the whites shall attend the school provided for them and the negroes shall attend the school provided for them: *Provided further*, that if there shall be so few children of either race in the district that the Board of Trustees shall deem it inadvisable to organize a school for that race, then they shall have power to arrange for the children of the race which shall be so represented to receive their *pro rata* proportion of the funds so raised by the special tax

Children admis-  
sible to schools.

Proviso as to pay-  
ing over propor-  
tionate sum to  
public schools of  
any race where  
inadvisable to  
establish school.

Proviso as to outside pupils.

herein provided for in some other manner, or they may give such *pro rata* proportion to the public schools for that race adjoining the district herein described: *Provided further*, that the said Board of Trustees of the graded school shall have power to admit children to the graded schools herein constituted who reside outside of the said graded school district upon such terms as they may deem fair and just.

Appropriation of public school funds.

SEC. 9. That all the public moneys belonging to the public schools for the district in which said graded schools are located shall be appropriated and applied to the graded schools of the district herein constituted and said public moneys shall be turned over to the Board of Trustees herein named to be by them expended in the interest of the said graded schools as they may deem best.

Provision for special tax for annual expenses.

SEC. 10. That the Board of Trustees of the graded schools herein constituted shall on or before the first day of July of each and every year submit to the Board of Aldermen an estimate for the cost and expenses of maintaining the said graded schools for the succeeding year and the Board of Aldermen shall cause to be levied and collected such sum as may be necessary to carry on said graded schools, not exceeding the limit herein named, from the property and polls of the citizens residing and owning property in the graded school district herein named. That the said taxes shall be collected and accounted for by the Tax Collector for the said town and shall be paid over to the Treasurer of the said town in the same manner as other taxes; that the said Treasurer of said town shall give bond in addition to the bond now required of him for the faithful handling and distribution of the said graded school moneys and shall keep a separate account of the amounts received from said special tax or from other sources for the benefit of the graded schools herein established, and he shall only pay out said moneys upon the order of the chairman of the said Board of Trustees countersigned by the secretary of said board.

Registration of voters.

SEC. 11. That for the purpose of ascertaining the vote of the qualified voters of the district herein designated there shall be had a new registration of the qualified voters of said district, and to this end the Board of Aldermen of the town of Greenville shall at a meeting held more than thirty days prior to the day on which they submit the said question to the voters of said district appoint a registrar and two judges of election for the district whose duty it shall be to register the voters of said district and conduct the election. The Mayor shall thirty days prior to the day of holding said election issue his procla-

Election, notice of, etc.



mation giving notice of said election, designating therein the person chosen to hold and conduct said election and the exact place where the same will be held; and it shall be the duty of the registrar appointed to register each male resident of the district herein described entitled to register therein, and this he may do for his convenience at his home or at any other place in said district, but he shall attend with his book from two o'clock until sunset on Tuesday, Wednesday and Thursday preceding said election at the place designated by the Mayor for the voting place, and on Saturday preceding said election the judges of election shall attend with him, at which time and place all challenges shall be heard and determined. The registration books shall be open for inspection at all times and they shall be finally closed for registration on Thursday preceding said election. The polls shall be opened at seven o'clock a. m. on the day set for the election and shall remain open until six o'clock in the afternoon of that day unless all the qualified voters shall have before that time cast their ballots, and all persons whose names are found on said registration books shall be entitled to cast their votes for or against the said graded schools, as is above prescribed. Immediately after the closing of the polls, the registrar and judges of election shall count the votes cast and shall make and sign duplicate returns which shall be sealed up and delivered as follows: One copy together with the poll and registration books shall be delivered to the clerk of the Board of Aldermen and one copy to the Mayor. The Mayor and Board of Aldermen shall meet at eight o'clock on Wednesday night succeeding said election at their usual place of meeting and in the presence of such person or persons as may choose to attend they shall open and compare said returns, and they shall then and there make an official announcement of the result of said election in which they shall certify to the whole number of votes registered, the number cast for and the number cast against schools, and the Mayor shall during the week publish his proclamation repeating the said result.

Registration,  
place and time of.

Challenges,  
trial of.  
Inspection of  
books.

Election, hold-  
ing of.

Count of votes  
and return of  
result.

Announcement  
of result.

Publication of  
proclamation.

SEC. 12. 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. 1901.

## CHAPTER 498.

**An act to make the apportionment of the members of the Senate.**

*The General Assembly of North Carolina do enact:*

State divided into Senatorial Districts.	SECTION 1. Until another apportionment of the State shall be had in accordance with the terms of the Constitution and laws of North Carolina, the Senate shall be composed of members elected from districts constituted as follows:
Districts named, counties of and representation.	
First.	<i>First District</i> —Camden, Chowan, Currituck, Gates, Hertford, Pasquotank and Perquimans shall elect two Senators.
Second.	<i>Second District</i> —Beaufort, Dare, Hyde, Martin, Pamlico, Tyrrell and Washington shall elect two Senators.
Third.	<i>Third District</i> —Bertie and Northampton shall elect one Senator.
Fourth.	<i>Fourth District</i> —Halifax shall elect one Senator.
Fifth.	<i>Fifth District</i> —Edgecombe shall elect one Senator.
Sixth.	<i>Sixth District</i> —Pitt shall elect one Senator.
Seventh.	<i>Seventh District</i> —Franklin, Nash and Wilson shall elect two Senators.
Eighth.	<i>Eighth District</i> —Carteret, Craven, Greene, Jones, Lenoir and Onslow shall elect two Senators.
Ninth.	<i>Ninth District</i> —Wayne shall elect one Senator.
Tenth.	<i>Tenth District</i> —Duplin and Pender shall elect one Senator.
Eleventh.	<i>Eleventh District</i> —Brunswick and New Hanover shall elect one Senator.
Twelfth.	<i>Twelfth District</i> —Bladen and Columbus shall elect one Senator.
Thirteenth.	<i>Thirteenth District</i> —Robeson shall elect one Senator.
Fourteenth.	<i>Fourteenth District</i> —Cumberland shall elect one Senator.
Fifteenth.	<i>Fifteenth District</i> —Harnett, Johnston and Sampson shall elect two Senators.
Sixteenth.	<i>Sixteenth District</i> —Wake shall elect one Senator.
Seventeenth.	<i>Seventeenth District</i> —Vance and Warren shall elect one Senator.
Eighteenth.	<i>Eighteenth District</i> —Granville and Person shall elect one Senator.
Nineteenth.	<i>Nineteenth District</i> —Alamance, Caswell, Durham and Orange shall elect two Senators.
Twentieth.	<i>Twentieth District</i> —Rockingham shall elect one Senator.
Twenty-first.	<i>Twenty-first District</i> —Guilford shall elect one Senator.
Twenty-second.	<i>Twenty-second District</i> —Chatham, Moore, Richmond and Scotland shall elect two Senators.
Twenty-third.	<i>Twenty-third District</i> —Montgomery and Randolph shall elect one Senator.

*Twenty-fourth District*—Anson, Davidson, Stanly and Union Twenty-fourth. shall elect two Senators.

*Twenty-fifth District*—Cabarrus and Mecklenburg shall elect Twenty-fifth. two Senators.

*Twenty-sixth District*—Rowan shall elect one Senator. Twenty-sixth.

*Twenty-seventh District*—Forsyth shall elect one Senator. Twenty-seventh.

*Twenty-eighth District*—Stokes and Surry shall elect one Sena- Twenty-eighth. tor.

*Twenty-ninth District*—Davie, Wilkes and Yadkin shall elect Twenty-ninth. one Senator.

*Thirtieth District*—Iredell shall elect one Senator. Thirtieth.

*Thirty-first District*—Catawba and Lincoln shall elect one Thirty-first. Senator.

*Thirty-second District*—Gaston shall elect one Senator. Thirty-second.

*Thirty-third District*—Cleveland, Henderson, Polk and Ruther- Thirty-third. ford shall elect two Senators.

*Thirty-fourth District*—Alexander, Burke, Caldwell and Mc- Thirty-fourth. Dowell shall elect two Senators.

*Thirty-fifth District*—Alleghany, Ashe and Watauga shall elect Thirty-fifth. one Senator.

*Thirty-sixth District*—Madison, Mitchell and Yancey shall elect Thirty-sixth. one Senator.

*Thirty-seventh District*—Buncombe shall elect one Senator. Thirty-seventh.

*Thirty-eighth District*—Haywood, Jackson, Swain and Transyl- Thirty-eighth. vania shall elect one Senator.

*Thirty-ninth District*—Cherokee, Clay, Graham and Macon Thirty-ninth. shall elect one Senator.

SEC. 2. This act shall be in force from and after its ratifica- tion.

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1901.

## CHAPTER 499.

### **An act to authorize the Commissioners of Chatham County to levy a special tax.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That the County Commissioners of Chatham County be and they are hereby authorized and empowered to levy a special tax for the year 1901 and the year 1902 for the purposes of building and repairing bridges in the said county of Chatham. the amount so raised to be expended in their discretion for said purposes, either of building or repairing as they may determine.

Special tax levy authorized for 1901 and 1902 for building and repairing bridges.

The said special tax levy shall not exceed in either year the sum of fifteen cents (15c.) on the one hundred dollars valuation of property of said county and forty-five cents (45c.) on the poll, and shall be levied and collected at the same time, and in the same manner, and under the same penalties, as other taxes are levied and collected, on all the taxable property and polls in the said county. In making the said levy the said Commissioners shall observe the constitutional equation between the property and the poll.

**Limit of taxation.** SEC. 2. The said special tax shall be applied to no other purposes than that mentioned in section one of this act.

**Tax to be applied only to purposes mentioned in act.** SEC. 3. That all laws and clauses of laws in conflict with this act are hereby repealed.

**Conflicting laws repealed.** SEC. 4. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1901.

#### CHAPTER 500.

#### **An act to validate a stock-law election in Macon County and have fence erected.**

*The General Assembly of North Carolina do enact:*

**Stock law election in Macon County validated.** SECTION 1. That the stock law election held in Union District, Macon County, on the 12th day of February, 1901, is hereby declared valid.

**Bond issue authorized.** SEC. 2. That the Board of Commissioners of said county are hereby authorized and empowered to issue bonds and borrow money and have said boundary enclosed by fence, and meet the payment of said bonds as section 2824 of The Code provides, said bonds not to bear a greater rate of interest than six per centum.

**Provisions of Section 2 applicable to stock law territory heretofore established.** SEC. 3. That the provisions of section two of this act shall be applicable to any stock boundary heretofore established, or which may hereafter be established in Macon County according to law.

**Adjacent stock law boundaries to be inclosed by one fence.** SEC. 4. That all adjacent stock law boundaries in Macon County, may be enclosed by one fence, without any dividing fences on [in] boundary lines.

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. 1901.

## CHAPTER 501.

**An act to improve the public roads in the County of McDowell.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter 50 of The Code, section 2017, be amended by striking out all of said section after the word "roads" in line four, and inserting in lieu thereof the following: "Six days in each and every year, and in case of damage resulting from a storm they may be required to work twelve days."

Chapter 50, Section 2017 of The Code, relative to persons liable to road duty, amended.

SEC. 2. That section 2017 of said chapter be amended by striking out the words in lines one and two, "as often as the road shall require," and inserting in lieu thereof the following words, "shall work said road for not less than six days in each and every year," and by adding to the end of said section the words "and shall make a sworn statement annually to the Supervisors that he has worked the number of six days on the road, and also any and all hands who have failed or refused to work said road when warned by him so to do. Upon failure of the overseer to work the said number of six days and make his report to the Supervisors, semi-annually, as herein provided, he shall be fined not less than ten dollars nor more than fifty dollars for each offence."

Chapter 50, Section 2017, further amended.

SEC. 3. That chapter 50 of The Code with the amendments hereinbefore mentioned, be and the same is hereby adopted.

Chapter 50 with amendments, adopted.

SEC. 4. That the Board of Commissioners of McDowell County be and they are hereby authorized and empowered to levy a special tax of not more than fifteen cents on the one hundred dollars valuation of property and forty-five cents on the poll for the purpose of improving and changing the public roads in said county. The amount so levied and collected shall be kept as a separate fund and used by the said Board of Commissioners for the purposes of road improvement and no other.

Commissioners of McDowell County authorized to levy special tax; limit of, purpose of.

SEC. 5. That this act shall apply only to the county of McDowell.

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 the 9th day of March, A. D. 1901.

## CHAPTER 502.

**An act to secure the better drainage of certain lands on Thunder Swamp in the County of Wayne.***The General Assembly of North Carolina do enact:*

Swamp Commissioners, names of.	SECTION 1. That S. J. Wolf, L. W. Parker, N. Q. Jinnett, F. F. Flowers and Alex. Sasser, of the county of Wayne, be appointed Commissioners for Thunder Swamp, in said county, from the lower corner of the E. J. Martin land, at the Parker Bridge across said swamp, and up said swamp to the Elmore Bridge across the same on the Fayetteville road, whose duty it shall be, as soon as practicable, to select and employ some suitable person to superintend and oversee the hands, which they are hereby authorized to employ, for the purpose of cleaning out straightening and deepening said swamp, so as to better drain the low lands through which it runs between the boundaries above designated.
Boundaries of territory to be drained.	
Duties of Commissioners.	
Officers, election of.	SEC. 2. That said Commissioners, or a majority of them, shall have power to elect one of their number chairman, who shall also be treasurer, and they may fill vacancies in their number when such occur by death or removal from the county or otherwise, and in case of their neglect so to do, the Board of Commissioners of Wayne County shall appoint to fill such vacancies, upon the application of any person interested.
Vacancies, how filled.	
Assessment of lands and report of Swamp Commissioners.	SEC. 3. That said Commissioners shall estimate the number of acres of bottom lands on said creek belonging to each land owner within said boundaries, and within one hundred yards of the run of said swamp, on both sides thereof, and from time to time, not oftener than once a year, in order to raise money for the purpose contemplated in this act, they shall levy an assessment, not to exceed three dollars per acre of the estimated amount of bottom land, on the land owners aforesaid, of which estimate of the number of acres, and the names and amounts of each owner thereof, also the rate of assessment, they shall make a report to the Board of Commissioners of Wayne County, who shall file the same among their records, and spread the same upon their minutes.
Filing of report; notice of assessment.	SEC. 4. That upon the making and filing of said report in the office of said Board of County Commissioners the same shall be filed in the office of Register of Deeds by their clerk until the succeeding meeting of the board, and notice thereof shall be given for twenty days prior to said succeeding meeting by publication at the court-house door in Goldsboro, and at said meeting of the board any party interested may file exceptions or



objections to said report, and thereupon said County Commissioners shall hear and determine the matter complained of, and shall make out an assessment list in the manner tax lists are made, and place the same in the hands of the Tax Collector for Brogden Township for collection. Said list when so placed in the hands of the said Tax Collector, to be a lien on the bottom lands of such land owner as may be assessed under the provisions of this act: *Provided*, that nothing herein contained shall be construed to prevent said Commissioners from making a higher or lower assessment against the lands owned by one person than those owned by another according to benefits.

Filing and hearing of exceptions. Assessment list, by whom made out and with whom placed.

List a lien on lands assessed.

PROVISO.

SEC. 5. That the said Tax Collector upon the delivery to him of the assessment list aforesaid, shall within the month of June thereafter proceed to collect the same and to that end he shall have the same power and remedies as he has for the collection of the public taxes, and receive for such services the same compensation as in the collection of State and county taxes, and the same, when so collected, the said Tax Collector at the end of thirty (30) days, or sooner if collected, shall pay over to the said Board of County Commissioners, whose duty it shall be to pay the same over at once to the treasurer of the said Swamp Commissioners; the amount collected from the bottom lands on said swamp to be used and applied in the draining and clearing of said swamp under such rules and regulations as said Swamp Commissioners may make.

Assessments, when to be collected; powers and compensation of Tax Collector.

Assessments, to who paid, how used.

SEC. 6. That the treasurer of the said Swamp Commissioners shall keep a book in which he shall record their proceedings, and also keep an account of receipts and expenditures, and said book shall be kept open to the inspection of any party interested therein at all times.

Record book and account of receipts and expenditures of Treasurer of Commissioners.

SEC. 7. That said Swamp Commissioners shall furnish each land owner with a copy of the estimate of the number of acres owned by him liable to assessments, and the amount assessed against the same.

Copy of assessment to be furnished land-owner.

SEC. 8. That any person or persons who shall wilfully and knowingly fell any timber, or any land owner allowing any drift on his land to remain in said swamp between said boundaries, or otherwise obstruct the same, and shall allow the same to remain therein for the space of five (5) days, shall be guilty of a misdemeanor, and on conviction shall be fined or imprisoned in the discretion of the Court: *Provided*, that if any person or persons so offending shall move such obstruction, and pay a penalty of five (\$5.00) dollars to the treasurer of said Commissioners before presentment is made of the same, he or they shall not be liable to indictment for said offence.

Penalty for felling timber or allowing drift in swamps, or obstructing drainage.

PROVISO.

Powers of Swamp  
Commissioners.

SEC. 9. That said Swamp Commissioners shall also have power to stop all washes, drains or ditches emptying into said streams, or upon said bottom lands, to prevent the inflowing of sand, and to drain said lands under such rules and regulations as they may adopt, and for the purpose of stopping said washes, drains, or ditches, said overseer and hands shall have the right to cut bushes and timber from the lands of the persons affected by this act.

SEC. 10. 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 the 9th day of March, A. D. 1901.

## CHAPTER 503.

### An act relating to the State Library.

*The General Assembly of North Carolina do enact:*

Salaries of libru-  
rian and assist-  
ant.

SECTION 1. That the salary of the State Librarian be and the same is hereby fixed at the sum of one thousand dollars per annum; and he is authorized to employ an assistant in his office, and for that purpose shall be allowed the sum of three hundred dollars per annum.

Separate apart-  
ment for colored  
people.

SEC. 2. That the State Librarian be and he is hereby authorized to fit up a separate place for the use of the colored people who may come to the Library for the purpose of reading books or periodicals.

Committee to  
purchase books.

SEC. 3. That the State Librarian, Superintendent of Public Instruction, together with three other persons to be selected by the Trustees, shall constitute a committee to purchase books for the State Library, and they are to serve without compensation in the matter of selecting and buying books.

Conflicting laws  
repealed.

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 the 9th day of March, A. D. 1901.

## CHAPTER 504.

## : An act to provide for working public roads in Macon County.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter two hundred and fifty-seven (257) of the Public Laws of eighteen hundred and ninety-nine be and is hereby repealed.

Chapter 257, Public Laws of 1899, relative to road law for Macon County, repealed.

SEC. 2. That chapter fifty (50), volume one, of The Code, except section 2059, be and is hereby re-enacted as the road law for Macon County: *Provided*, (1) That the word "February" shall be stricken out wherever it occurs in said chapter, and the word "May" inserted in lieu thereof; (2) that sections 2016 of said chapter fifty be amended by adding at the end thereof the following, viz: "No overseer shall be required to work his road hands outside the section or boundary allotted to him by the Township Supervisors except in the construction of new roads. In such case the County Commissioners may make an order that each overseer in the township or townships in which such new road or any part of it is to be located, shall order out the hands assigned to his section and work them until said road is complete: *Provided*, the ten days limit in section 2017 of said chapter fifty is not violated. In case of such order by the Commissioners, the Township Supervisor shall appoint one of their number as General Superintendent of said road making. Any overseer or road hand subject to road duty who fails or refuses without legal excuse, to comply with said order, or pay the one dollar as required in section 2019 of said chapter fifty, shall be guilty of a misdemeanor."

Chapter 50, of The Code, relative to roads, ferries and bridges, except Section 2059, re-enacted as Macon County road law.

Proviso as to amendments to said chapter.

Penalty for failure or refusal to perform road duty.

SEC. 3. The County Commissioners of said county of Macon are hereby authorized and empowered to use in the construction and repair of roads and bridges in said county any road funds not otherwise appropriated now in the County Treasury, or that may hereafter come into the County Treasury by reason of any levy heretofore made.

County Commissioners empowered to use road funds.

SEC. 4. That the Commissioners of Macon County are hereby authorized and empowered to adopt any section or sections of the general road law of nineteen hundred and one not in conflict with the provisions of this act as a supplement to said chapter fifty as amended by this act that they may deem necessary and advisable.

Commissioners empowered to adopt part or parts of general road law.

SEC. 5. That this act shall be in force from and after the first day of May, nineteen hundred and one.

Effective on and after May 1, 1901.

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1901.

## CHAPTER 505.

**An act concerning the correction of State grants.***The General Assembly of North Carolina do enact:*

State grant void unless notice has been served on adverse claimants.

SECTION 1. That all corrections or attempted corrections of any State grant, heretofore made, or hereafter to be made, by the Secretary of State, under chapter 460, of Public Laws of 1889, or any other acts of Assembly, shall be null and void, unless all adverse claimants of the land covered by such grant and all persons affected in any way by such correction or proposed correction shall have been, or shall be, duly notified in writing of the time and place of such application to have said grants corrected, and in what respect the same may be defective or incorrect. If upon the hearing of the proof of both sides by the Secretary of State, it does not clearly appear that such correction should be made he shall refuse to make the said change or correction.

Burden of proof of notice.

SEC. 2. That in all cases the burden of proof that such notice was given shall be upon the party claiming under such corrected grant.

Applicable to Jackson and Macon counties.

SEC. 3. This act shall be in force from and after its ratification, and shall only apply to Jackson and Macon counties.

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1901.

## CHAPTER 506.

**An act to regulate the salary of the Treasurer of Buncombe County, North Carolina.***The General Assembly of North Carolina do enact:*

Chapter 233, Public Laws of 1899, relative to salary of Treasurer of Buncombe County, amended.

SECTION 1. That chapter 233 of the Public Laws 1899 be amended by striking out of section 1 of said chapter the following words, "one hundred dollars per month for each month," and inserting in lieu thereof the words "seventeen hundred and fifty dollars per annum."

Effective after first Monday in December, 1900.

SEC. 2. That this act shall operate from and after the first Monday in December, A. D. 1900, and 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. 1901.

## CHAPTER 507.

**An act to regulate the shipping of liquors into the counties of Buncombe and Madison.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any railroad company or common carrier to carry into the county of Buncombe or to deliver to any person, firm or corporation in Buncombe County any spirituous, vinous, or malt liquors or intoxicating bitters: *Provided*, that the provisions of this section shall not be so construed as to prevent any person, firm or corporation from shipping and delivering spirituous, vinous or malt liquors or intoxicating bitters to regular licensed liquor dealers doing business in the incorporated towns and cities of said counties.

Unlawful to ship liquor into Buncombe County.

Proviso as to shipping liquor to licensed dealers in incorporated towns.

SEC. 2. That it shall be unlawful for any railroad company or common carrier to ship or otherwise carry into the county of Madison or to deliver to any person, firm or corporation in Madison County any spirituous, vinous or malt liquors or intoxicating bitters: *Provided*, that the provisions of this section shall not be so construed as to prevent any person, firm or corporation from shipping and delivering spirituous, vinous or malt liquors or intoxicating bitters to regular licensed liquor dealers doing business in the incorporated towns and cities of said county.

Unlawful to ship liquors into Madison County.

Proviso as to shipping to licensed dealers.

SEC. 3. That the provisions of this act shall not apply to druggists where right to receive and sell liquors is regulated by law.

Provisions of act not applicable to druggists, where.

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

Penalty for violation of provisions of act.

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

Conflicting laws repealed.

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

In the General Assembly read three times, and ratified this the 9th day of March, 1901.

## CHAPTER 508.

**An act for the appointment of a Tax Collector for Randolph County.***The General Assembly of North Carolina do enact:*Commissioners  
authorized to  
appoint Tax Col-  
lector.

SECTION 1. That the Commissioners of Randolph County are hereby authorized and empowered, if in their discretion it shall be deemed advisable, to elect or appoint a special or general Tax Collector in and for said county to collect the taxes levied and hereafter to be levied.

Tax Collector,  
duties of.

SEC. 2. That the said general or special Tax Collector to be appointed under this act shall collect all taxes in said county levied upon the poll, and the *ad valorem* taxes upon the property, and all other taxes, licenses, forfeitures and penalties of every kind and nature usually collected by Sheriffs or Tax Collectors under the provisions of existing or future acts of the General Assembly.

Official bond.

SEC. 3. That the said Tax Collector shall enter into bond, to be approved by said Commissioners, in the same amount, way and manner as is now provided by law that such Tax Collectors or Sheriff shall give for the faithful performance of their duties, and to indemnify the county against loss. And the said Tax Collector shall be clothed with the same powers, perform the same duties and be subject to the same liabilities and penalties as general county Tax Collectors or Sheriffs appointed under the provisions of existing laws, regulating the collection of taxes.

Powers.

Settlement with  
County Treasurer.

SEC. 4. That the said Tax Collector shall pay over and settle with the Treasurer of the county on the first Monday of each month all moneys received by him by virtue of his office from whatever source during the preceding month.

Fees and Com-  
missions.

SEC. 5. That for his services the said Tax Collector shall receive the same fees or commission as is provided for Sheriffs or Tax Collectors by existing or future acts of the General Assembly for the collection of taxes.

Sale of real estate  
for taxes; time,  
place and manner  
of, tax deeds, etc.

SEC. 6. That the time, place and manner of the sale of real estate for taxes in said county shall be the same as that provided by the general laws for the sale of real estate for taxes by the Sheriff or other Tax Collectors, and such Tax Collector in making title to real estate thus sold is hereby clothed with all the powers enumerated in said general acts of the General Assembly regulating and providing for the sale of real estate for taxes, and which are now in force or which may hereafter be enacted; and the deeds, conveyances, certificates of such Tax Collector for real estate or the sale thereof shall have the same force and effect as similar deeds and certificates of Sheriffs or general



Tax Collectors in cases of sales of real estate for taxes, and the said Tax Collector shall also have all other remedies and rights in collecting said taxes as Tax Collectors or Sheriffs have under existing and future acts of the General Assembly.

SEC. 7. That the said Commissioners of Randolph County may elect said Tax Collector, if in their discretion they deem it advisable, at any time after the ratification of this act, whose term of office shall continue until the first Monday in December after the next general election.

Tax Collector,  
election of, and  
town officers.

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 9th day of March, A. D. 1901.

#### CHAPTER 509.

#### **An act to provide an additional Spring Term of the Superior Court for the county of Greene in the year 1901.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That a regular term of the Superior Court for the county of Greene shall be opened and held in said county on the eleventh (11th) Monday after the first (1st) Monday in March in the present year 1901, to continue for two weeks unless the business thereof be sooner disposed of.

Term of court for  
Greene County  
provided for.

SEC. 2. That the Secretary of State be and hereby is required to furnish a copy of this act within twenty (20) days after its ratification to the Judge holding the Courts of the Sixth Judicial District and to the Solicitor of said district, and a copy each to the Clerk of the Superior Court and the chairman of the Board of County Commissioners for Greene County.

Copy of act to be  
furnished certain  
officers.

SEC. 3. That thirty (30) days before the time for holding the said Court the chairman of said Board of Commissioners shall make publication of the same by advertisement to be posted at a public place in each township in said county or by advertisement in some newspaper published in said county.

Notice of term,  
how given.

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. 1901.

## CHAPTER 510.

**An act to make it unlawful for live stock to run at large in certain portions of Bladen County.***The General Assembly of North Carolina do enact:*

Unlawful for stock to run at large in certain portion of Bladen County, after January 1, 1901.

SECTION 1. That it shall be unlawful for live stock, that is horses, mules, jacks, mares, jennets, colts, hogs, cows, calves, sheep, goats and all other cattle and swine and geese, to run at large in that part of Bladen County lying on the southwest side of the Cape Fear River, after the first day of January, nineteen hundred and two.

Fence Commissioners, names and duties of.

SEC. 2. That John B. McFadyen, Dr. G. L. Clark and Frank Davis be and they are hereby appointed Fence Commissioners, and as such it shall be their duty to cause to be built as soon as practicable a fence as above contemplated, with suitable gates at every crossing of a public road and to keep the same in repairs: *Provided*, that no fence need be built where the stock law obtains in territory immediately contiguous in other counties and that no fence need be built along the Cape Fear River. The Fence Commissioners shall have the right and authority for the purpose of building said fence to enter upon the lands along the proposed route by themselves and those contracting to work for them; and for the right of way for said fence, a strip of land not exceeding fifteen feet in width may be condemned and used, and they may take from the land along the line of the fence enough of suitable timber as may be required to build and repair the fence: *Provided*, that an undue proportion shall not be taken from the land of any person.

Proviso.

Report of Commissioners, what to contain.

SEC. 3. Said Fence Commissioners shall at once choose one of their number as chairman and any two of them may act. It shall be their duty to report on the first Monday in June, nineteen hundred and one, the cost for building, or repairing, said fence; and it shall be their duty annually thereafter to report the cost of keeping and repairing said fence, and thereupon it shall be the duty of the Board of County Commissioners to levy a tax upon all real estate within said territory, sufficient to raise the required amount. Said tax shall be levied and collected as other county taxes, to be disbursed upon the order of said Fence Commissioners for the purpose contemplated by this act.

Special tax.

Impounding of stock.

SEC. 4. Any live stock as above defined that may be found running at large in said territory may be taken up, impounded and dealt with as provided in chapter twenty of The Code, volume two, entitled "Fences," and any person injuring the fence

or gates or leaving open the gates, or rescuing, releasing or impounding stock shall be guilty of a misdemeanor, and the provisions of chapter twenty, volume two, of The Code are hereby made applicable as far as may be to the above-described territory in the same manner as if it had been established under said chapter: *Provided, however*, that the punishment for all offences against this act and said chapter, volume two, of The Code so far as applicable to said territory, shall not in any case exceed a fine of fifty dollars or imprisonment for thirty days.

Penalty for injury to fence or gates, etc.

Chapter 20 of The Code, applicable.

Proviso as to limit of penalties.

SEC. 5. The said Fence Commissioners by this act shall hold their office as long as they shall faithfully perform the duties contemplated by this act until two years from the ratification of this act, and until their successors have been duly appointed and qualified, and upon any vacancy occurring by death or resignation or otherwise such vacancy shall be filled by the Board of Commissioners of Bladen County from qualified persons residing and living in said territory.

Term of office.

Vacancies, how filled.

SEC. 6. That the Fence Commissioners hereby appointed and all subsequent appointees shall before entering upon the discharge of their duties take an oath before some person qualified to administer oaths that they will faithfully and impartially perform the duties of their said offices.

Official oath.

SEC. 7. 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. 1901.

## CHAPTER 511.

### **An act to authorize the Commissioners of McDowell County to levy a special tax to build a bridge across Catawba River.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Commissioners of McDowell County may levy a special tax not exceeding ten cents on the hundred dollars worth of property, and not exceeding (30) thirty cents on the poll, annually on the first Monday in June, for three years, to-wit, nineteen hundred and one (1901), nineteen hundred and two (1902), nineteen hundred and three (1903), to build a bridge across Catawba River, at or near Jarrett's Ford, where the river divides the lands of Joe Craig and W. A. Conley, in said county.

Special tax levy, rate of, time of, etc.

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. 1901.

## CHAPTER 512.

**An act to prohibit the manufacture of spirituous and malt liquors, and to prohibit the sale of all intoxicating liquors in Cumberland County.**

*The General Assembly of North Carolina do enact:*

Unlawful to manufacture or sell intoxicating liquors in Cumberland County.

SECTION 1. That it shall be unlawful for any person to manufacture in Cumberland County any spirituous or malt liquors, or in said county, to sell, barter, exchange or dispose of in any manner, directly or indirectly, for gain, reward, or anything of value, any spirituous, vinous, malt or fermented liquors, brandy, peaches, bitters, or any liquor of any name or kind which is intoxicating: *Provided*, that any person may manufacture and sell wine and cider made from fruit raised on his premises where the same is not now prohibited by law.

Proviso.

Penalty for violation of provisions of this act.

SEC. 2. That any person violating the provisions of this act shall be guilty of a misdemeanor, and shall be imprisoned in the county jail, or the penitentiary, not exceeding two years, or fined not exceeding five hundred dollars, or both in the discretion of the Court.

SEC. 3. That any person who shall in any manner, directly or indirectly, aid, abet, encourage or assist any person in the violations of any of the provisions of section one above, shall likewise be guilty of a misdemeanor, and shall be punished as provided in section two.

United States license prima facie evidence of violation of act.

SEC. 4. That all indictments or prosecutions for the violations of this statute, proof that the defendant has since the passage of this act obtained a license from the United States, either to manufacture or sell liquor in said county of Cumberland, shall be *prima facie* evidence of the violation of this statute.

Question of prohibition to be submitted to voters, when.

SEC. 5. That at the next general election for members of the General Assembly the qualified voters of Cumberland County shall be allowed to vote on said question as provided by law.

Conflicting laws repealed.

SEC. 6. That all laws or parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Effective after July 1, 1901.

SEC. 7. That this act shall be in force from and after the first day of July, nineteen hundred and one.

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1901.

## CHAPTER 513.

**An act to quiet certain titles to lands, granted by the State within the county of Burke, prior to the destruction of the records of Burke County by General Stoneman in 1865.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That copies of grants issued by the State, within the county of Burke prior to the destruction of the records of said county by General Stoneman in 1865, shall be admitted in evidence in actions pending in all Courts in this State, when the same are duly recorded, and when the original grants are lost, destroyed or can not be found after due search, it shall be presumed that the same were duly recorded within the time prescribed by law, as provided upon the face of original grant.

Copies of certain grants in Burke County admissible in evidence.

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. 1901.

## CHAPTER 514.

**An act supplemental to an act to amend and consolidate the Union County Dispensary Law.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one of an act passed at the present session of the General Assembly of North Carolina entitled "An act to amend and consolidate the Union County dispensary law," be amended by adding thereto: "*Provided further*, that any person may manufacture wines or cider from blackberries or grapes or apples grown on his own premises, for his own use and the use of his family, but shall not sell the same in any manner whatever."

Act passed at this session of General Assembly relating to Union County Dispensary law amended.

SEC. 2. That the proviso to section 11 of said act be stricken out, and the following substituted therefor: "*Provided*, that each and every dispensary established under this act shall pay to the State a tax equal to the tax payable to the State on a licensed bar-room."

Proviso to Section 11 stricken out, relating to tax on dispensary, and substitute inserted.

SEC. 3. That the last section of said act be stricken out, and the following substituted therefor, after being properly numbered: "Section ... That this act shall be in force and effect

Last section stricken out and substitute inserted.

Certain provisions effective after September 1, 1901.

from and after its ratification except as to any of the provisions of this act relating to the manufacture of spirituous or fermented liquors, and as to all provisions of this act relating to the manufacture of such liquors, this act shall be in force from and after the first day of September, 1901: *Provided*, that the first proviso to section one, permitting owners of vineyards to manufacture and sell domestic wines, shall be in force after the ratification of this act."

Conflicting laws repealed.

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 the 9th day of March, A. D. 1901.

#### CHAPTER 515.

**An act to amend section seventy-two of The Code so far as applicable to the bond of the Clerk of the Superior Court of Currituck County.**

*The General Assembly of North Carolina do enact:*

Section 72 of The Code, relative to clerk's bond, amended, so far as applicable to Currituck County.

SECTION 1. That section seventy-two of The Code be and the same is hereby amended by adding at the end of said section the following: "*Provided*, that the Clerk of the Superior Court for the county of Currituck, shall not be required to give bond in a larger penalty than the sum of five thousand dollars; unless the moneys or funds coming into the hands of said Clerk by order of the Court or otherwise, by virtue of his office as Clerk, shall at any time exceed in the aggregate one-half the penalty of his bond; and then in that case he shall within twenty days file with the clerk of said Board of County Commissioners a good and sufficient bond, duly executed, and justified as required by law, of like conditions as already prescribed and in a penalty double the amount of said funds though not exceeding ten thousand dollars.

Relative to clerk giving justified bond.

SEC. 2. That this act shall not be construed to modify or repeal any provisions of laws whereby the County Commissioners are authorized at any time to require said Clerk to justify or renew his bond whenever necessary.

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, A. D. 1901.



## CHAPTER 516.

## An act to establish a dispensary for the town of Mayodan, N. C.

*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 Mayodan, in the county of Rockingham, State of North Carolina, or within two miles of the town limits, except as hereinafter provided, and anyone violating this section shall be guilty of a misdemeanor, and upon conviction shall be fined a sum not less than fifty dollars, or compelled to work on county road of Rockingham not less than thirty days, or both; and any person or persons who shall produce evidence sufficient for conviction under this section shall become entitled to twenty per centum of the fine imposed and collected.

Unlawful to sell intoxicating liquors in town of Mayodan, or within two miles of same.

Penalty.

SEC. 2. That the Town Commissioners of the town of Mayodan shall on the first Friday of May, nineteen hundred and one, elect three good and true men who shall constitute the Dispensary Board of the town of Mayodan, whose term of office shall begin on the first day of June, nineteen hundred and one. The members of said Dispensary Board shall hold their office respectively for one, two and three years, the said Town Commissioners designating at the time of election the respective term of office of each member of the Dispensary Board, each of whom shall continue in office until the election of his successor; and vacancies occurring by expiration of term of office shall be filled by said Board of Town Commissioners, who shall elect for a term running one year beyond the longest existing term of the said members of Dispensary Board, and any vacancy occurring in any other way shall be filled by the said Dispensary Board for the remaining unexpired term. The said Dispensary Board before entering upon the duties of their office shall make oath that they will faithfully and truly carry out to the best of their ability all the provisions of this act, and the resident judge of the district may remove any of the members of said Dispensary Board when it shall be made to appear that he has violated his oath or been guilty of malfeasance; and the said members of the Dispensary Board shall be paid for their services such sum as the Board of Town Commissioners shall determine, which shall not be less than twenty-five each per annum.

Dispensary Board, election of, term of office.

Official oath.

Removal from office.

Compensation.

SEC. 3. The said Dispensary Board on the first day of July, nineteen hundred and one, or as soon thereafter as possible, shall establish one dispensary in said town, to be located on one of the

Establishment of dispensary, by whom, when and where.

Manager, election of, qualifications and duties.	principal streets, for the sale of spirituous, vinous and malt liquors, and there shall be no prosecution under this act for the sale of liquor until after said first day of July, nineteen hundred and one. 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 the said Dispensary Board, and who will hold said position of manager at the pleasure of said Dispensary Board. The said
Assistants.	Dispensary Board may appoint such assistants or clerks as they may deem necessary, and may discharge them at pleasure with-
Bond of manager.	out notice. The said manager shall be required to give bond payable to the town of Mayodan in such sum as the Dispensary Board may determine, not less than one thousand dollars, conditioned upon the proper accounting for all moneys that may come into his hands of his office as manager as prescribed in this act and in the rules and regulations of said Dispensary Board,
Salary.	and said manager shall receive such salary or compensation as may be fixed by said Dispensary Board, which, however, shall never depend upon the amount of sales. The said board may
Bonds of clerks.	likewise require bonds payable as aforesaid and in amount as they may deem proper from such clerks or assistants as they may
Register, contents of.	employ. It shall be the duty of the manager to keep a register on which shall be kept a record of the names of persons to whom any liquors are sold, the kind and quantity sold, price paid, and date of sale.
Stock of liquors.	SEC. 4. The manager shall and at all times keep under the supervision of the said Dispensary Board a stock of spirituous, vinous and malt liquors in such quantities as the Dispensary
Bills, by whom paid.	Board shall direct. All bills incurred for the establishment and maintenance of the dispensary, and the purchase of stock from time to time shall be paid by the Treasurer of the town of Mayo-
Sales, terms of.	dan upon presentation of such bills, approved in writing by a majority of the Dispensary Board. Said manager shall sell only
Settlement of receipts and account of same.	for cash and shall turn over all moneys received by him to the Treasurer of the town on Mondays of each week, or such time as may be ordered by the Dispensary Board, who shall keep a separate account of the same.
Appropriation for establishment of dispensary.	SEC. 5. The Mayor and Board of Town Commissioners shall appropriate from the Public Treasury a sufficient amount, not to exceed seven hundred dollars, to establish a dispensary as pro-
How repaid.	vided for in this act, which amount shall be repaid into the Town Treasury from the profits of said dispensary, and thereafter the
Support and maintenance of dispensary.	dispensary shall be supported and maintained out of the profits arising out of the sales in the dispensary: <i>Provided</i> , that said

Mayor and Board of Town Commissioners shall be authorized and are hereby required to appropriate at any time such sums as shall be necessary to keep the dispensary in operation. If for any reason there should be no money in hand to establish and maintain said dispensary, said Mayor and Board of Town Commissioners are hereby authorized and empowered to borrow a sufficient amount of money, not to exceed seven hundred dollars, to establish said dispensary, or to levy and collect taxes sufficient for that purpose.

Power to negotiate loan to establish dispensary.

SEC. 6. Said Dispensary Board shall make from time to time rules and regulations for the operation of said dispensary; the quantity to be sold to any one person to be determined by them, but in no event shall wine or liquors be sold in less quantity than one-half pint and none shall be opened or drunk by any purchaser in the building, or on the premises where the dispensary is established, nor shall any liquors be sold to any person known to the manager or his assistants to be an habitual drunkard, to minors or persons intoxicated, except upon the prescription of a regular licensed physician. The dispensary shall not be opened before sunrise and shall be closed at sunset, and it shall be closed on Sundays, election days, and such other days, and under the same circumstances as make the sale of liquors unlawful under the laws of this State: *Provided, nevertheless*, that upon the written prescription of a regularly licensed physician for a *bona fide* patient, the manager or assistant may enter at any time the dispensary, fill the prescription and deliver to the applicant on the outside of said dispensary.

Rules and regulations.

Proviso as to physicians' prescriptions.

SEC. 7. The manager of said dispensary or his assistants shall sell to no person or persons any spirituous, vinous or malt liquors except in sealed packages, and he shall not keep any broken packages in said dispensary; but he may be allowed to open barrels and fill bottles therefrom: *Provided*, bottles thus filled are sealed at once, also barrels from which they are filled are resealed, and whenever any original packages are broken they shall be at once bottled and sealed. Said manager shall make a monthly report to the Dispensary Board, showing the amount of sales for the preceding month, and stock on hand on the last day of the month, together with amounts of stock purchased, kind purchased and from whom purchased.

Liquor to be sold in sealed packages.

Broken packages.

Proviso as to sealing of bottles.

Monthly report of manager.

SEC. 8. The said Dispensary Board shall cause an inspection and analysis to be made of the stock on hand from time to time by a competent chemist, and no vinous or malt liquors shall be sold in said dispensary not well known in the market as pure and unadulterated, and the Dispensary Board are required to

Inspection and analysis of stock

Analysis of wines and malt liquors.	have wines and malt liquors analyzed from time to time, to determine whether they are pure as represented. The Dispensary Board shall require of said manager to sell only pure and unadulterated liquors. If any spirituous, vinous, or malt liquors are condemned by the chemist making the analysis as impure or unwholesome, such liquors shall not be sold by the manager and payment for the same shall be refused to the person from whom such liquors were purchased.
Relative to impure liquors.	
Penalty for procuring liquors other than directed, or for adulterating same, or for false entries in books.	SEC. 9. If the manager or his assistants shall procure any liquors from any person, persons, firm or corporation other than those that the Dispensary Board shall direct, and offer the same for sale or shall adulterate or cause to be adulterated any intoxicating, spirituous, vinous or malt liquors by mixing with coloring matter or any drug or ingredient whatever, or shall mix the same with water or with other liquors of different kind or quality or to make a false entry in any book or return required by this act, he shall be guilty of a misdemeanor.
Loading on premises.	SEC. 10. The manager of the dispensary shall not allow any person or persons to either loiter in or about the dispensary and the premises on which it is situated, and for a failure to comply with this section he shall be removed by the Dispensary Board, and any person refusing to leave the dispensary and the premises on which it is situated shall be punished upon conviction in the Mayor's Court as shall be prescribed by the ordinances of said town.
Penalty for refusal to leave dispensary after being ordered.	
Penalty for distributing liquors within boundaries described.	SEC. 11. Any person or persons, firm or corporation who shall order for distribution or distribute to any person or persons, firm or corporation, either for consideration or without charge or as a gift any vinous, spirituous or malt liquors within the limits prescribed by this act shall be guilty of a misdemeanor and upon conviction shall be fined by the Mayor the sum of fifty dollars or sentenced to the county roads for thirty days, and the last clause of section one of this act shall apply to this section: <i>Provided</i> , this section shall not apply to liquors purchased at the dispensary.
Proviso.	
Annual report of Dispensary Board, contents of.	SEC. 12. The Dispensary Board shall make an annual report to the Mayor and Town Commissioners of the town of Mayodan, showing in detail the amount of money expended in the purchase of liquors, to whom paid, the amount of money realized from the sale of liquors, the expense of the said dispensary, salaries paid to manager and assistants, Dispensary Board, and all other moneys expended on account of dispensary and moneys received on account thereof.

SEC. 13. All books required to be kept by the manager of the dispensary shall be open to the inspection of the public.

SEC. 14. That the Dispensary Board shall pay to the Sheriff of Rockingham County a sum equal to the tax limit by the county and State for retail dealers of spirituous liquors, for which the Sheriff of said county shall issue to the manager of "Mayodan Dispensary" a license to sell liquors under this act without first requiring from the Commissioners of Rockingham County an order to issue said license.

Dispensary  
license tax.

SEC. 15. That all laws and clauses of laws in conflict of [with] the provisions of this act are hereby repealed: *Provided*, that this act shall not be construed so as to repeal any prohibitory laws already in force, and section three thousand one hundred and eleven of The Code shall not apply to this act.

Conflicting laws  
repealed.  
Proviso as to  
repeal of prohibi-  
tory laws, etc.

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

SEC. 17. *Provided*, that nothing in this act shall in anywise effect the sale of spirituous, vinous, malt or intoxicating liquors within the incorporate limits of Madison in Rockingham County.

Proviso as to sale  
of intoxicating  
liquors in Madis-  
son.

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1901.

## CHAPTER 417.

### An act to regulate hunting in Transylvania 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 partridges, quail, pheasants or other birds on or over any cultivated or enclosed land in Transylvania County, without the written permission of the owner or some one legally authorized to give such permission: *Provided*, the term enclosed shall not be construed to apply to lands now under the stock law fence, which were not enclosed prior to the establishment of such stock law boundary.

Unlawful to hunt  
partridges, quail,  
pheasants or  
other birds on  
cultivated or  
enclosed lands in  
Transylvania  
County, without  
written permis-  
sion of owner or  
agent.  
Proviso.

SEC. 2. That any persons violating the provisions of this act shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than five dollars.

Violation a mis-  
demeanor.  
Penalty.

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

Effective from  
ratification.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1901.

## CHAPTER 518.

## An act to amend Chapter 348 of the Public Laws of 1899

*The General Assembly of North Carolina do enact:*

Section 1, Chapter  
348, Public Laws  
1899, relating to  
Mulberry Gap  
road, amended.

SECTION 1. That section 1 of chapter 348 of the Public Laws of 1899 be and the same is hereby amended so as to hereafter read as follows: "That James L. Pendry of the county of Ashe, E. M. Absher, of the county of Wilkes, and R. L. Doughton, of the county of Alleghany, be and are hereby appointed a Board of Road Supervisors for the road described in this act; said Board of Supervisors shall hold office for a term of four years from April 1, 1901. Any two of said Supervisors shall constitute a quorum and have power to transact any business required of them by this act. The portion of road, embraced in the provisions of this act, shall begin on the top of the Blue Ridge near W. F. Ward's in the line of Alleghany and Ashe counties, and run to Shade F. Brown's, in the county of Wilkes. In case of the death or resignation of any member of said board, such vacancy shall be filled by the County Commissioners of the county in which said vacancy shall occur at their first regular meeting after they shall have been notified of the vacancy by the surviving members of said board.

Section 2,  
amended.

SEC. 2. That section two of said act be amended by striking out all of said section down to the words "said Supervisors," in line four.

Section 3,  
amended.

SEC. 3. That section three of said act be amended by striking out in line three of said section, the words "near the top of the Blue Ridge Mountain," and by adding to the end of said section these words, "that the Board of Supervisors may sue upon said bond for any breach thereof, and such action may be brought in either of the foregoing counties."

Section 6,  
amended.

SEC. 4. That section six of said act be amended by striking out in line two of said section the words "at least once a month," and inserting in lieu thereof, "once every three months or oftener if required by the Supervisors," and by striking out all after the word "received," in line four of said section, and inserting the following, "the Board of Supervisors shall report to the Board of Commissioners of each of said counties once each six months, and oftener if required by said Board of Commissioners, the amount received from said toll gate, during the period for which said report was made, and give an itemized statement of receipts and disbursements. Said report shall be made under oath and must state the number of days served by each member.



SEC. 5. That section ten of said act be amended by adding to the end thereof the following, "that said Board of Supervisors shall have power to modify and change the aforesaid rates, and may if they think just exempt persons traveling over certain sections of said road, from the payment of toll." Section 10,  
amended as to  
toll rates.

SEC. 6. That section eleven of said act be amended by adding to the end thereof the following, "and it shall be unlawful for any person or persons to construct or use any road or passway leading around the toll gate established or in use, or which may be established under the provisions of this act, with intent to evade the payment of toll, and any person so offending shall be guilty of a misdemeanor and punished by a fine of not more than twenty-five dollars, or imprisoned not more than thirty days, in the discretion of the Court, for each and every offense." Section 11,  
amended.

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

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1901.

## CHAPTER 519.

### **An act to require complaint to be served with summons in quo warranto proceedings.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That all suits brought by a private relator, upon the leave of the Attorney-General, to try the title to an office shall be brought, and a copy of the complaint served on the defendant, within thirty (30) days after the induction of the defendant into the office to which the title is sought to be tried. Complaints in  
quo warranto  
proceedings to be  
filed, when.

SEC. 2. That when it shall appear from the papers in the cause, or otherwise be shown to the satisfaction of the Court that the summons and complaint have not been served within thirty days, it shall be the duty of the Judge upon motion of defendant to dismiss the action at any time before the trial at the cost of the plaintiff. Action when dis-  
missed at cost of  
plaintiff.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

## CHAPTER 520.

**An act to create Saluda Township and to enlarge Tryon Township in Polk County.**

*The General Assembly of North Carolina do enact:*

**Saluda Township created, from what. Boundaries defined.**      **SECTION 1.** That a new township to be called Saluda Township is hereby created in the county of Polk, to be taken from Tryon Township, and bounded as follows: Beginning at the corner of Columbus and White Oak Townships, and the corner of Tryon and Saluda precincts, on the north side of Tryon Mountain, and runs with the Tryon and Saluda precinct line to the southeast corner of the Burwell Pace estate in the State line of North Carolina and South Carolina; thence west with said line to the Henderson County line; thence north with said county line to the White Oak Township line; thence with said line to the beginning.

**Justices of the Peace named.**      **SEC. 2.** That B. T. Boone, E. Buncombe Goelett, John S. Johnson and H. E. Bradley are hereby appointed Justices of the Peace for Saluda Township, to hold their office respectively for a term of six years, from and after the ratification of this act, and that all persons now acting as Justices of the Peace within the boundary of the said Saluda Township shall continue to act as such for Saluda Township till their respective terms of office shall expire according to law.

**Tryon Township enlarged. Dividing line described.**      **SEC. 3.** That Tryon Township in the county of Polk be and is hereby enlarged out of a part of Columbus Township, and the dividing line shall be as follows: Beginning at J. H. Sullivan's southeast corner in the State line of North and South Carolina and runs northwest, crossing Pacolet River at the mouth of Keller's Branch; thence up said branch to the Tryon and Columbus Road; thence southwest with said road to Constant and Eagle's line; thence west with said line to Skyuka Creek; thence a degree line crossing Tryon Mountain to the corner of Saluda Township.

**Justices of the Peace named.**      **SEC. 4.** That H. E. Markham, J. C. Fisher, F. A. Thompson and John M. Mills are hereby appointed Justices of the Peace for the said Tryon Township, and that all persons now acting as Justices of the Peace within the boundary of the said Tryon Township shall continue to act as such for Tryon Township till their respective terms of office shall expire according to law.

**Townships to have such rights as other townships.**      **SEC. 5.** That the said townships shall have all the rights, powers and privileges now granted to the townships by law.

**SEC. 6.** 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. 1901.

## CHAPTER 521.

**An act to amend Chapter 90 of the Public Laws of 1895 and Chapter 524 of the Public Laws of 1897, relative to the public roads in Madison County.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That section seven (7) of chapter ninety (90) of the Public Laws of 1895 be amended as follows: Strike out all after the word "of" and before the word "shall" in line one (1) of said section and insert in lieu thereof the words "County Commissioners of Madison County," strike out the word "township" in line two (2) of said section and insert in lieu thereof the word "county," strike out all after the word "roads" in line three (3) of said section and before the word "shall" in line four (4) of said section, strike out all after the word "roads" in line five (5) of said section and before the word "provided" in line six (6) of said section and add at the end of said section the following: "It shall be the duty of the said Board of County Commissioners of Madison County, at their first meeting after the ratification of this act, to classify the roads in the several townships in said county in accordance with the provisions contained in sections two (2) and three (3) of chapter 90 of the Public Laws of 1895 and amended by chapter 524 of the Public Laws of 1897."

Section 7, Chapter 90, Laws of 1895, relating to the public roads of Madison County, amended.

SEC. 2. That section eight (8) of said chapter be amended as follows: Strike out all after the word "shall" and before the word "their" in line two (2) of said section and insert the following, "At;" strike out all after the word "meeting" in line two (2) of said section and before the word "proceed" in line three (3) of said section and insert the following, "after the ratification of this act;" strike out the word "classify" in line four (4) of said section and insert the following, "divide," and add after the word "county" in line four (4) of said section and before the word "and" in line five (5) of said section the following, "into proper sections."

Section 8, amended.

SEC. 3. That section nine (9) of said chapter be amended as follows: Add after the word "roads" and before the word "shall" in line one (1) of said section the following, "nor amendments thereto." Add after the word "given" and before the word "by" in line two (2) of said section the following, "at the court-house door in said county;" add after the word "townships" and before the word "for" in line three (3) of said section the following, "to be effected," and add at the end of said section the following, "or amendments thereto."

Section 9, amended.

Section 10,  
amended.

SEC. 4. That section ten (10) of said chapter be amended as follows: Strike out the word "Supervisors" in line two (2) of said section and insert the following, "County Commissioners;" and add at the end of said section the following, "or amendments on existing roads."

Section 12,  
amended.

SEC. 5. That section twelve (12) of said chapter be amended as follows: Add after the word "road" and before the word "and" in line three (3) of said section, the following "or amendments to existing roads;" strike out the word "Supervisors" in line three (3) of said section and insert the following, "County Commissioners;" strike out all of said section after the word "person" in line five (5).

Section 13,  
amended.

SEC. 6. That section thirteen (13) of said chapter be amended as follows: Strike out the word "Supervisors" in line one (1) of said section and insert the following, "County Commissioners;" add after the word "the" and before the word "public" in line two (2) of said section the following, "laying out, establishing, constructing and amending the;" strike out all after the word "in" and before the word "they" in line three (3) of said section and insert the following, "said county;" strike out the word "they" in line three (3) of said section and insert the following, "the Board of Supervisors in the several townships."

Section 14,  
amended.

SEC. 7. That section fourteen (14) of said chapter be amended as follows: Strike out all after the word "the" and before the word "shall" in line one (1) of said section and insert the following, "County Commissioners;" strike out all after the word "shall" in line one (1) of said section and before the word "their" in line two (2) of said section and insert the word "at;" strike out all after the word "meeting" and before the word "proceed" in line two (2) of said section and insert the following, "after the ratification of this act;" strike out the word "boards" in line five (5) of said section and insert the following, "Commissioners;" and add to the end of said section the following proviso, "*Provided further*, that no road shall be either discontinued or amended except upon petition and public notice in the manner as provided for in section three (3) of this act.

Section 15,  
amended.

SEC. 8. That section fifteen (15) of said chapter be amended as follows: Insert after the word "report" and before the word "to" in line three (3) of said section the following, "under oath or affirmation."

Section 16,  
amended.

SEC. 9. That section sixteen (16) of said chapter be amended as follows: Strike out all after the word "the" and before the word "Superior" in line two (2) of said section.

Section 17,  
amended.

SEC. 10. That section seventeen (17) of said chapter be amended as follows: Strike out the word "Criminal" in line four (4) of

said section and insert the following, "Superior;" strike out all after the word "county" and before the word "shall" in line five (5) of said section.

SEC. 11. That section eighteen (18) of said chapter be amended as follows: Strike out the [word] "Criminal" in line three (3) of said section and insert the following, "Superior;" strike out all after the word "county" and before the word "shall" in line four (4) of said section and insert after the word "dollars" and before the word "in," in line five (5) of said section the following, "nor more than fifty dollars (\$50)."

Section 18,  
amended.

SEC. 12. That section twenty-three (23) of said chapter be amended as follows: Insert after the word "Supervisors" and before the word "the" in line three (3) of said section the following, "under oath or affirmation."

Section 23,  
amended.

SEC. 13. That section thirty (30) of said chapter be amended as follows: Strike out all after the word "townships" in line two (2) of said section and before the word "such" in line four (4) of said section.

Section 30,  
amended.

SEC. 14. That sections thirty-six (36), thirty-seven (37), thirty-eight (38) and thirty-nine (39) be amended as follows: Strike out all of said sections and insert the following, "any person or persons, company or corporation who shall damage any public road, bridge or causeway by hauling lumber or logs or minerals or any substance taken from mines thereon and shall not repair the damages done thereto within five (5) days after being notified of said damages by the overseers of said road or by any member of the Board of Supervisors of the township in which said damaged road is situated, shall be guilty of a misdemeanor and on conviction shall pay a fine of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00) or be imprisoned not exceeding thirty days: *Provided*, if any person shall pay the damages as assessed against him by the overseer or Board of Supervisors or any member of the Board of Supervisors of the township in which said damaged road is situated the payment of said damages shall be a complete bar to any criminal prosecution under this act, and if any criminal prosecution shall have been commenced prior to the payment of said damages, all further proceedings in said criminal action may be ended by the defendant paying the cost necessarily incurred in said criminal prosecution and satisfying the Court that said damages and all proper costs have been paid.

Section 36,  
amended.

SEC. 15. That section forty (40) of said chapter be amended as follows: Strike out the word "eight" in line two (2) of said section and insert the following, "ten."

Section 40,  
amended.

Section 41,  
amended.

SEC. 16. That section forty-one (41) of said chapter be amended as follows: Strike out the word "Supervisors" in line two (2) of said section and insert the following, "Commissioners."

Section 42,  
amended.

SEC. 17. That section forty-two (42) of said chapter be amended as follows: Strike out the word "Criminal" in line five (5) of said section and insert the following, "Superior," and strike out all after the word "county" in line five (5) of said section and before the word shall in line six (6) of said section.

Section 1, Chapter  
524, Public Laws  
of 1897, amended.

SEC. 18. That section one (1) of chapter 524 of the Public Laws of 1897 be amended as follows: Strike out section one (1) of said chapter.

Section 2, Chapter  
524, Public Laws  
of 1897, amended.

SEC. 19. That section two (2) of said chapter be amended as follows: Strike out all after the word "ten" in line six (6) of said section.

Section 3, Chapter  
524, Public Laws  
of 1897, amended.

SEC. 20. That section three (3) of said chapter be amended as follows: Strike out all after the word "nine" in line six (6) of said section.

Fines and penal-  
ties, to whom  
paid and for what  
used.

SEC. 21. 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 issued by him in repairing the damages for which said fines or penalties were imposed and collected.

Record of fines  
and penalties.

SEC. 22. The chairman of the Board of Supervisors in the several townships in Madison County shall keep a book in which he 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 chapter ninety (90) of the Public Laws of 1895, 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. This report shall be made under oath or affirmation.

Conflicting laws  
repealed.

SEC. 23. That all laws and clauses of laws in conflict with this act be and the same 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 the 9th day of March, A. D. 1901.



## CHAPTER 522.

**An act to improve the public highways and streets of Gastonia Township  
Gaston County.***The General Assembly of North Carolina do enact.*

SECTION 1. That the Board of Commissioners of Gaston County be and hereby are directed, and for the purposes herein contained, are fully empowered and authorized to submit to a vote of the qualified voters and electors of Gastonia Township in Gaston County, on the first day of August, 1901, the question and issue, shall Gastonia Township, in the county of Gaston and State of North Carolina, issue seventy-five thousand dollars of its bonds with interest coupons attached, to repair, make and improve the public roads and streets of said township. And the said Board of Commissioners, for at least thirty (30) days prior thereto, shall give public notice of said election, and the purpose thereof, by publication in the Gastonia Gazette, a newspaper published in said township.

Question of bonds to be submitted to voters.

Election, notice of.

SEC. 2. That said election shall be held and conducted in form and manner prescribed by the general law of the State for holding elections for members of the General Assembly: *Provided*, that said Board of Commissioners shall appoint the registrars or registrar of elections, and the judges and inspectors of election, and any other election officer or officers, or prescribe the plan of voting, and do any other thing necessary and incident to said election. And registration and challenge of voters shall be conducted in like manner as is provided in the election of members of the General Assembly. And the said Commissioners may or may not order new registration for said election. The votes shall be counted at the close of the polls, and returned to the said Board of Commissioners on Monday next after said election, and the Commissioners shall tabulate and declare the result of said election, which shall be recorded in the minutes of the Board of County Commissioners, and no other recording or declaration of the result of the election shall be necessary.

Election, how held.

Count of votes.  
Returns.

Declaration of result.

SEC. 3. That at said election the ballots tendered and cast by the qualified electors shall have printed upon them in black letters on white paper free from any device or mark, the words "For Good Roads" or "Against Good Roads." All qualified electors who favor the issue of said bonds shall vote "For Good Roads." All qualified voters who oppose the issue of said bonds, shall vote "Against Good Roads."

Ballots, description of.

Bond issue, trustees of named.

Duties and powers of.

Interest, rate of, when paid.

Maturity of bonds.

Bonds, how signed, etc.

Warrants, on fund, how drawn and by whom paid.

Bonds, disposed of.

Engineer, employment of, duties.

Supervision of work, etc.

SEC. 4. In the event that a 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, S. N. Boyce, John F. Love and T. W. Wilson, who are hereby elected joint trustees and special treasurer for that purpose, shall have prepared and issued bonds in denominations not exceeding five thousand nor less than one hundred dollars each; the total amount not to exceed that provided in the first section of this act, and the said bonds shall bear interest at a rate not exceeding 5 per cent per annum, with interest coupons attached, not payable oftener than semi-annually on the first day of January and of July, during their running, and the principal thereof shall be payable or redeemable at such time or times, not exceeding forty years from the date of this issue, as the said board of special trustees as above may determine, and said bonds and coupons shall be paid at such place, and manner in Gastonia Township, as the said trustees may determine. The said bonds and coupons shall be signed by the chairman of the Board of County Commissioners, and countersigned by the clerk of said Board of Commissioners, and said bonds shall have upon them the seal of said county.

SEC. 5. That warrants on said fund arising from the sale of said bonds in the hands of said trustees as above, shall be drawn on said trustees by the chairman of the Board of County Commissioners, duly countersigned by the clerk of the Board of County Commissioners and the same shall be paid by S. N. Boyce, J. F. Love and T. W. Wilson, special trustees and treasurer, in same form and manner as if the fund was in the hands of the County Treasurer of Gaston County except as hereinafter provided, and said special trustees and treasurer shall receive the same fees for receipts and disbursements as is allowed by law to the County Treasurer. It shall be the duty of S. N. Boyce, J. F. Love and T. W. Wilson, trustees, to dispose of said bonds by sale, for a price not less than their face or par value, to safely keep such fund in accordance with the provisions of this act. That said trustees shall have the power, and are hereby charged with the duty of employing a competent engineer to properly survey and locate the improvements in said street or roads, or in opening new streets and highways; to employ some competent person to represent said trustees and the township of Gastonia, whose duty it shall be to remain with the construction force of the township, and to see that the work is carried on according to the survey and specifications. And with respect as to how said work is to be done, and its character, the Township Supervisor, his

agent, or the representative of the county under the general road law for Gaston County, shall be subject to the supervision of the representative of said trustees, and the person or persons so employed shall be paid out of the fund in the hands of the trustees arising from the sale of said bonds. That if upon the written recommendation of the representative of the trustees in the construction of said streets and highways to said trustees that the work thereon was not being done according to survey and specifications, it shall be the duty of said trustees to immediately notify the county officers, Supervisor, or other person in the construction of said work, in writing of said defective work, or inadequate, or inaccurate construction, and said trustees shall not be liable for any work, labor, or material thereon; and said notice so given shall be notice to all persons, and said work shall be stopped, and the chairman of the Board of County Commissioners shall not draw nor sign any warrant, order, or check on said trustees after said notice has been given under penalty of five hundred dollars, to person suing for the same. That the authority to build, improve, and locate said streets and highways is vested solely in said trustees, except one-fourth of said amount of proceeds of the sale of said bonds shall be expended on the public streets of the city of Gastonia, and the municipal authorities thereof shall have charge of such work and construction subject to the same restrictions and provisions and powers vested in the trustees as heretofore mentioned, and applying in other parts of the township. That said trustees in their representative capacity, have the right to sue and defend actions to employ counsel and experts in the discharge of their duties and to pay for the same out of the fund in their hands. That the matter of the location and extent of the improvements shall be solely in the discretion of the trustees, and in any part of said township.

SEC. 6. In the event of the death or resignation of any of said trustees, his or their successor shall be chosen by the remaining trustee or trustees and the chairman of the Board of County Commissioners, on the following first Monday in the month next succeeding said resignation, removal, or death. Said trustees shall make and execute in the presence of the Clerk of the Superior Court of Gaston County with his certified jurat a joint and several bond to the county of Gaston, in the sum of one hundred and fifty thousand dollars, and conditioned upon the faithful performance of their duties.

SEC. 7. When said work shall have been completed, said trustees may apply to the Superior Court of Gaston for their dis-

Defective work.

Notice of and effect of notice.

Penalty for warrant or order on trustees after notice.

Authority to locate and improve streets, etc., in whom vested.

Powers of trustees.

Vacancies on Board of Trustees, how filled.

Official bond.

Final settlement and discharge of trustees.

charge, and if the Court deems it proper, it may after hearing the matter order the trustees discharged, and that the books and accounts together with all cash on hand be turned over to the Treasurer of Gaston County, who may assure the payment and collection of the special tax and retirement of the bonds as required in this act.

Powers of trustees to act separate from county authorities.

SEC. 8. That the said S. N. Boyce, J. F. Love and T. W. Wilson, trustees, may act entirely separate, independent of, and apart from the county authorities and the officers thereof, or the authorities of the city of Gastonia, in the construction of said highways and streets, or the improvement thereof, and they, the said S. N. Boyce, J. F. Love and T. W. Wilson, trustees, are hereby fully

To employ hands, etc., and pay same, and make contracts.

empowered to employ such force of hands as they may deem sufficient, together with competent engineer, foreman, or superintendent, and construct and repair said streets and highways, or may make and assign contracts to persons or corporations for such improvements, construction, repairs: *Provided*, that in the event that the trustees shall let or lease any contract for construction or repair of any street or highway to any person or corporation, such person or corporation shall give to said trustees a

Bond for performance of contract.

justified bond in the sum of double the amount of said contract of repair or construction, and conditioned upon the exact and faithful performance of their contract, according to plans and specifications, and subject to the approval of the engineer of said trustees in charge of said construction: and that in this event, the trustees may employ an attorney to draw said contracts for repairing or constructing said streets and highways, and for subletting said work, for contracts of hire or labor, and material furnished, and in all respects to represent said trustees whenever in their opinion the same may be necessary, and pay for the same out of said fund arising from the sale of said bonds. And all money paid to laborers, contractors, material men, in the event the trustees shall decide to construct, or improve said streets and highways, shall be on recommendation of the engineer in charge of the work, and addressed to the chairman of the Board of County Commissioners, audited and recommended by John F. Love or his successor, in the form and word "Approved" endorsed on said voucher, and the chairman of the Board of County Commissioners shall sign his check or order therefor, and countersigned by the clerk of said Board of County Commissioners, and drawn on said trustees, and the same shall be paid.

Attorney, employment of.

Payment of funds, how recommended, audited, etc.

Purchase of books, etc.

SEC. 9. That S. N. Boyce, J. F. Love and T. W. Wilson may purchase such books, ledgers, checks, receipts, stamps and vouchers as may be necessary in the proper administration of their offices, and pay for the same out of the fund in their hands.

SEC. 10. That said bonds and coupons signed and sold as aforesaid shall be styled Gastonia Township Road Bonds, issued as such and liable to the payment thereof, with interest represented by the coupons as aforesaid and any other interest on bonds or coupons shall be attached to and imposed upon the political division of said county known as Gastonia Township, as constituted at the time of the aforesaid election hereinbefore provided for. If any holder of the said bonds or coupons shall bring suit on account of the same, said action shall be against the Board of Commissioners of Gaston County and the trustees mentioned herein, and if any holder of such bonds shall recover judgment of said Board of Commissioners, said political division known as Gastonia Township and that part of the town now embraced in said township shall be liable for any recovery or judgment so obtained, and levies of taxes for the payment of said bonds and coupons and accruing interest upon either, and costs and judgments concerning or about the same, shall be made by proper tax levies upon property and subjects of taxation, within the territorial limits of said township, as constituted at the time of aforesaid election. And said Board of Commissioners may bring and maintain any such action, suit, or proceeding touching said bonds or in respect thereto, as they might do if said bonds were issued by them for the whole of the county of Gaston.

Bonds, description of.

Suit on bonds, against whom brought.

Judgments, how paid.

Power of Commissioners to bring suit.

SEC. 11. That in case the result of said election shall be in favor of issuing bonds as aforesaid, the said Board of Commissioners of Gaston County shall levy annually on the first Monday of June of each year a special road tax for Gastonia Township in said county of twenty-five cents on the one hundred dollars worth of property, and seventy-five cents on each poll, the subjects of taxation and the 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 to be limited to said township. The taxes so levied shall be collected as other taxes, and paid to the trustees herein aforesaid, 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 said trustees 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 in the office of the Register of Deeds of Gaston County, and spread on the minutes of the Board of Commissioners of Gaston County.

Special tax levy, when and how made, rate of, how collected.

Taxes used for sinking fund and payment of interest.

SEC. 12. That said trustees shall use the funds derived from the sale of said bonds for the purpose of constructing, and im-

Funds, for what used.



proving the roads and streets of said township, and for such purpose they may establish and maintain a chain-gang and work persons convicted of crime and sentenced by a court or courts of said township to terms of penal servitude on said public roads; may purchase tools, machinery, appliances, material, stock, and all other things whatsoever deemed by them necessary for the purpose of working convicts or hired free labor on the public roads in said township.

Roads, how constructed.

Sec. 13. That the road beds in said township constructed, prepared, or worked under this act shall not be less than thirty nor more than ninety feet wide, at least twelve feet of which shall be macadamized as soon as expedient, and the whole of which shall be made as straight as practicable, and shall be graded. That any engineer, foreman, superintendent, laborer, or other employee engaged in said work shall not receive any pay except for the time in which he is actually engaged in the performance of his duties. Said trustees shall require a superintendent, supervisor, engineer, or other person to do his duty, and in every way have control over, and direct and work the convicts in Gastonia Township, and such other laborers as may be deemed by the Board of Trustees proper to employ or be employed on said roads, to be paid out of the fund herein provided for. Said Board of County Commissioners shall require the said trustees to account with them twice annually for the said road funds.

Pay of employees.

Supervision and control of trustees.

Account of trustees.

Eminent domain and provisions for condemnation of lands.

Sec. 14. That for the purpose of laying out, opening up, constructing, or working any public roads or streets herein provided for, the said trustees, their attorney, or anyone acting under their authority, shall have the right to enter upon the lands of any person whose land the road may pass over, and may proceed to open the road, and use stone, earth, timber, or any necessary material contiguous to said road, doing as little injury as possible to the premises for opening, constructing and working said roads, and they shall have authority to agree with the owners thereof for damages thereto, and the sum so agreed upon and approved by the Board of Commissioners shall be directed to be paid as in the case of other payments. In the event there should be failure to agree upon said damages and to have the same approved, then the said trustees and the claimant shall each select an arbitrator in writing, which arbitrators shall select a third arbitrator, and the said arbitrators or a majority of them shall assess said damages, which shall be paid as hereinbefore provided. Said arbitrators shall make their award in writing, and from this award either party may appeal to the Superior Court of Gaston County. The party appealing within ten days' notice of the award, shall



give notice to the opposing party of his appeal and the last-named arbitrator above provided for shall certify the papers in the matter to said Court when the case shall be docketed, and the questions and issues involved shall be submitted to the jury as other issues of fact.

SEC. 15. That all Justices of the Peace, and Mayors of town in said township who may convict persons of crime in said county in cases, and for offences of which said Justices and Mayors may have jurisdiction to inflict punishment, may when they impose punishment by sentence of imprisonment for any such offence against the law sentence said convicted person to work on said public roads in Gastonia Township for such terms of imprisonment as they may adjudge. The said convicted persons shall work on said roads as hereinbefore provided, until they may be discharged according to law.

Persons convicted sentenced to work on roads.

SEC. 16. That the said trustees, or their agent, shall have the right for the purpose of repairing or constructing any road or street, to take stone, gravel, earth, and timber from contiguous land, and if the owner claim damages, the same shall be agreed upon by said claimant and said trustees, and such damages as are agreed upon shall be paid out of the road fund of the said township. That any person who shall be owing any such road tax as that herein provided for, may on application to said trustees be allowed to work out said road tax on terms prescribed by the said trustees, and receive an order from the said trustees to that effect, directed to the Sheriff, who shall receive the same and give credit therefor on said road tax, and the said trustees in their settlement with the Sheriff, shall receive and allow for the same, and in the collection of the said special road tax, it shall be the duty of the Sheriff to collect and pay over said taxes directly to the trustees herein, at the same times and in as full and ample manner as required by the general law of the State in paying the county taxes to the County Treasurer.

Power to take and use materials for roads from adjoining lands and damages therefor.

SEC. 17. That all incidental expenses incurred by the said trustees on account of meetings held, or by reason of duties imposed by this act, shall be paid on their order out of the fund in their hands, countersigned by the chairman of the Board of Commissioners of Gaston County and countersigned by the clerk of said board.

Incidental expenses, how paid.

SEC. 18. That nothing contained in this act shall be so construed as to relieve said Gastonia Township from liability to, or from payment of the taxes heretofore levied or to be hereafter levied by the Board of Commissioners of Gaston County under the provisions of chapter five hundred and eighty-one (581) of the

Provisions of act not to relieve from taxes levied by County Commissioners.

Public Laws of North Carolina, passed by the General Assembly of said State at its session in the year one thousand eight hundred and ninety-nine (1899); the same being the general road law of Gaston County.

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

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1901.

## CHAPTER 523.

### An act to amend Chapter 162, Public Laws of 1899.

*The General Assembly of North Carolina do enact:*

Chapter 162, Public Laws of 1899, relating to roads of Anson County, amended.

SECTION 1. That chapter one hundred and sixty-two of the Public Laws of 1899, the same being "An act to improve the roads in Anson County," be and the same is hereby amended as follows: Strike out in section ten of said act the following: All that part of said section after the word "term" in line 32 down to and including the word "act" in line 39 and substitute in the place and stead thereof the following: "The Board of County Commissioners shall on the first Monday in June, 1901, and biennially thereafter elect a Road Commissioner, who shall at the time of his election be a resident of Wadesboro Township and said Commissioner shall hold his office for two years and until his successor is elected and qualified: *Provided, however,* said Board of County Commissioners may after notice duly served on said Road Commissioners remove said Commissioner from his said office for cause which said Board of Commissioners may deem sufficient and in case of a vacancy in said office the County Commissioners may elect to fill the unexpired terms. Said Road Commissioners shall take oath and give bond as aforesaid." At the end of section 10 of said act add the following, to-wit: "And the Board of County Commissioners shall have the general supervision, direction, control of all officers employed, convicts and laborers and of all work and improvements provided for in said act, as it relates to Wadesboro Township."

Bond of Sheriff.

SEC. 2. That the bond of the Sheriff of Anson County shall be held and deemed to cover and secure the taxes levied and collected in pursuance of said chapter 162.

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. 1901.

## CHAPTER 524.

**An act to protect primary elections and conventions of political parties in Mecklenburg County and to punish frauds committed thereat.***The General Assembly of North Carolina do enact:*

SECTION 1. That every political primary election held by any political party, organization or association, for the purpose of choosing candidates for county and city, town and township offices, instructing candidates or delegates to county conventions, election of county and city executive committees, or for other purposes, shall be presided over and conducted in the manner prescribed by the rules of the political party, organization or association holding such primary election by managers selected in the manner prescribed by such rules. Such managers shall, before entering upon the discharge of their duties, each take and subscribe an oath that he will fairly, impartially and honestly conduct the same according to the provisions of this act and the rules of such party, organization or association. Should one or more of the managers appointed to hold such election fail to appear on the day of election, the remaining manager or managers shall appoint others in their stead and administer to them the oath herein prescribed. The managers shall take the oath herein prescribed before a Notary Public or other officer authorized to administer oaths; but if no such officer can be conveniently had, the managers may administer the oath to each other. Such oaths shall, after being subscribed by the managers, be filed in the office of Clerk of the Superior Court for the county in which such election shall be held, within five days after such election.

Primary election,  
how held and by  
whom.

Managers to take  
oath.

Oaths to be filed,  
when.

SEC. 2. Before any ballots are received at any such election, and immediately before opening the polls, such managers shall open each ballot box to be used in such election, and exhibit the same publicly, to show that there are no ballots in such box. They shall then close and lock or seal up such box, except the opening to receive the ballots, and shall not again open the same until the close of the election. They shall keep poll lists with the names of each voter voting in such elections, and shall, before receiving any ballot, administer to the voter an oath that he is duly qualified to vote according to the rules of the party, and that he has not voted before in such election, and will abide by the result of the primary; and at the close of the election they shall proceed publicly to count the votes and declare the result; they shall certify the results of such election, and trans

Boxes to be  
exhibited.

Oath of voters.

Declaration of  
result.

Certificate of result, to whom sent.

mit such certificate, with the poll list, ballots and all other papers relating to such election, within the time prescribed and to the person or persons designated by the rules of the party, organization or association holding such election.

Regulations for, and time and place of holding election.

SEC. 3. Every such primary shall be held at the time and place, and under the regulations prescribed by the rules of the party, organization or association, holding the same, and the return shall be made and the result declared as prescribed by such rules, but the returns of the managers, with the poll lists, shall be filed in the office of the Clerk of the Superior Court for the county in which such election is held, within four days after the final declaration of the result thereof, and shall remain there for public inspection.

Returns, how made, and result how declared.

Returns to be filed with Superior Court Clerk, when.

Penalty for violation of duty by managers.

SEC. 4. Any manager who shall be guilty of wilfully violating any of the duties devolved upon such position hereunder shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by fine not to exceed \$100 or imprisonment not to exceed six months; and any manager who shall be guilty of fraud or corruption in the management of such election shall be guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed \$500 or imprisoned for a term not to exceed twelve months, or both, in the discretion of the Court.

Penalty for fraud or corruption of manager in holding election.

Penalty for false swearing of voter.

SEC. 5. Any voter who shall swear falsely in taking the prescribed oath, or shall personate another person and take the oath in his name, in order to vote, shall be guilty of perjury, and be punished upon conviction as for perjury.

Party registration of voters in Charlotte.

SEC. 6. That in the city of Charlotte there shall be a party registration of voters under regulations to be prescribed by the rules of the party, organization or association.

Duties of party appointees and delegates.

SEC. 7. It shall be the duty of any person, who may be appointed by his party, in any capacity and accepts the appointment to perform faithfully the duties of such appointment, and it shall be the duty of any delegate in any convention assembled for the purpose of naming candidates who are to be voted for by the people, to faithfully carry out the choice of his party, when ascertained and declared, as provided for by this act, and any such person or delegate who shall wilfully fail or refuse to perform such duty shall be guilty of a misdemeanor cognizable in the county of his residence.

Penalty for refusal or failure to perform duty by party appointee or delegate.

Penalty for voting in primaries of more than one party during same campaign.

SEC. 8. If any voter having participated in one party primary shall vote or attempt to vote in a different party primary election, held for a similar purpose, during the same political campaign, he shall be guilty of fraudulent voting, and, on conviction,

shall be punished in the same manner and to the same extent as if he had voted illegally in a general election. And if any voter having voted once in his primary election shall vote or attempt to vote a second time in the same election, at the same or at a different poll, he shall be guilty of a misdemeanor, and shall be fined not less than ten dollars, nor more than fifty dollars for each offence.

Penalty for voting more than once on same question in same primary.

SEC. 9. If any person shall attempt to influence the vote of another by the use of intoxicating liquors, or shall bribe or offer to bribe any voter by a promise of anything as a reward to be delivered, or a service to be performed, prior to, at the time, or subsequent to the primary, he shall be guilty of a misdemeanor, and on conviction shall be fined not less than \$25 nor more than \$500.

Attempt to influence voters by intoxicants or bribery, unlawful.

SEC. 10. All dram shops and other places for the vending of intoxicating liquors shall be closed pending a primary election. And it shall be unlawful for any person to sell or give away spirituous, or vinous liquors, beer or cider, within three miles of a primary election, during the time of election and from 12 o'clock the night preceding to 12 o'clock on the night succeeding the primary election, under the same restrictions and penalties as in a general election.

Penalty.

Dram-shops to be closed.

Unlawful to sell or give away intoxicants within three miles.

SEC. 11. That for the purpose of a registered primary, the custodian of any of the registration books in the county of Mecklenburg shall on demand make a certified copy of same for the manager or managers of any political party, organization or association: *Provided*, that the political party, organization or association or any of its managers shall pay to the custodian of the books 10 cents for every 100 names made or copied: *Provided further*, that this application shall be made at least ten days before the primary.

Certified copy of registration books to be made.

Fees.

SEC. 12. That this act shall apply only to the county of Mecklenburg and the townships, towns and cities therein.

Application restricted.

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 9th day of March, A. D. 1901.

## CHAPTER 525.

**An act to repeal Chapter 324 of the Public Laws of 1893.***The General Assembly of North Carolina do enact:*

Chapter 324, Public Laws of 1893, relative to draining low lands in Iredeell County, repealed.

SECTION 1. That chapter three hundred and twenty-four of the Public Laws of eighteen hundred and ninety-three 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 the 9th day of March, A. D. 1901.

## CHAPTER 526.

**An act to repeal Chapter 268, Public Laws of 1899.***The General Assembly of North Carolina do enact:*

Chapter 268, Public Laws of 1899, relative to the establishment of a dispensary for the town Madison, repealed.

Effective on and after July 1, 1901.

SECTION 1. That chapter 268, Public Laws of 1899, be and the same is hereby repealed.

SEC. 2. That this act shall be in force and effect from July 1, 1901.

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1901.

## CHAPTER 527.

**An act to amend section two thousand and fifteen (2015) of the first (1st) volume of the Code of North Carolina.***The General Assembly of North Carolina do enact.*

Section 2015, Vol. 1 of Code, amended.

Proviso added to end of section.

SECTION 1. Amend section two thousand and fifteen (2015) of volume one (1) of The Code of North Carolina by adding at end of the said section 2015 the following words, to-wit: "*Provided*, that the clerks of the several Boards of Supervisors of Beaufort County shall be allowed a reasonable compensation by the Commissioners of Beaufort County. The compensation, so allowed to said clerks, shall be left in the discretion of the said Board of County Commissioners of Beaufort."

Effective from ratification

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. 1901.



## CHAPTER 528.

**An act to validate certain bridge claims against Gaston County.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That any and all debts contracted and obligations incurred by the county of Gaston or by the Board of Commissioners of said county, acting in its behalf for the purpose of building the bridge over the Catawba River, between the counties of Gaston and Mecklenburg, which connects the public roads leading from Mount Holly in Gaston County to Charlotte in Mecklenburg County at or near Tuckasege Ford, be and the same are hereby, in all respects, ratified, approved and confirmed, and they are hereby declared to be valid and legal debts and obligations of the said county, the same as if authority had originally been given by law to contract said debt and incur said obligations, and the Board of Commissioners and Treasurer of the said county are hereby authorized and directed to pay the same to be paid in the same manner as other debts and claims against the said county for its necessary expenses are paid.

All debts contracted by Commissioners of Gaston County for building bridge across Catawba River, declared valid debts of county, and to be paid as other claims for necessary county expenses.

SEC. 2. That all notes or other instruments, given by the said county or its Commissioners for the said indebtedness or obligations, or any part thereof, and all renewals of the same now or hereafter made, are declared to be valid and binding upon said county, until the said indebtedness is fully and finally paid.

Notes, etc., given for said indebtedness, binding on county.

SEC. 3. This act shall take effect and 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. 1901.

## CHAPTER 529.

**An act to repeal Chapter two hundred and fifty-three, Acts of 1899.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter two hundred and fifty-three, Laws 1899, be and the same is hereby repealed.

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

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

Chapter 253, Laws 1899, relating to bridge across Ivey Creek, Madison County, repealed. Conflicting laws repealed.

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1901.

## CHAPTER 530.

**An act to increase the number of Commissioners for Brunswick County.***The General Assembly of North Carolina do enact:*

Additional Commissioners named for Brunswick County.

Powers and duties.

Term of office.

Meeting and organization of commissioners.

Meetings of commissioners, when held.

Provide as to other meetings.

Quorum.

New commissioners, how inducted into office.

Pay of commissioners.

Three commissioners to be elected at each regular election. Powers and duties.

Conflicting laws repealed.

SECTION 1. That M. C. Guthrie, S. J. Stanley, O. A. Durant and R. W. McKeithen are hereby elected Commissioners of the county of Brunswick, and that they shall have the same powers and duties as the present members of the said Board of Commissioners and who shall hold their office until the next election of Commissioners for said county.

SEC. 2. That the Commissioners of Brunswick County as now constituted, together with those appointed in this act, shall meet at the court-house in Southport on the first Monday in April, nineteen hundred and one, and organize by electing a chairman for said board.

SEC. 3. That the said Board of Commissioners shall meet on the first Monday in April and September of each year and not oftener: *Provided*, that the said board shall on the first Monday in April and September respectively, appoint three of their members, consisting of the chairman and two others, to meet as often as said appointees may deem necessary for the transaction of such business as may come before them and for the performance of any and all of the duties of Commissioners as now provided by law; and any and all acts of said Commissioners shall be as valid as if performed by all the members of said board in regular meeting.

SEC. 4. That a majority of the Commissioners required to be present at any meeting shall constitute a quorum.

SEC. 5. That the Commissioners herein named shall qualify and be inducted into office by filing the necessary oath before the Clerk of the Superior Court.

SEC. 6. That the said Commissioners shall receive two dollars per day and mileage for each meeting.

SEC. 7. That at the next election for Commissioners held for said county and every two years thereafter there shall be elected in said county of Brunswick three Commissioners with the powers and duties which now are or may hereafter be prescribed by law for County Commissioners.

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

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

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1901.

## CHAPTER 531.

**An act in regard to the stock law in Chatham County.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Commissioners of Chatham County, upon the petition of a majority of the land owners residing in any part or territory of said county, are hereby directed to establish the stock law in such territory, to take effect at such time as may be designated in such petition, and to provide for building a fence when necessary around such territory. And when, upon such petition, the stock law is ordered to be established in any such territory in the said county the provisions of chapter 20 of volume 2 of The Code shall be enforced.

Question of stock law for part or parts of Chatham County, how and when to be submitted to voters.

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. 1901.

## CHAPTER 532.

**An act to preserve the public roads of Forsyth County.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person or persons to place any stones, dirt, trash, or any other substance, in the side ditches, along any of the public roads in Forsyth County, so as to interfere with the flow of water through said side ditches.

Unlawful to place stones, etc., in ditches or along public roads of Forsyth County.

SEC. 2. Any person or persons violating the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction shall be fined or imprisoned or both 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 the 9th day of March, A. D. 1901.

## CHAPTER 533.

**An act to amend section two thousand nine hundred and thirty-nine of The Code.***The General Assembly of North Carolina do enact:*

Section 2939 of  
The Code,  
amended, relat-  
ing to depositions  
of infamous per-  
sons.

SECTION 1. That section two thousand nine hundred and thirty-nine of The Code be amended by adding to said section the following: "Provided, that in case petitioner has resided out of the State for three years next preceding the filing of petition, depositions of witnesses, provided for in section two thousand nine hundred and thirty-eight of The Code, may be taken, and said depositions shall be read at the hearing."

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. 1901.

## CHAPTER 534.

**An act to equalize the apportionment of the school funds of Rutherford County for the year 1902:**

Preamble.

WHEREAS, The County Board of Education of Rutherford County apportioned to the several townships in said county in January, 1899, a sum approximating seven hundred and fifty dollars (\$750) more than was available for the schools for that year; and,

WHEREAS, The County Board of School Directors for said county, apportioned in January, 1900, nearly five hundred and fifty dollars (\$550) in excess of the school assets for that year, varying in amounts in the several districts or schools, and aggregating for the two years to about one thousand and three hundred dollars (\$1,300);

*The General Assembly of North Carolina do enact:*

Board of School  
Directors to set  
apart a certain  
sum to pay  
outstanding  
school claims.

SECTION 1. It shall be the duty of the County Board of School Directors of Rutherford County, before making the apportionment to the townships in January, 1902, as now provided by law, to set apart a sum not to exceed one thousand three hundred dollars (\$1,300) which shall be placed to the credit of the several districts or schools of said county, as evidenced by the books of the treasurer of the school funds of said county, to be applied to the payment of any outstanding claims against said districts or schools, or as the committees of said districts or schools may direct.

SEC. 2. That the County Board of School Directors apportion the remainder of the school funds as now provided by law.

Remainder of funds, how apportioned.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

#### CHAPTER 535.

**An act to repeal all laws granting to any persons immunity for examination for license to teach in public schools.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That all laws and clauses of laws granting to, or conferring upon, the graduates or ex-students or students of any institution of learning, private or public, within this State or elsewhere, immunity, exception, or freedom from the operation of laws of this State requiring persons who desire to teach in free public schools of the State to submit to and pass regular examinations before the County Superintendents of Education before being duly qualified to serve as such teachers, be and the same are hereby repealed.

Laws granting immunity from examination for license to teach in public schools, 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, A. D. 1901.

#### CHAPTER 536.

**An act fixing penalty of Treasurer's bond of Forsyth County.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That The Code, volume 1, chapter 19, section 766, be and the same is hereby amended by adding to the end of said section 766 the following: "*Provided*, that the Board of Commissioners of the county of Forsyth may fix the penalty of the bond of the Treasurer of said county at such sum as said board may deem proper, not in any case to be less than twenty thousand dollars."

Chapter 19, Section 766, relative to bond of County Treasurer, amended, as to Forsyth County.

SEC. 2. That nothing herein contained shall prohibit the said Board of Commissioners from increasing said bond or compelling said officer to renew his bond as required by law.

Commissioners may increase bond or compel officer to renew same.

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

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1901.

## CHAPTER 537.

An act to allow the citizens of Gaston County to express their will concerning the proposed removal of the county seat of Gaston County from Dallas to Gastonia and an issue of county bonds for building a court-house and jail in Gastonia, and to remove the county seat and issue the bonds as aforesaid if a majority of the qualified voters of the county shall favor it.

*The General Assembly of North Carolina do enact:*

Question of removal of county seat of Gaston County, and issue of bonds to be submitted to qualified voters.

Amount of bonds to be specified in notice of election.

Minimum and maximum amount of bonds and purposes of issue.

Provisions for holding election. Time of.

Notice of.

Registration of voters.

SECTION 1. That the Board of Commissioners of Gaston County, within six months after the ratification of this act, shall provide for the holding of an election to ascertain the will of the people of Gaston County in this State as to the removal of the county seat of Gaston County from its present location at Dallas to the town of Gastonia in the said county and as to issuing bonds of the county, in such amount as the Board of Commissioners may decide upon and specify in their notice of said election, which shall not be less than fifty (50) thousand dollars, and shall not exceed sixty (60) thousand dollars, with which to secure funds to erect a court-house and jail for Gaston County in the town of Gastonia. The election shall be held during the month of November in the present year, 1901, and upon such a day of that month as the Board of County Commissioners shall decide upon and designate in their order calling said election; and the Board of Commissioners shall give notice of said election by posting a copy of the order calling the same at the court-house door in Dallas, and at three other public places in Gaston County, at least sixty days before the date of said election, and by publishing the said order for sixty days prior to the date of said election in one or more newspapers published in Gaston County. The Board of Commissioners shall appoint a registrar in and for each election precinct in the said county, which registrar, during the time that elapses between the thirty-fifth day and the third day (Sunday's excepted) next preceding the day of election decided upon and designated by the Board of Commissioners as hereinbefore specified, between the hours of nine o'clock a. m. and five o'clock p. m., shall register in a book which the Board of Commissioners shall furnish to him the names of all persons 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 the 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 1900 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 Register of Deeds of Gaston County shall furnish the general registration books of the county to the registrars of the respective precincts forty days before the date of the said election; and they shall be returned to the Register of Deeds by the messengers who shall carry the ballots with certificates of the votes cast in the respective precincts. The Board of County Commissioners shall also appoint two judges of election for each election precinct in the county. The registrar and judges of election for each precinct shall constitute the Board of Election for that precinct, and shall fill, by the appointment of any elector they may deem suitable, any vacancy occurring on the said Board of Election; and each Board of Election shall provide a suitable box in which the 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 Dallas to the town of Gastonia and the issue of county bonds to the amount specified by the Board of Commissioners in their notice of said election for the purpose of securing funds with which to erect a court-house and jail for Gaston County in the town of Gastonia shall vote a ticket on which shall be the words "For Removal and Bonds," and those not in favor of the removal of the county seat of Gaston County and the issue of bonds as aforesaid shall vote a ticket on which shall be the words "Against Removal and Bonds." The Board of Election of each precinct shall hear and 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 1900. 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 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 at their next meeting hereafter provided for. The Board of County Commissioners of Gaston County shall meet in the court-house in Dallas on the second day next

Judges of election.

Board of election.

Ballot boxes and ballots.

Trial of challenges and conduct of election; counting ballots, return and recording same, and declaration of result.

after the day of election provided for in this act, shall receive the said certificates from the Register of Deeds, shall cast up the votes as certified to by the precinct Boards of Election as hereinbefore provided for, and shall declare the result, and shall record the said certificates and result upon the minute book of the said Board of County Commissioners.

County papers, etc., to be moved from Dallas to Gastonia by November 1, 1902, if majority of voters favor such removal

SEC. 2. That if, at the election provided for in section one of this act, a majority of the qualified voters of Gaston County shall have favored the removal of the county seat of Gaston County from Dallas to Gastonia and the issue of bonds as aforesaid, the Board of County Commissioners 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 town of Gastonia before the first day of November, 1902, after which date the town of Gastonia shall be in all respects whatsoever the county seat of Gaston County.

County Commissioners to purchase sites for court-house and jail, and erect and furnish buildings if majority of voters favor removal and bond issue.

SEC. 3. That in the event a majority of the qualified voters of Gaston County shall have favored at the said election the removal of the county seat of Gaston County to the town of Gastonia and the issue of bonds as aforesaid, then it shall be the duty of the Board of Commissioners of said county as soon as practicable to purchase suitable real estate in the town of Gastonia and to cause to be erected therein a suitable court-house and jail, to cost, together with the necessary furniture for the said building, the sum specified in the notice of the election as aforesaid; and in order to procure the necessary funds for buying the real estate and erecting the buildings and furnishing the same the Board of Commissioners is hereby authorized and directed to issue negotiable coupon bonds of Gaston County in the amount specified in the notice as aforesaid, bearing interest at a rate not exceeding four per cent per annum, payable semi-annually, and to mature not exceeding thirty years from date. Said bonds shall be in such form and in such denomination, and shall be payable at such time or times and place as the Board of Commissioners may determine, and shall be signed by the chairman of the Board of Commissioners, who shall affix thereto the county seal, and the same shall be attested by the Register of Deeds as *ex officio* clerk of the Board of Commissioners. The Board of Commissioners shall sell such bonds at not less than their par value, as funds may from time to time be needed for carrying into effect the provisions of this act, and the purchaser or purchasers of said bonds shall not be required to see to the application of the purchase-money. That for the purpose of paying the accruing interest on the said bonds, and

Issue of bonds, form of, rate of interest, maturity, signing, sealing and attesting and sale of.

Purchaser not required to see to application of purchase money.

to provide a sinking fund for the payment of the principal of the same when it shall become due, the Board of Commissioners shall levy and cause to be collected annually, as other taxes are levied and collected, a sufficient tax upon real and personal property, rights and credits now subject to taxation for general purposes, and upon all polls, observing the constitutional ratio between poll and property taxes. The proceeds of the sale of the said bonds shall be paid over to the Treasurer of the county and disbursed by him upon the order of the Board of Commissioners.

Special tax levy to provide a sinking fund, and for the payment of interest.

Disposal of proceeds of sale of bonds.

SEC. 4. The Board of County Commissioners of Gaston County shall pay the registrars and judges of election appointed under this act whatever compensation the board may deem reasonable for their services and for the providing of ballot boxes.

Pay of registrars, and judges of election.

SEC. 5. That before the Board of Commissioners of Gaston County shall make provision for the election aforesaid they shall require that the county shall be indemnified against any and all costs that will arise because of the said election, to the end that the said election may be held without cost to county of Gaston.

County to be indemnified against cost of election.

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 that shall be held under the provisions of this act.

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 the 11th day of March, A. D. 1901.

## CHAPTER 538.

### An act to prevent the extinction of quail in Halifax and Warren counties.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall unlawful for any person to buy or sell any quail or partridges in the counties of Halifax or Warren, or to hunt, shoot or trap the same for hire in said counties. Any person violating this act shall be guilty of a misdemeanor, and upon conviction may be imprisoned in the county jail not exceeding thirty days, or fined not exceeding fifty dollars.

Unlawful to buy or sell quail, or to hunt, shoot or trap same for hire in the counties of Halifax or Warren. Penalty.

SEC. 2. That this act shall be in force from and after the 15th day of March, A. D. 1901.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

## CHAPTER 39.

**An act to prohibit the manufacture and sale of whiskey or brandy in Clay County.***The General Assembly of North Carolina do enact.*

Unlawful to manufacture whiskey or brandy in Clay County.

SECTION 1. That it shall be unlawful for any person or corporation to make or manufacture whiskey or brandy within the county of Clay in said State.

Unlawful to sell intoxicating liquors in Clay County.

SEC. 2. That it shall be unlawful for any person, firm or corporation to sell any whiskey, brandy, alcohol, malt liquor, or intoxicating bitters, within said county of Clay.

Liability of a common carrier.

SEC. 3. That where purchases are made within the State, and the whiskey, brandy or other intoxicating liquor aforesaid is delivered by a common carrier, that said sale shall be held and construed to take place within said county of Clay, and said common carrier shall be a *particeps criminis* in said misdemeanor.

Penalty for violation of act

SEC. 4. That any person, firm or corporation violating this act shall be guilty of a misdemeanor, and fined or imprisoned, or both at the discretion of the Court.

Question of ratification of act to be submitted to qualified voters.

SEC. 5. The provisions of this act shall be submitted to the qualified voters of Clay County by the Board of County Commissioners by the first of July, 1901, for ratification.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

## CHAPTER 40.

**An act for the protection of game in Trinity Township Randolph County.***The General Assembly of North Carolina do enact:*

Unlawful to hunt on lands of another in Trinity Township, Randolph County, without owner's permission.

SECTION 1. That it shall be unlawful for any person to hunt with gun or dog for birds or other game upon the lands of another in Trinity Township, Randolph County, without consent of the owner.

Penalty for violation of act.

SEC. 2. That any person 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 (\$5.00) dollars nor more than ten (\$10.00) dollars for each and every offence.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

## CHAPTER 541.

An act to prevent stock from running at large in the town of Burgaw.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any live stock to run at large within the boundaries hereinafter set out, and that the word stock shall be construed to mean horses, mules, colts, calves, cows, sheep, goats and all neat cattle, swine and geese.

Unlawful for live stock to run at large within certain boundaries.  
Word "stock" defined.

SEC. 2. That the boundaries shall be as follows: Beginning on the public road leading from Burgaw to Point Caswell at the corner of M. F. Croom's fence, runs thence with the lines of fence of the following-named persons: R. C. Murray, N. H. Walker, J. A. Westbrook, T. E. Wallace, L. Learned, E. D. Sloan, B. Williams, H. M. Conover, W. M. Hand, thence across the W. and W. Railroad and with G. W. Highsmith's fence, W. M. Hand, J. A. Montgomery, G. W. Highsmith, J. F. Croom, Henry Lee, A. Herring Rivenbrook, M. Pope, Mrs. K. Hand, W. T. Boumerman, J. B. Moore, J. H. Hearn, crossing railroad with south line, the County Home, J. T. Collins and thence back to beginning.

Boundaries of stock law territory.

SEC. 3. That any person owning land on the outside of the line or boundary mentioned above in section 2 that is adjacent to said boundary shall have the privilege of bringing his or her land within the provisions of this act by building and extending the fence around so as to include such land as he may desire to include: *Provided*, such person shall build such fences or connections at his own expenses; but when such fence is constructed the said land shall be under the operation of this act, and the outward line of the fence as so extended shall be kept up and repaired under the general provisions of this act.

Owners of adjacent land privileged to bring same in stock law territory.

SEC. 4. That the Town Commissioners of Burgaw shall have exclusive control of erecting, supervising and establishing the fences, connections and necessary gates and the employment of keepers and repairers of the same and they are hereby granted full powers for that purpose.

Proviso as to owner of lands so brought into stock law territory paying expenses of additional fencing.

SEC. 5. That if it shall appear necessary to the said Commissioners in establishing, maintaining and repairing the said fence and gates, it shall be lawful for them to levy a special tax on all real estate within the said boundaries and the same shall be collected and accounted for in the same way and the same time and under the same penalties as other taxes levied in said town, and the money so collected shall constitute a special fence fund and shall be used exclusively for the keeping in repair of said fence and gates.

Town Commissioners to be authorized to erect fences, gates, etc., and employ keepers, etc.

Special tax levy, when and how made.

Act when  
effective.

SEC. 6. That this act shall not be in force within said territory until a good and lawful fence has been erected on the line or boundary set out in section 2, with good convenient gates on all public roads passing through said boundary, but shall be in force as soon as such fence and gates are erected.

Penalty for allow-  
ing stock to run  
at large in stock  
law territory.

SEC. 7. That any person wilfully permitting his or her live stock to run at large within the aforesaid boundaries after said fence has been erected shall be guilty of a misdemeanor and on conviction thereof may be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Penalty for tear-  
ing down or  
breaking fences,  
gates or pounds.

SEC. 8. That any person wilfully tearing down or in any manner breaking a fence or any gate established pursuant to this act or breaking any inclosure within said boundary wherein any stock is confined, so that the same may escape therefrom, shall be guilty of a misdemeanor and on conviction thereof shall be fined not exceeding fifty dollars, or imprisoned not exceeding thirty days.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

## CHAPTER 542.

### An act in relation to stock-law fence

*The General Assembly of North Carolina do enact:*

Certain natural  
obstructions  
declared a stock  
law fence, when.

SECTION 1. That in any county in this State in which or in any portion of which the stock law is now in force or may hereafter be adopted, the County Commissioners of said county may in their discretion declare any watercourse, mountain, mountain ranges or parts of same, and also other natural and sufficient obstructions along the line of said stock law territory to be and constitute a sufficient stock law fence, and in that event such watercourse, mountain, mountain range or parts thereof and obstructions so declared by said Commissioners shall be and constitute a lawful fence to all intents and purposes.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.



## CHAPTER 543.

**An act to appropriate two hundred thousand dollars to the public schools of North Carolina.***The General Assembly of North Carolina do enact:*

SECTION 1. That the sum of one hundred thousand dollars (\$100,000.00) be and the same is hereby appropriated, annually, out of the State Treasury for the benefit of the public schools, to be distributed to the respective counties of the State, *per capita* as to school population on the first Monday in January of each year, using the school census of the previous scholastic year as a basis of apportionment.

Sum of \$100,000 annually appropriated for public schools, how distributed.

SEC. 2. That the Superintendent of Public Instruction shall issue warrants upon the State Auditor for the amount due each county under section one of this act, said warrants to be drawn in favor of the County Treasurer of each county to be credited to the general public school fund of the county.

Superintendent of Public Instruction to issue warrants on the Auditor for the amount due each county, to be credited to general school fund.

SEC. 3. That the sum of one hundred thousand dollars (\$100,000.00), or so much thereof as may be necessary, be and the same is hereby appropriated annually out of the State Treasury for the purpose of bringing up to the constitutional requirement for a four months public school term in each school district in the State; those public schools whose terms, after the distribution and application of all other school funds, do not comply with said requirement, to be distributed and applied in the manner hereinafter set forth.

School term provided for.

SEC. 4. That at the January meeting of each year the County Board of Education shall report to the State Superintendent of Public Instruction the number of school districts in the county which can not have a four months term, with the funds available from county sources and State appropriations other than that provided for in section three (3) of this act, special local taxes not included. The County Board of Education shall also report the amount of all school funds available for the use of the entire county, and also the amount that is available for the use of the particular district or districts needing additional help. They shall also report the amount of expenses incurred per month in running the schools in each of said districts, the school census of the entire county and of each of said districts, by race, the number of pupils enrolled in each of said schools during the current term, the average daily attendance, and the salary paid to the teachers of each of said schools. And, in the event that there is on hand an unexpended balance of moneys properly belonging to the public school fund, the full facts in

Apportionment of fund for four months' school term, how made-

Report of County Board of Education and contents of.

connection therewith shall be reported. The State Superintendent of Public Instruction 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 appropriated to each of said counties to enable each district therein to have a four months term of public school: *Provided*, that if the said State Board of Education shall find that the one hundred thousand dollars (\$100,000.00) hereby appropriated is insufficient for the purpose of giving to all of said counties the required amount, the said board shall deduct from such required amount for each county such a fixed percentage for all counties alike as shall reduce the aggregate of the amounts to be distributed to the said sum of one hundred thousand dollars (\$100,000.00): *Provided further*, that if the State Board of Education shall find that the one hundred thousand dollars, provided for in this section, is more than sufficient for the purpose of giving to all of said counties such said amounts required for the accomplishment of a four months term in each school district, the said board shall distribute such surplus *per capita* in like manner with, and in addition to, the appropriation provided for in sections one and two of this act. Every report required to be made by the provisions of this section shall be accompanied by affidavits from the County Superintendent of Schools, the chairman of the Board of County Commissioners, and the Clerk of the Superior Court of the county, to the effect that all fines, penalties and forfeitures and other moneys properly belonging to the school fund of the county have been so applied and that the constitutional limitation of taxation has been reached in said county; and unless the report is accompanied by such affidavits it shall not be considered by the State Superintendent of Public Instruction or by the State Board of Education.

SEC. 5. That when said apportionment has been so made an 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 warrants upon the State Treasurer for the amounts appropriated to the several counties, payable to the County Treasurer of the respective counties to which the said itemized statement shows the same to have been appropriated.

SEC. 6. That no school with a school census under sixty-five (65) in number shall receive any benefit from the appropriation made in section three (3) of this act unless the formation or continuance of such school district shall have been, for good and

Proviso as to apportionment in case of insufficiency of fund.

Proviso as to distribution of surplus.

Report to be accompanied by affidavits from certain county officers.

Affidavits, contents of.

Itemized statement to be filed with State Auditor, and warrants, how issued.

Requisite number of pupils.

sufficient cause, approved by the County Board of Education and the State Superintendent of Public Instruction.

SEC. 7. That any county school officer who shall knowingly make any misrepresentation of facts in his report to the State Superintendent of Public Instruction required by the provisions of 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.

Penalty for misrepresentation of facts by county school officers.

SEC. 8. That it shall be a misdemeanor for any county officer to apply moneys properly belonging to the public school fund, arising from any source to any other purpose than that of the public schools.

Penalty for applying school funds to other purposes.

SEC. 9. That all moneys appropriated by the provisions of this act shall be distributed by the Boards of Education of the several counties to the several school districts in the counties in such way as to extend to all the children of any county, or nearly as practicable, equal school opportunities and advantages, and so as to make the school term or terms in each district in a county in every year, as nearly as may be, equal with the same of every other district in the county.

Appropriations, how distributed.

SEC. 10. 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.

Relative to annual report of State Superintendent of Public Instruction.

SEC. 11. That chapter six hundred and thirty-seven (637) of the Public Laws of eighteen hundred and ninety-nine (1899) and all other laws and clauses of laws in conflict with the provisions of this act be and the same are hereby repealed.

Conflicting laws 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 the 11th day of March, A. D. 1901.

## CHAPTER 544.

**An act to amend Chapter four hundred and fifty-three, Public Laws of 1899, relating to throwing saw-dust in the streams in Swain County.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter four hundred and fifty-three of the Public Laws of 1899 be amended by striking out the word "Swain" whenever it may occur in said chapter.

Chapter 453, Public Laws of 1899, amended, relating to throwing saw dust in the streams of Swain 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 the 11th day of March, A. D. 1901.

## CHAPTER 545.

**An act to amend Chapter 410, Acts of 1897.***The General Assembly of North Carolina do enact:*

Chapter 410 of the Public Laws of 1897, amended relating to the dispensary at Rutherfordton. Question of dispensary to be submitted to voters at any time after adoption of same on petition of two-fifths of voters. Election, how held, calling of notice of and declaration of result.

SECTION 1. That chapter four hundred and ten of the Public Laws of 1897 be amended by adding to section fifteen the following: At any time after the adoption of the dispensary it shall be lawful for the Commissioners of the county of Rutherford upon petition of two-fifths of the qualified voters of said county and two-fifths of the qualified voters of the town of Rutherfordton, to call an election of the qualified voters of said county and submit to them the question of for dispensary or against dispensary. Said election to be held under the rules and regulations governing elections for members of the General Assembly: *Provided*, such election shall be called to be held on first Thursday in August, shall not be held in any year in which a general election occurs. Sixty days' notice of such call for an election shall be published before said election. If a majority of the votes cast at such election shall be "For Dispensary" then the dispensary shall continue as now provided by law, and if at such election a majority of the votes so cast be "Against Dispensary" then and in that case said dispensary shall be closed at the end of three months after the declaration of the result and the laws in force prior to the establishment of said dispensary shall be and remain in force.

If majority of votes cast be against dispensary, same to be closed at end of three months after declaration of result.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

## CHAPTER 546.

**An act to amend section 2318 of The Code.***The General Assembly of North Carolina do enact:*

Section 2318 of The Code, relative to killing live stock in the woods, amended.

SECTION 1. That section 2318 of The Code of North Carolina be and the same is hereby amended by adding at the end of said section the words "And any person violating any of the provisions of this section, in Tyrrell County shall in addition to being liable to such penalty, be guilty of a misdemeanor, and shall be fined not exceeding fifty dollars, or imprisoned not exceeding thirty days."

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

## CHAPTER 547.

**An act to provide for the better drainage of lands upon Phillips Creek,  
Bladen County.***The General Assembly of North Carolina do enact:*

SECTION 1. That W. J. Davis, J. Y. Jones and S. R. Cain, of Bladen County, North Carolina, are hereby appointed Commissioners, whose duty it shall be under and pursuant to the provisions of this act, to order, supervise, control and improve the drainage of all lands lying on Phillips Creek from D. B. Melvin's lower line up to S. R. Cain's upper line and to remove all obstructions, improve the banks, widen and deepen Phillips Creek and other streams within the limit above fixed, and cut new channels or straighten the same. The Commissioners shall elect one of their number chairman, and make such rules and regulations to govern them as they may deem necessary. The chairman shall keep a record of all doings of the Commissioners.

Drainage Commissioners, names of, duties of, and limits of territory.

SEC. 2. It shall be the duty of such Commissioners, as soon as practicable, not exceeding thirty days after this act shall go into effect, to ascertain the names of all land owners within the boundaries fixed in section one and the number of acres owned by each, and thereupon the Commissioners shall lay off such land into convenient sections for the work provided for in sections of this act.

Election of chairman, rules and regulations.

Commissioners to lay off lands into sections.

SEC. 3. The Commissioners shall, after laying off such sections, appoint an overseer for each section, who shall be a land owner in the section for which he is appointed, who shall hold his position for two years or until his successor is appointed. The Commissioners shall deliver to each overseer a statement in writing containing the land owners in his section, the number of acres owned by each person, a description of such lands, and the amount of money assessed against the land to defray the cost and expenses of carrying out the provisions of this act, which assessment shall not exceed one dollar per acre. The Commissioners shall also give the overseer general directions concerning the work to be prosecuted under this act.

Overseers of sections, how appointed, terms of office.

Statement to overseer, what to contain.

SEC. 4. The said statement, signed by the chairman of the Commissioners, shall be recorded in book of mortgages in the office of the Register of Deeds of Bladen County, and when so recorded shall be a valid and subsisting lien, to be known as a land-drainage lien, upon the lands described, and shall be subject only to the taxes levied and placed in the hands of the sheriff for collection. The overseer shall, in writing, notify each

Land drainage liens, how created, effect of; sales of lands under, disposal of proceeds of sales.



land owner in his section of such assessments and the recording of the same, and it shall be the duty of each land owner, within sixty days from the receipt of such notice, to pay the overseer sending the notice the amount assessed against his land. On default of payment of the assessments the Commissioners are hereby invested with power to sell the lands of the delinquent at public sale, being governed therein as to notice, time and places and expenses of sale, by the laws for the sale of land by Sheriffs for taxes. The Commissioners shall make to the purchaser at such sale a proper deed, which shall be conclusive evidence of the regularity of all proceedings leading up to the sale; out of the proceeds of sale the Commissioners shall retain the amount of the assessments against the delinquent, and also all cost and expenses properly chargeable. Whenever the amount of an assessment shall come into the hands of an overseer, within the provisions of this act, either as a payment from a land owner or as a result of sale of land by the Commissioners, the Register of Deeds of Bladen County, upon sufficient evidence thereof shall enter into the margin of the record of such assessments payment of the same. In case of sale of land as aforesaid, if there be a surplus in the hands of the Commissioners after satisfying the assessments and paying proper cost and charges, it shall be paid to the delinquent land owner, or such person as may be legally entitled thereto.

Other territory,  
how brought  
under provisions  
of this act.

SEC. 5. Upon the petition of not less than three citizens of Bladen County who are owners of land on any of the tributaries of Phillips Creek, directed to the Commissioners named in section one of this act, the said Commissioners may proceed with the lands of such petitioners, and the streams thereon, in the manner provided in section one of this act, and to that end they are clothed with all the powers granted therein, this act for all purposes.

Penalty for  
refusal of owner  
to perform  
required duties.

SEC. 6. Any owner wilfully neglecting or refusing to perform any of the duties required of him by this act, shall be guilty of a misdemeanor and upon conviction thereof in the Superior Court of Bladen County, shall be fined not more than fifty dollars (\$50.00) or imprisoned not more than sixty days, or both, in the discretion of the Court.

Relative to  
private bridges  
and water gates.

Proviso as to  
interference with  
improvements  
under this act.

SEC. 7. Nothing contained in this act shall prevent the land owners from building private bridges and necessary water-gates for their own convenience on the streams to be improved under this act: *Provided*, they do not interfere with the improvements herein provided for.

Vacancies on  
Board of Com-  
missioners, how  
filled.

SEC. 8. Vacancies in this body shall be filled by the Commissioners; if the persons named in the first section of this act refuse to act as Commissioners, the Clerk of the Superior Court



of Bladen County may appoint three Commissioners, who shall be named by two or more of the land owners, interested in carrying out the provisions of this act, and in like manner said Clerk may appoint on the refusal of the person to act.

SEC. 9. All acts and parts of acts in conflict with this act are hereby repealed. Conflicting acts 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 the 11th day of March, A. D. 1901.

#### CHAPTER 548.

**An act to amend Chapter two hundred and seventeen of the Public Laws of eighteen hundred and ninety-nine, relating to the toll rates of the Brunswick Bridge and Ferry Company.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one of chapter two hundred and seventeen of the Public Laws of eighteen hundred and ninety-nine be and the same is hereby amended as follows:: Strike out the words "one and seven-eighths cents" in line nine of section one, and insert in lieu thereof the words "two and one-quarter cents." Chapter 217, Public Laws 1899, relating to toll rates of Brunswick bridge and Ferry Company, 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 11th day of March, A. D. 1901.

#### CHAPTER 549.

**An act for the relief of C. F. Siler of Chatham County.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That the treasurer of the public school fund of Chatham County is authorized and directed to pay to C. F. Siler out of the public school fund apportioned, or to be apportioned at the next regular apportionment to school district number 5 for the white race the sum of forty dollars, for services rendered by said C. F. Siler as teacher of the public school in said district. Treasurer of fund authorized to pay a certain 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 the 11th day of March, A. D. 1901.

CHAPTER 550.

**An act to provide permanent registration of all persons entitled to vote under section four of article six of the Constitution.**

*The General Assembly of North Carolina do enact:*

Persons entitled to register on permanent roll, when and to whom to apply.

SECTION 1. Every person claiming the benefit of section four of Article VI of the Constitution of North Carolina, as ratified at the general election on the second day of August, 1900, and who shall be entitled to register upon the permanent record for registration provided for under said section four, shall, prior to December 1, 1908, apply for registration to the officer charged with the registration of voters as prescribed by law in each regular election to be held in the State for members of the General Assembly, and such person shall take and subscribe before such officer an oath in the following form, viz.: "I am a citizen of the United States and of the State of North Carolina: I am . . . . years of age. I was on the first day of January, A. D. 1867, or prior to said date, entitled to vote under the Constitution and laws of the State of . . . . ., in which I then resided (or, I am a lineal descendant of . . . . ., who was on January 1, 1867, or prior to that date, entitled to vote under the Constitution and laws of the State of . . . . ., wherein he then resided).

Duty of registrar to administer oaths and record names.

SEC. 2. It shall be the duty of the officer charged with the registration of voters in all such elections held in this State until November 1, 1908, to administer such oaths and to record the name of such person on his roll of registered and qualified voters; and all registration under this act and under the said section of the Constitution shall be had and taken at the times and places provided by law for registration of voters for all such elections in this State until November 1, 1908.

Limit of permanent registration.

Registrar's list, to whom and when sent and what to contain.

SEC. 3. It shall be the duty of such registration officer, within five days after the close of his registration, to return to the Clerk of the Superior Court of the county in which he resides a list of the names of all the persons so registered by him, stating therein the name and age of such person, and the name of the person from whom descended, unless he himself was a voter on January 1, 1867, or prior thereto, and the State wherein he or his ancestor was a voter and the date on which he applied for registration, and it shall be the duty of the Clerk of the Superior Court, within ten days after receipt of said list, to make an alphabetical roll by townships of all persons taking such oath and registered by such registrar, and to record the

Alphabetical roll of clerk, contents of.

same in a book to be provided for that purpose, which said book shall contain the name and age of such person, the name of the person from whom he was descended, unless he himself was a voter on January 1, 1867, or prior thereto, the State in which he was such voter and the date he applied for registration. And the said roll shall, during the office hours of said Clerk, be open to the inspection of the public. Roll open to inspection, when.

SEC. 4. It shall be the duty of the several Clerks of the Superior Courts of this State to certify to the Secretary of State, within thirty days after the close of each registration, a copy of the said roll in his office, and it shall be the duty of the Secretary of State to record, in a book provided for that purpose, the facts set out in such certified copy, and keep the lists from each county separate. The Clerk of the Superior Court shall keep the lists from each township in separate columns. The books kept by such Clerks and the Secretary of State shall be plainly lettered "Permanent Roll of Registered Voters," and they shall prepare a complete alphabetical index to the same. Clerk to send certified copy of roll to Secretary of State, when.  
Secretary of State to record rolls by counties.  
Township lists kept separate; name of books.  
Alphabetical index.

SEC. 5. It shall be the duty of all officers charged with the registration of voters in any election held in the State, to enter the name of such person on the registration book and voting lists of his township, ward or precinct, and to give a certificate in the following form: "I, ....., registrar for township (ward or precinct) of ..... County, do hereby certify that on this day ..... of..... race, of ..... County, ..... Township, .... precinct, (or ward), age .... years, took and subscribed the oath required by law and has this day been registered on the Permanent Roll as a voter in said township, ward or precinct, in accordance with section four, Article VI, of the Constitution of North Carolina. Registrar to record name and give certificate to voter.  
Form of registrar's certificate.

"This the .... day of ....., 190...

".....,

"Registrar."

And it shall be the duty of the Clerk of the Superior Court to certify under his hand and seal to the genuineness of such certificate as follows: Clerk to certify genuineness of registrar's certificate.

"NORTH CAROLINA, ..... COUNTY.

"I, ....., Clerk of the Superior Court of the aforesaid county, do hereby certify that the foregoing certificate is in due form, and that the signature of said ..... registrar of said precinct (ward or township) is in his own proper handwriting. Form of clerk's certificate.

"Witness my hand and official seal, this the .... day of .....  
 .... 190...

"Clerk of the Superior Court."

Provisions for  
obtaining dupli-  
cate certificate.

And for ... wishing such certificates and administering such oaths neither the said registrar nor Clerk shall be paid any compensation by the person so applying for registration. In the event of the loss of such certificate the person entitled to the same, upon the payment of twenty-five cents, may obtain from the Clerk of the Superior Court, or from the Secretary of State, a certificate under his official seal to the effect that his name is on the Permanent Roll of Registered Voters from his county, in his office, and such certificate shall, in all respects, take the place of such original and be used as such.

Clerk to obtain  
certified copy of  
rolls in case of  
loss of originals.

SEC. 6. In the event of loss or destruction of such rolls in the Clerk's office, it shall be his duty to obtain from the Secretary of State a certified copy of said roll for his county, and such certified copy shall be good and effectual for all purposes as the original would have been.

Entries on rolls  
prima facie evi-  
dence of facts and  
recitals therein.

SEC. 7. That in all suits involving the right to vote, or trying the title to office, or other action in which such rolls are produced in evidence, all of the facts and recitals therein shall be taken as *prima facie* evidence of such facts and recitals, and if the right of any voter upon such rolls to vote is challenged, either his certificate or a certified copy of such permanent roll shall be deemed *prima facie* evidence of his right to vote.

Transfer of regis-  
tration, how  
effected.

SEC. 8. Whenever any voter so registered shall remove from one precinct to another in the same county, or from one county to another in the State, he shall make application for registration, and upon production of his certificate of his being on the Permanent Roll as provided in section four of this act, under the hand and seal of either the Clerk of the Superior Court or of the Secretary of State and proof of his identity, the proper officer charged with the registration of voters shall register his name and make record of the same as in cases of original registration under this act.

Persons holding  
certificate  
allowed to vote,  
where.

SEC. 9. Any person holding a certificate of registration as herein provided for shall be entitled to register in any county in this State, notwithstanding his inability to read and write: *Provided*, that he shall be otherwise qualified as an elector.

Proviso.

Secretary of State  
to furnish officers  
with necessary  
books, etc.

SEC. 10. It shall be the duty of the Secretary of State to procure, provide and furnish to the several officers named in this act and charged with duties under it, all such books, blanks and other printed matter as may be necessary to carry into effect the provisions of this act.

SEC. 11. Any officer charged with any duty under this act who wilfully fails and neglects to perform the same shall be guilty of a misdemeanor, and upon conviction shall forfeit his office and be fined not more than one thousand dollars or imprisoned not more than five years.

Penalty for failure or neglect of officer to perform his duty.

SEC. 12. Any person who shall knowingly register under this act who is not qualified within the meaning of this act and Article VI, section 4, of said Constitution, or any person who shall knowingly take any false oath in registering under the same shall be guilty of a misdemeanor, and upon conviction shall be fined not more than one thousand dollars or imprisoned not more than five years.

Penalty for false registration.

SEC. 13. That this act shall take effect and be in force from and after the first day of January, 1902.

Effective from and after January 1, 1902.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

## CHAPTER 551.

### An act supplemental to an act ratified March 4, 1901, in regard to hunting in Surry County.

*The General Assembly of North Carolina do enact—*

SECTION 1. That the operation of the act named prescribing that it shall be unlawful for any person or persons to hunt quail with guns, dogs or traps in the county of Surry during the months of December and January, and then only with the written consent of the owner of the land, shall be suspended until the next General Assembly, and that the general statute relating to hunting quail in any manner, shall obtain during such suspension.

Operation of act passed March 4, 1901, relative to hunting in Surry County suspended, and general law to obtain.

SEC. 2. That the operation of this second section of said act shall be likewise suspended and that penalties shall be as prescribed under the general statute for the protection of quail.

Operation of Section 2 of act suspended, and general law to obtain.

SEC. 3. That section 3 of said act shall be suspended in its provisions and that the general statute shall obtain until the next session of the General Assembly.

Operation of Section 3 of act suspended, and general law to obtain.

SEC. 4. That the operation of this act shall be suspended until the next General Assembly.

Operation of act suspended, until when.

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 11th day of March, A. D. 1901.

## CHAPTER 552.

**An act to increase the number of County Commissioners for Pitt County.***The General Assembly of North Carolina do enact:*

Board of Commissioners of Pitt County to appoint additional members, when powers of new members.

SECTION 1. That the Board of County Commissioners of Pitt County be and they are hereby authorized and empowered to appoint at their next regular meeting after the ratification of this act two additional members of said board, who shall have the same powers and duties as the present members of said board have, and who shall hold their office until the next election of Commissioners for said county.

Provisions for election of five Commissioners.

SEC. 2. That at the next election for Commissioners held in said county, and every two years thereafter, there shall be elected in said county of Pitt five Commissioners, with the powers and duties which are now or may hereafter be prescribed by law for County Commissioners.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this act be and they are hereby repealed in so far as they apply to the county of Pitt.

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 11th day of March, A. D. 1901.

## CHAPTER 553.

**An act to prevent hunting on lands of another in Hertford County without consent of owner.***The General Assembly of North Carolina do enact:*

Unlawful to hunt on lands of another in Hertford County without permission.

SECTION 1. That it shall be unlawful for any person to hunt upon the lands of another in Hertford County, with or without gun or dog, except by written consent of the owner.

Penalty for violation of provisions of this act.

SEC. 2. That any person or persons violating the provisions of this act, shall be guilty of a misdemeanor and upon conviction be fined not less than five, nor more than ten dollars for each and every offence.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.



## CHAPTER 554.

## An act to prohibit the manufacture or 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 produce or may produce intoxication within two (2) miles of the following places:

Unlawful to manufacture or sell intoxicating liquors within two miles of the following places in counties named.

*In Alamance County*—Spring Church and Chatham Church in Newlin Township, Centre Methodist Protestant Church, situated on the Alamance and Chatham County line; Haw River Baptist Church, Bethel M. E. Church South, Morton Township.

Alamance.

*In Alleghany County*—Bellevue Academy, Antioch M. E. Church South.

Alleghany.

*In Ashe County*—Helton M. E. Church, Transom M. E. Church, Zion Hill Union Baptist, Graybeal's M. E. Church, Sabbath Home M. E. Church South, Jones Chapel M. E. Church, Rich Hill M. E. Church, Big Laurel M. E. Church, Little Laurel M. E. Church, Big Laurel Baptist Church, Pond Mountain M. E. Church, Apple Grove Baptist Church, Windfall School-House, Graham School-House.

Ashe.

*In Beaufort County*—Primitive Baptist Church, Free Will Baptist Church, Disciple Church at the head of Pungo, Pantego Township; Bath Academy and "Old Episcopal Church" in Bath Township.

Beaufort.

*In Brunswick County*—Silent Grove Baptist Church, Kendall Chapel and Orton Chapel.

Brunswick.

*In Buncombe County*—Ebenezer Baptist Church, Brick M. E. Church South in Sandy Mush Township, Salem M. E. Church, and Flat Creek M. E. Church.

Buncombe.

*In Caldwell County*—Clark's Chapel Baptist Church, Public School-House (white), District No. 2; Carey's Flat Church, Globe Church, German's Chapel, Second Advent Christian Church, Kings Creek Township.

Caldwell.

*In Caswell County*—Edgewood School-House, Pelham Township.

Caswell.

*In Catawba County*—Boss School-House in Jacob's Fork Township; Bethel Evangelical Lutheran Church, Cline's Township; High Point School-House, District No. 2.

Catawba.

*In Chatham County*—South Fork Friends Church.

Chatham.

*In Columbus County*—The Presbyterian Church in the village of Cronly, Polly Bridge Baptist Church, Lees Township, Pleasant

Columbus.

Plains Baptist Church, Lee's Township; Griffin Cross-Roads Baptist Church in Tatum Township, Evergreen M. E. Church South, Tatum Township.

Cleveland. *In Cleveland County*—Prospect Baptist Church, No. 1 Township; Belwood Institute, No. 9 Township.

Davidson. *In Davidson County*—Pleasant Grove Methodist Protestant Church, Spring Hill M. P. Church, Public School for whites, District No. 2; Abbott's Creek Township, Bethesda Methodist Protestant Church.

Duplin. *In Duplin County*—Dobson's Chapel, Baptist; Corinth Baptist, Teachey's Baptist, Rockfish Baptist, Wallace Methodist Episcopal and Rockfish Presbyterian churches.

Durham. *In Durham County*—Orange Factory M. E. Church South, Mt. Sylvan M. E. Church South, Fletcher's Chapel M. E. Church South, McMannins' Chapel M. E. Church South, McTyre M. E. Church South at Rougemont.

Forsyth. *In Forsyth County*—Clement's School-House in Clementsville Township; Mt. Pleasant Baptist Church. (*Provided*, it does not interfere with any person within the corporate limits of Winston-Salem). New Philadelphia Moravian Church, South Fork Township.

Gaston. *In Gaston County*—Public School-Houses in Districts No. 7, 8 and 9 for the white race in Cherryville Township, Hardin Cotton Mills and High Shoals Manufacturing Company's Cotton Mill in Dallas Township, Providence School-House in District No. 11 for white race in River Bend Township, School-House for white race in District No. 17 in Gastonia Township, Snow Hill Church, Costenia Presbyterian Church and Killisus School-House.

Granville. *In Granville County*—New Hope M. E. Church South in Dutchville Township.

Greene. *In Greene County*—Hull Road Church.

Guilford. *In Guilford County*—The Baptist Church, the Lutheran Church at Gibsonville, N. C., Lebanon Methodist Protestant Church. (*Provided*, this act shall not apply to any of the territory within the corporate limits of High Point, N. C.), Fairfield M. P. Church.

Harnett. *In Harnett County*—Mt. Vernon Springs Baptist Church.

Hyde. *In Hyde County*—Amity M. E. Church, the Nebraska M. E. Church South, the Englehard M. E. Church South, the Mt. Pleasant M. E. Church South, Saul's M. E. Church South, St. George P. E. Church, McCloud's School-House, the Darkwoods School-House, the Weston School-House, the School-House in the corner of the Wm. Watson farm, and the Juniper Bay School-House, Bethel M. E. Church on Gourd Ridge, Beulah Baptist Church on Fortescue Creek, Sladesville Church in Sladesville.

*In Lenoir County*—Wheat Swamp Church. (This shall not apply to manufacture of wine or cider.) Lenoir.

*In Lincoln County*—Hill Chapel, New Hope, Machpelah, Gold Hill and Rock Hill churches and McLean and Lowesville School-Houses and Mt. Vernon Baptist Church. Lincoln.

*In Macon County*—Rowland's Creek Baptist Church. (Provided, it shall not embrace any territory in Graham County.) Macon.

*In Madison County*—Ottinger's Chapel, Antioch M. E. Church, Paint Rock Church, and Ray's School-House in No. 9 Township. Madison.]

*In Montgomery County*—Ether Academy. Montgomery.

*In Nash County*—Stanhope Academy, Samaria Baptist Church, New Hope Colored Baptist Church in South Whitakers Township, York's Chapel M. E. Church at Hilliardston. Nash.

*In Onslow County*—Adams School-House in Richlands Township, Piney Grove Baptist Church, Swansboro Township, Gregory Fork School-House, Richlands Township. Onslow.

*In Person County*—Surl Primitive Baptist Church, Helena Depot on Norfolk and Western R. R., Allensville M. E. Church. Person.

*In Pitt County*—Green Swamp Church in Swift Creek Township, and Solomon's Chapel, and Lang's School-House. Pitt.

*In Pasquotank County*—Salem Missionary Baptist Church. Pasquotank.

*In Randolph County*—Christian Union Christian Church, New Centre Christian Church, Cedar Falls Baptist Church, Millboro Public School-House for whites. (This act regarding this county shall not go into effect till September 1, 1901.) Randolph.

*In Rockingham County*—Saunder's School-House in Wentworth Township, Dan Valley Baptist Church in May's Township and Sharp's Institute. Rockingham.

*In Rowan County*—St. Mary's Episcopal Church, St. Andrew's Episcopal Church, Harris Chapel, Methodist Church in Spencer and Grace Lutheran Church. Rowan.

*In Swain County*—Every church and school-house in said county. Swain.

*In Surry County*—M. E. Church South in Elkin and Friends Meeting House at Westfield. Surry.

*In Transylvania County*—Little River, Mt. Moriah, Macedonia, Zion and Shoal Creek Baptist churches, Mt. Vale Island Ford, Robeson, Owens, Pine Grove, Hog Back, Glade and Flat Creek school-houses. (Provided, that the Transylvania County manufacturers may make and sell their liquors as provided by law for manufacturers.) Transylvania.

*In Wake County*—Wentworth Christian Church. Wake.

*In Warren County*—Providence M. E. Church South. Warren.

## Watauga.

*In Watauga County*—Vallecrucis M. E. Church South, Windy Gap Baptist Church, Antioch Baptist Church, Zion Primitive Baptist Church, St. John's Episcopal Church, Phillips School-House, Mt. Gilead Baptist Church, Beach Creek Christian Church, Peach Mountain Baptist Church, Fall Creek Baptist Church, Flat Creek School-House, Clark's Creek Lutheran Church, Watauga Baptist Church and Boone's Fork Baptist Church, Shull's Mill Baptist Church.

## Three-Mile Limit.

## THREE-MILE LIMIT.

Unlawful to manufacture or sell intoxicating liquors within three miles of places named in following counties:

SECTION 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 three (3) miles of the following places:

## Alleghany.

*In Alleghany County*—Union Baptist Church, Pine Swamp School-House.

## Bladen.

*In Bladen County*—Love's Grove Baptist Church, Purdie's Methodist Church.

## Burke.

*In Burke County*—Oak Hill Methodist Episcopal Church, Ervin's Chapel, Bethel Baptist Church, Linville Fall High School, Public School-House (white) No. 9, Hildebran School, Penelope Church, Winkler's Grove Church, Warlick's Chapel, Friendship Church, Shady Grove Church, Mt. Harmony Church, Zoar Church, Bethany Church, Shoup's Grove Church, Warlick's Methodist Church, Enon Baptist Church, Mt. Pleasant Methodist Church, Stamey's Chapel Methodist Church, Missionary Ridge Church, Rain Hill Methodist Church, Dry Pond Methodist Church, Mt. Olivet Baptist Church.

## Craven.

*In Craven County*—Methodist Episcopal Church (white) in Havelock, Antioch Church, No. 2 Township.

## Cherokee.

*In Cherokee County*—Every church and school-house in the county.

## Columbus.

*In Columbus County*—Lennon's Cross-Roads Baptist Church in Tatum Township.

## Cumberland.

*In Cumberland County*—Long Branch Church and School-House (white), Black River Township.

## Davidson.

*In Davidson County*—Ebenezer Church.

## Duplin.

*In Duplin County*—The Presbyterian Church at Chinquapin.

## Gaston.

*In Gaston County*—Union Presbyterian Church in Southpoint Township, Tanyard School-House, District No. 14, for white race, in Gastonia Township, Mountain School-House in District No. 13, white race, South Point Township.

## Gates.

*In Gates County*—Reynoldson Baptist Church.

*In Harnett County*—Cokesbury Methodist Episcopal Church in Harnett, Buckhorn Township.

*In Henderson County*—Moore's Grove Methodist Church, Ruse's Henderson, School-House, Locust Grove Baptist Church, and Mt. Moriah Baptist Church. (*Provided*, this shall not include any of the incorporation of Hendersonville.)

*In Johnston County*—Glenwood Academy, Oakland Presbyterian Johnston, ian Church.

*In Madison County*—Sliding Kush Methodist and Baptist Madison, churches, Lusk's Chapel Baptist Church, Freezeland School-House, Flats of Spring Creek Baptist Church, Gap of the Mt. Methodist Church, Spring Creek Seminary, Bolen Grove Methodist Church, Bluff School-House, Keener School-House, New Prospect Christian Church, Poplar Gap Methodist Church and School-House, Meadow Fork Baptist Church, Balding Chapel M. E. Church, Roaring Fork School-House, Bethel Christian Church, Bonnie Hill E. Church, in Nos. 8, 9 and 13 Townships, Primitive Baptist Church, Big Pine Missionary Baptist Church, North Fork Missionary Baptist Church, and the M. E. Church South, situated on Big Pine Creek and its tributaries. (The provisions of this chapter shall not prohibit the making of wine or cider in Madison County.)

*In Mitchell County*—Coine Creek Missionary Baptist Church, Mitchell, and Coine Creek Free Will Baptist Church in Bakersville Township.

*In Montgomery County*—The Green School-House in Mt. Gilead Montgomery, Township, Wadeville Presbyterian Church in Wadeville, Shady Grove Church in Little River Township, Pleasant Hill Church in Rock Spring Township.

*In Moore County*—Union Presbyterian Church, Carthage Town- Moore, ship, Manly Presbyterian Church at Manly.

*In Nash County*—Castalia Academy. Nash.

*In Onslow County*—Salem Missionary Baptist Church in Onslow, Stump Sound Township.

*In Pender County*—Long Creek Baptist Church, Keith Presby- Pender, terian Church, Moore's Creek Baptist Church, Union Chapel Baptist Church (colored), Monument at Moore's Creek.

*In Polk County*—Lime School-House. Polk.

*In Randolph County*—Ramseur M. E. Church, Columbia Town- Randolph, ship. (As to Randolph to take effect September 1, 1901.)

*In Robeson County*—Hillside Presbyterian Church, Bethany Robeson, Baptist Church, Smith's Chapel M. E. Church, Ashpole Presbyterian Church, Big Branch, Long Branch, and Antioch Baptist churches.

Rockingham.	<i>In Rockingham County</i> —Ruffin High School building in Ruffin Township. Happy Home Christian Church.
Rowan.	<i>In Rowan County</i> —Presbyterian Church at Cleveland.
Wake.	<i>In Wake County</i> —Beulah Christian Church near Mitchell Mill, also New Bethel Church near Rogers' Store, except in the latter case, the manufacture and sale of cider and wine made of fruits grown by the manufacturer.
Watauga.	<i>In Watauga County</i> —Mt. Ephriam Baptist Church, Middle Coine Baptist Church, Mt. Parow Baptist Church.
Yadkin.	<i>In Yadkin County</i> —The Yadkin Valley Institute, and it shall further be a misdemeanor to deliver any of the liquors or substances described in this act either [within] three miles of said Yadkin Valley Institute and the same punishment as in this section provided shall be imposed upon any person violating this provision.
Vance.	<i>In Vance County</i> —Harris Chapel Methodist Protestant Church, Poplar Creek Baptist Church, Herman Methodist Episcopal Church South, Rehoboth Methodist Protestant Church, Island Creek Baptist Church, St. John Protestant Episcopal Church, Nutbush Presbyterian Church, Rock Spring Baptist Church, Tabernacle Methodist Episcopal Church, Flat Rock Methodist Protestant Church, the Baptist Church at Middleburg, Methodist Episcopal Church at Middleburg, Cary's Baptist Church, Cokesbury, M. E. Church, Mt. Carmel Methodist Protestant Church, Gillsburg Methodist Protestant Church, Plank Chapel M. E. Church, Union Chapel Methodist Protestant, Antioch Methodist Protestant Church, Liberty Christian Church, Kittrell M. E. Church, Brockston Presbyterian Church: <i>Provided</i> , that nothing in this section shall apply to the incorporated limits of the town of Henderson.

Unlawful to sell spirituous liquors within three miles of following churches.

SEC. 3. That it shall be unlawful to sell any spirituous liquors within three (3) miles of the following churches:

*In Anson County*—New Forestville Methodist Church, Savannah Methodist Church, Best Chapel Methodist Church, all in Lilesville Township. Any person violating this act shall be guilty of a misdemeanor, and fined or imprisoned at the discretion of the Court.

One-half Mile Limit.

#### ONE-HALF MILE LIMIT.

Unlawful to manufacture or sell intoxicating liquors within one-half mile of the following places.

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 within one-half mile of the following places:

*In Wilkes County*—Mt. Pleasant Baptist Church, Beaver Creek Baptist Church, and Beaver Creek Adventist Church, Concord M. E. Church South.



## THREE-FOURTHS MILE LIMIT.

Three-fourths  
Mile Limit.

SECTION 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 within three-quarters (3-4) of a mile of the following places:

Unlawful to manufacture or intoxicating liquors within three-quarters of a mile of following places in counties named:

*In Iredell County*—Warren's Chapel, Primitive Baptist Church, Statesville Township.

Iredell.

*In Lenoir County*—New Hope Church, Neuse Township.

Lenoir.

## ONE-MILE LIMIT.

## One-Mile Limit.

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, that produce or may produce intoxication, within one (1) mile of the following places:

Unlawful to manufacture or sell intoxicating liquors within one mile of places named in following counties:

*In Catawba County*—Fair View School-House.

Catawba.

*In Gates County*—Corporate limits town of Gatesville.

Gates.

*In Madison County*—Coney Fork Baptist Church.

Madison.

*In Polk County*—Cooper's Gap Baptist Church, the Baptist Church in Tryon. (*Provided*, it shall not apply to the corporate limits of Tryon, if the popular vote of the town shall decide otherwise.)

Polk.

*In Washington County*—Phillipi Church, Scuppernong Township.

Washington.

*In Yadkin County*—Enon Church, Cedar Hill Church (colored), Glen's Chapel (colored).

Yadkin.

## ONE AND ONE-HALF-MILE LIMIT.

One and One-half  
Mile Limit.

SEC. 7. That it shall be unlawful for any person, firm or corporation to manufacture, sell or otherwise dispose of for gain or remuneration any spirituous, vinous or malt liquors, or any other substance, liquid or solid that will produce intoxication within one and one-half (1½) mile of the following places:

Unlawful to manufacture or sell intoxicating liquors within one and one-half miles of places named in following counties:

*In Catawba County*—Mt. Ruhoma Baptist Church.

Catawba.

*In Davidson County*—The Missionary Baptist Church in Abbott's Creek Township.

Davidson.

*In Forsyth County*—Salem Chapel, Chapel, Christian Church, Belew's Christian Church.

Forsyth.

*In Guilford County*—Zion Chapel Methodist Church.

Guilford.

*In Madison County*—Anderson Branch Baptist Church.

Madison.

**Two and One-half  
Mile Limit.****TWO AND ONE-HALF MILE LIMIT.**

Unlawful to manufacture or sell intoxicating liquors within two and one-half miles of places named in following counties:

SEC. 8. That it shall be unlawful for any person, firm or corporation to manufacture, sell or otherwise dispose of for gain or remuneration, any spirituous, vinous or malt liquors or any other substance liquid or solid that will produce intoxication, within two and one-half miles ( $2\frac{1}{2}$ ) of the following places:

Caswell.

*In Caswell County*—Shady Grove M. E. Church South (white).

Iredell.

*In Iredell County*—Elmwood Presbyterian Church, Chambersburg Township.

Montgomery.

*In Montgomery County*—Ophir Methodist Church, Ophir Township.

Rockingham.

*In Rockingham County*—Bethlehem Methodist Church in Wentworth Township.

**Three and One-half Mile Limit.****THREE AND ONE-HALF MILE LIMIT.**

Unlawful to manufacture or sell intoxicating liquors within three and one-half miles of places named in following counties:

SEC. 9. That it shall be unlawful for any person, firm or corporation to manufacture, sell or otherwise dispose of for gain or remuneration any spirituous, vinous or malt liquors or any other substance either liquid or solid that will produce intoxication, within three and one-half ( $3\frac{1}{2}$ ) miles of the following places:

Alamance.

*In Alamance County*—Hawfields Presbyterian Church.

Duplin.

*In Duplin County*—Hallsville Presbyterian Church.

Richmond.

*In Richmond County*—Covington Academy, Philadelphia M. E. Church South, and Hebron Church, all in Steele's Township.

**Four-Mile Limit.****FOUR-MILE LIMIT.**

Unlawful to manufacture or sell intoxicating liquors within four miles of places named in following counties:

SEC. 10. 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 substance either liquid or solid that will produce intoxication within four (4) miles of the following places:

Alleghany.

*In Alleghany County*—Saddle Mountain Church.

Rutherford.

*In Rutherford County*—Thermal City M. E. Church.

Conflicting laws repealed.

SEC. 11. All laws and clauses of laws in conflict with this act are hereby repealed.

Penalty for violations of provisions of this act.

SEC. 12. That any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both, at the discretion of the Court.

SEC. 13. That this act shall be in force from and after the first day of July, 1901.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

## CHAPTER 555.

**An act to provide for the better working of the roads and highways of Iredell County.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of County Commissioners of Iredell County shall in order to provide for the proper construction, improvement and maintenance of the public roads of Iredell County at their regular meeting in June, after the adoption of this act as hereafter provided, and at each regular meeting thereafter and it is hereby made their duty to levy a special tax upon all property subject to taxation under the State law in said county of not less than ten cents nor greater than twenty-five cents on the one hundred dollars worth of property and not less than thirty cents nor greater than seventy-five cents on the poll, the constitutional equation to be observed at all times; said taxes to be collected as all other taxes are to be kept separate in the tax books of the county to be set aside as a special road fund to be used in the construction, improvement and maintenance of the public roads of the county, the purchase of such material, implements, teams, wagon, 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: *Provided, however,* that the moneys raised under this section shall as far as possible be used for permanent improvements.

Provisions for levying and collecting special tax for road purposes.

SEC. 2. That there shall hereafter be elected after the adoption of this act by the Board of Commissioners at their next regular meeting or some subsequent meeting thereto and at their regular meeting in January of each and every year thereafter a Superintendent of Roads who shall be paid such compensation as may be fixed by the board to be paid out of the county road fund who shall hold his office for one year or until his successor has been elected and qualified as provided in this act: *Provided,* that the first Superintendent elected under this act shall only hold until the first of January following his election: *Provided further,* that the Superintendent of Roads may at any time be removed by said board after having been given ten days' notice and a hearing, when in the opinion of the board there exists good and sufficient cause for such 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, to supervise, direct

Proviso.

Superintendent of Roads, election of, compensation of, term of office.

Proviso as to term of first Superintendent.

Proviso as to removal of Superintendent.

Duties of Superintendent.

and have charge of the maintenance and building of all public roads in the county, and he shall submit to said board a monthly report concerning the work in progress and the moneys expended, and he shall quarterly make a report on the condition of the public roads, bridges, and plans for their improvement, and he shall include in this 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 them in the sum of two thousand dollars 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 the Clerk of the Superior Court. All vacancies in said office shall be filled by the Board of County Commissioners.

Official bond.

Vacancies, how filled.

Guards and supervisors, appointment of, duties of, pay of.

SEC. 3. That the Board of Commissioners or the Road Superintendent, subject to the approval of said board, shall appoint with power to at any time 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 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.

Persons subject to road duty and number days annual service.

SEC. 4. That all able-bodied male persons of the county, between the ages of twenty-one and forty-five years, except residents of incorporated cities and towns, shall work on the public roads of said county for four days (of nine hours each) in each and every year at such time and place, and in such manner as may be designated by the Road Superintendent or Township Supervisors: *Provided*, that the said Superintendent or the 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

Proviso as to notice by supervisor.

with which such person shall be required to work: *Provided further*, that in case of washout or other unexpected obstruction to travel the three days' notice shall not be necessary, and any person liable to road duty in the township in which such obstruction to travel may occur, shall, upon being properly summoned by said Superintendent or Supervisor of Roads, respond to such summons with reasonable promptness; and if at the time of such summons any person so summoned shall have already worked out the four days' labor required in this act or shall have paid the money requirement in lieu thereof he shall nevertheless respond to such summons and for the labor expended in doing so he shall be paid out of the road fund of the county or township in which such obstruction occurred for each day's labor, such price as is allowed for ordinary road work in such county or township: *Provided further*, that any person may, in lieu of working four days on the public road, pay on or before the first day of May, 1901, and on or before the 1st 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 two 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. 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: *Provided*, 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 districts within each township to be fixed by the County Commissioners: *Provided further*, that any person coming of road age or becoming a resident of any township 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.

Proviso as to special notices and pay of persons who have given required number days service or money in lieu of same.

Proviso as to payment of a certain sum in place of service, receipt for and disposal of same.

Proviso, no person required to work outside his township or road district.

Proviso as to person coming of road age, or become resident of any township after April 1.

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 two dol-

Penalty for failure or refusal to perform road duty after notice.

lars), or any person who shall appear as notified, and fail or refuse to perform good and reasonable labor as required by the said Superintendent or Supervisor, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two nor more than five dollars, or sentenced to work on the public roads of the county for not less than ten nor more than twenty days.

Implements and tools for public road work to be paid for out of township fund.

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 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.

Proviso as to parties summoned providing tools until county road superintendent can furnish same.

Provisions for listing persons of road age, and for prosecuting persons failing to perform road duty or to pay for same.

SEC. 7. That on or before the 15th 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 4 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 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 this act, shall within fifteen days 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.

Proviso.



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 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 prisoners in the 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 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 or 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 county or township, as the case may be: *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.

Provisions for working convicts on county roads.

Proviso as to exchange of prisoners with other counties and as to assigning prisoners to townships.

Proviso as to prisoners physically disabled.

SEC. 9. That when the Commissioners of the 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 presiding, the Justices of the Peace and the principal officers of any municipal or other inferior Court in any other county or counties which do not otherwise provide for the working of their own convicts on 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 counties applying for the same, in the order of their application; and the cost of transporting, guarding and main-

Provisions for obtaining convicts from other counties.

taining such prisoners as may be sent to any such county or township applying for the same, shall be paid by the county applying for and receiving them out of the road fund of each such county.

Roads classified and defined.

SEC. 10. For the purposes of this act the roads or ways of the county are hereby classified as follows:

Thoroughfares.

(a) The thoroughfares include the more important public roads which usually lead through two or more townships or counties, and are extensively used by the 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.

Neighborhood or branch roads.

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

Cartways.

(c) Cartways, which have no general public function, are private ways opened up to allow one or more persons on foot, on horseback or with any vehicle to pass to and from his or her property through lands belonging to other parties in order to reach the public road. 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 specifications for road building provided in this act; and it shall further prescribe the general regulations for the management of prisoners working on the public roads.

State Highway Commission, annual report to and powers of.

Surveys of roads, pay for same, Grade and width of roads.

SEC. 11. That the thoroughfares or highways as defined above to be improved or constructed in accordance with the provisions of this act, prior to the inauguration of any such permanent improvements on the road or highway to be so improved or constructed shall be first carefully surveyed and located by an engineer, 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, re-located or widened shall be given a grade nowhere greater than six feet in one hundred feet, and they shall have a width of not less than twenty feet, clear of ditches, trees, logs, and other obstructions: *Provided*, that where, in the opinion of an experienced

and competent engineer, insurmountable obstructions make the grades just described impracticable, the grades may be increased to the extent of one foot in one hundred, for distances of less than fifty feet in one place: *Provided further*, that where the roadway must be located on the steep slope of a mountain or hill its width shall not be less than sixteen feet between ditches, or where blasted out in hard rock the width of such roadway shall be not less than thirteen feet: *Provided further*, that these thoroughfares or highways shall have a right of way of forty-five feet, 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 pipe or other forms of covered drains or culverts. These thoroughfares or highways as they are improved under the provisions of this act, shall be located at a distance from any railway line of not less than three hundred (300) feet, except in cases where in the opinion of an experienced engineer a nearer approach to said railway line for a few yards 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.

SEC. 12. The neighborhood or branch roads, as defined in section ten of this act, shall have a right of way of thirty feet; but the width and grade of the roadway, and the specifications under which these roads shall be 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 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 part thereof, shall be at the discretion of the said Superintendent or Supervisor in charge of said roads.

SEC. 13. Cartways, defined in section ten of this act, are to be kept in repair by parties using the same. Any party desiring a cartway opened up over lands of other persons may file his

Proviso as to increased grade when necessary.

Proviso as to decreased width when necessary.

Proviso as to rights of way, drainage of roads, distance from railway lines, railroad crossings.

Branch roads, right of way, repair of, relocation, labor performed on.

Cartways, kept in repair by whom; provisions for laying off; assessment of damages to land; changed or discontinued, how; erection of gates across; penalty for injury to or breaking down gates.

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 person's lands, 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 to summon a jury of five freeholders, to view the premises, and lay off the cartway not less than fourteen feet wide, and assess the damages, if any, the owner of such land may sustain thereby; which, with the expense of making the way, shall be paid by the petitioner, and the way shall be kept open for the free passage of all persons, on foot or horseback, carts and wagons. Cartways, laid off according to the provisions of this section, may be changed or discontinued upon application by any person concerned, under the same rules of proceeding as they may be first laid off, and upon such terms as to the Board of County Commissioners shall seem equitable and just, and any person through whose land a cartway may pass, may erect gates or bars across the same; and if any person shall leave open, break down, or otherwise injure such gates or bars, he shall forfeit and pay, for every such offence, ten dollars to the person erecting the same or 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 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.

Proviso as to closing of cartways granted by mutual consent, and penalty for closing same contrary to provisions of this act.

Power to enter lands to cut timber, dig gravel and make drains, etc., for roads.

SEC. 14. That for the purpose of carrying out the provisions 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 and carried away any gravel, sand, clay or stone which may be necessary to construct, improve or repair said road, and to enter on any lands adjoining or lying near the road in order to make such drains or ditches through the same as he may deem necessary for the betterment of the road, doing as little injury to said lands and the timber or

improvements thereon as the nature of the [land] and the public good will permit, and the drains and the ditches so made shall be conducted to the nearest ditch, drain, 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 or 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 offence, said penalty to be collected by the said Superintendent or Supervisors if in money and paid over to the County Treasurer and applied to the road fund of the county. If the owner of any lands, or the agent or agents of such owner, having in charge lands from which timber, stone, gravel, sand or clay were taken as aforesaid, shall present an account of the same, through the County Road Superintendent, at any regular meeting of the County Commissioners within thirty days after the taking and carrying away of such timber, stone, gravel, sand or clay, it shall be the duty of said Commissioners to pay for the same a fair price; and before deciding upon this they may cause to be appointed an impartial jury of three freeholders, one to be selected by the County Road Superintendent, one by the party claiming damages, and the third to be selected by these two, which jury shall report in writing to the Board of Commissioners their decision for revision or confirmation: *Provided*, that said land owner or his agent shall have the right of appeal as provided for in section 13 of this act.

Unlawful to obstruct drains.

Penalty.

Provisions for payment for timber, stone, etc., taken from lands.

Assessment of damages by jury.

Proviso.

SEC. 15. 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, 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 to be 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 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 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

Provisions for location, re-location, widening or change of roads.

Assessment of damages by jury, when and how made, notice, etc.



Proviso as to service on non-resident land-owners.

Proviso as to payment of damages.

Appeal of land-owner from decision of County Commissioners.

Mile posts and guide boards, where and by whom set up; penalty for injury to; disposal of receipts and fines.

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 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 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: *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, but nothing shall be allowed the county, from the land owner if the benefits exceed damages.

SEC. 16. That in case the land owner or his local representative shall be dissatisfied with the finding of the juries provided for in sections 11 and 12 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.

SEC. 17. 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 seat; and at important road crossings and forks 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 distances to the same. That if any person or persons shall wilfully alter, deface or otherwise injure any such post or guide board, every person so offending shall be guilty of a misdemeanor and 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 offence was committed.



SEC. 18. 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 return 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.

Penalty for obstruction of road; for leaving cut, girdled or undermined trees dangerously near road, for wilful damage to road, culvert or bridge; for interference with laborer, officer or prisoner; for failure of officers to perform duties, and for violation of provisions of this act.

Fines, how disposed of.

SEC. 19. (a) The Board of Commissioners in said county in which the tax for road purposes in the county or any township thereof at the time is not less than 15 cents on the \$100 worth of property, may, at its discretion, at its regular meeting in January, or at any regular meeting thereafter, on or prior to the first Monday in June, reduce the number of days of labor required for road purposes in any such county or township thereof in section 4 of this act, such reduction not to exceed one day during any year, reducing also in each case the money to be paid in lieu of such labor at the rate of 50 cents for each day: *Provided*, that for each such reduction in the labor requirement the said Board of Commissioners shall, at its regular meeting in June next following each such reduction, increase the tax levy for road purposes provided for in section 1 of this act by the amount of 2 1-3 cents on each \$100 worth of property and 7 cents on the poll.

Reduction of number of days annual road service; on what grounds, by whom and when made.

Proviso as to increase of road tax.

(b) The Board of Commissioners when the tax levy in the county or in township thereof exceeds an amount equivalent to the tax levy of 15 cents on the \$100 worth of property and 45 cents on poll may, at the discretion of said board, reduce the money requirement in lieu of the four days' labor on the roads provided for in section 4 of this act in the county or township thereof to one dollar for each year.

Reduction of money requirement, by whom and when made, and limit of.

Additional special tax for township, to be levied when, how used.

SEC. 20. When in any township in the county coming under the provisions of this act, 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, or under the direction of the three Township Road Commissioners named in said petition or vote, if such be named.

County Treasurer to be treasurer of road fund; liability of fund; commissions for services.

SEC. 21. 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 approved by the Board of County Commissioners. The County Treasurer shall keep a separate account of the road fund of the county and of each of the several townships therein, and of his disbursements of the same, and he shall make a written report thereof to the Board of County Commissioners, at their regular meetings on the first Monday 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. 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

Separate account of road fund to be kept by treasurer, contents of when published.

Board of Commissioners authorized to borrow money for road purposes.

taxes are levied and collected in accordance with the provisions contained in section one of this act, and the sum so borrowed shall be paid out of the taxes collected for and applicable to the county road fund, or if borrowed for any township, out of the road fund of the 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.

Proviso.

SEC. 22. That before this act shall be in full force and effect the Board of Commissioners of Iredell County shall cause an election to be held in said county upon the petition of two thousand or more qualified voters, submitting to the qualified voters of said county the question of taxation for road purposes, of which election forty days' notice shall be given in the several newspapers published in the said county and by posters in the several voting precincts in the county.

Question of taxation to be submitted to qualified voters.

Notice of election.

SEC. 23. That said election shall be held at such time as the Board of Commissioners may determine under the rules and regulations required by law for the election of members of the General Assembly.

Election, time of holding, rules and regulations for.

SEC. 24. That in said election there shall be written or printed ballots, on which shall be the words "For Road Tax," and on another, "Against Road Tax," and if a majority of the votes cast be "For Road Tax," then in that event this act shall be in full force and effect, but if a majority of the votes cast be "Against Road Tax," then this act shall be null and void.

Description of ballots.

Effect of vote.

SEC. 25. That it shall be the duty of said Board of County Commissioners, in the event a majority of the votes cast in said county be "Against Road Tax," or in the event that no election is held for the county at large within one year from the ratification of this act, to submit to the qualified voters of one or more townships, either severally or jointly, upon the petition of one-third of the qualified voters thereof, the question of taxation for road purposes as provided for in the preceding sections of this act, and if a majority of the votes cast in said township or townships be "For Road Tax," then this act shall be in full force and effect and applicable to said township or townships, and said road tax money shall be expended upon the roads of said township or townships as provided for in the preceding sections of this act.

Question of taxation for townships, when to be submitted to voters; tax money, how expended.

SEC. 26. This act shall be in force and effect from and after its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

## CHAPTER 556.

**An act to provide for the better drainage of swamp lands at the head of Fungo, Beaufort County.***The General Assembly of North Carolina do enact:*

Canal Board created, names of directors.

SECTION 1. That John H. Carter, Locker Davis, and Noah Paul be and they are hereby made and created a Board of Directors to be styled as "Canal Board" with such duties, powers and authority as hereinafter prescribed by this act.

Duties of board relative to survey of canal route and plat of same, employment of engineer and pay of.

SEC. 2. That it shall be the duty of the said "Canal Board" to employ a civil engineer or surveyor, who shall be under the direction of said board, at such compensation as may be agreed upon, for the purpose of making survey along the line the proposed canal is to be cut and plot the same. The proposed canal to be cut from "Shallop's Creek" to "Turnpike Ditches" via "Davis Landing," unless the course is otherwise changed by the direction of the said board. The said surveyor and engineer by or through the direction of said board, shall survey around the said proposed canal, at a distance of five (5) miles in every direction from the said proposed canal, and shall make a plot or map of the said land contained therein, showing the number of acres of land and by whom owned. The compensation of the said surveyor shall be paid by the Sheriff of Beaufort County from the funds in his hands collected as hereinafter provided in section four (4) of this act: *Provided*, the said surveyor furnishes the Sheriff with his receipted account approved by the said board. That each of the directors of the said Canal Board shall receive one dollar per day for every day of actual service performed, to be paid out of the same funds and in the same way and manner as the surveyor: *Provided further*, that each member of the said board shall furnish the Sheriff with his account receipted and approved by the other two members of the said board.

Proviso.

Pay of directors.

Proviso.

Provisions for employment of convict labor.

SEC. 3. That the said board herein created may contract with the Penitentiary Board of Directors or the proper penitentiary authorities for the supply of a sufficient convict force to cut and construct the said canal under the direction of the said board herein created, and when the said contract shall have been executed and upon application of the said Canal Board the said Penitentiary Superintendent shall furnish the said convict force, transport, guard, support, care for, feed and clothe the said convict force, at the expense of the State during the entire time necessary to cut and construct the said canal.

Provisions for special tax in certain counties, levy, collection, disbursement of.

SEC. 4. That the Commissioners of the counties of Beaufort, Hyde and Washington shall levy annually a special tax of ten (10) cents per acre on all land lying and being in their respec-

tive counties inside of and within the lines of the proposed territory as is provided for in section two (2) of this act. The said special tax to be levied by the said Commissioners annually and said tax to be collected by the several Sheriffs of the said counties and shall be kept separate and apart from all other funds and taxes, and after reserving the same commissions as is paid Sheriffs for collecting other taxes, then said Sheriffs shall pay the surveyor and board as is prescribed for in section two (2) of this act, and also pay the balance to the proper penitentiary authorities upon a rendition of their account receipted and approved by the said Canal Board herein created. That said special tax shall be levied from year to year, as provided in this act, until all costs and expenses of cutting and constructing said canal shall have been fully paid and the debt so created satisfied and discharged. That the Commissioners of Beaufort County shall fill any vacancy occurring on said board, whether said vacancy occurs by death or otherwise.

Vacancies on board, how filled

SEC. 5. That before this act shall go into operation the same shall be first submitted to a vote of all the land owners residing within the territory provided for in section two (2) of this act.

Question of adoption of act to be submitted to voters.

SEC. 6. That the said "Canal Board" shall call an election naming the day, month and year and place of holding election, giving thirty days written notice at four (4) public places, within the said territory herein provided for, and provide ballots with the words "For Canal" and "Against Canal" written on separate ballots, and further provide a box in which said ballots are to be deposited, and if a majority of the qualified voters under this act cast ballots with the words written thereon "for Canal," then this act shall be in full force and operation, but if a majority cast ballots with the words written thereon "Against Canal," then this act shall be without force and operation. That the said board shall elect two poll-holders, who shall at sunrise of the day the election named by said board, open said polls and keep the same open until sunset of the same day and when said ballot is deposited write down the name of the voter on a sheet of paper. At sunset the polls shall be closed and the poll-holders shall then open same and proceed to count said ballots in the presence of the said Canal Board and as many others as may desire to be present and shall certify vote so cast to the said Canal Board and to the Register of Deeds of Beaufort County. The said Register of Deeds shall file away in his office the said certificates.

Provisions for calling and holding election, count and returns of vote.

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 11th day of March, A. D. 1901.

## CHAPTER 557.

## An act relative to the law of libel.

*The General Assembly of North Carolina do enact:*

Notice to be given before institution of suit.

Notice in writing, article to be specified.

Good faith shown and correction made; plaintiff to recover costs only, or defendant to be fined a penny and costs.

Proviso as to existing suits.

Penalty for communicating false statement to publisher.

Exception.

SECTION 1. That before any proceedings, either civil or criminal, shall be brought for the publication, in a newspaper or periodical in this State, of a libel, the plaintiff or prosecutor shall at least five days before instituting such proceedings serve notice in writing on the defendant or defendants, specifying the article and the statements therein which he alleges to be false and defamatory. If it shall appear upon the trial that said article was published in good faith, that its falsity was due to an honest mistake of the facts, and that there were reasonable grounds for believing that the statements, in said article were true, and that within ten days after the service of said notice a full and fair correction, apology and retraction was published in the same editions of corresponding issues of the newspaper or periodical in which said article appeared, and in as conspicuous place and type as was said original article, then the plaintiff in such case, if a civil action, shall recover only actual damages, and if, in a criminal proceeding, a verdict of "guilty" shall be rendered on such a state of facts, the defendant or defendants shall be fined a penny and the costs, and no more: *Provided*, this act shall not apply to existing suits.

SEC. 2. That any person who states, delivers, or transmits by any means whatever, to the manager, editor, publisher or reporter of any newspaper or periodical for publication therein any false and libelous statement concerning any person or corporation, and thereby secures the publication of the same, shall be guilty of a misdemeanor.

SEC. 3. This act shall not apply to anonymous communications and publications.

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

In the General Assembly read three times, and ratified this the 13th day of March, A. D. 1901.



## CHAPTER 558.

**An act to provide for the sale of property for taxes.**

*The General Assembly of North Carolina do enact:*

SECTION 1. Whenever taxes shall be due and unpaid, the Sheriff shall immediately proceed to collect them as follows: Collection of due and unpaid taxes.

(1) If the party charged have personal property of a value equal to the taxes charged against him the Sheriff shall seize and sell the same as he is required to sell other property under execution. If sufficient personal property, Sheriff to seize and sell.

(2) And no tax due from insolvent shall be credited to the Sheriff in the settlement with the Auditor except such as shall be allowed by the Board of Commissioners, a list whereof, containing the names and amounts and subscribed by the Sheriff, shall be returned by the Sheriff to the Board of Commissioners, and same shall be allowed only on his making oath that he has been at the dwelling-house or usual abode of each of the tax-payers, and could not there or elsewhere in the county find property wherewith to discharge his taxes or such part thereof as is unpaid, and that the persons contained in list were insolvent at and during the time when by law he ought to have collected the taxes. Such list shall be recorded in the Commissioners' docket, and a copy thereof shall be returned to the Auditor of the State on or before the day of the settlement of the Sheriff with the Treasurer. What insolvent taxes shall be credited to Sheriff in settlement with Auditor. List of insolvents returned by Sheriff. Allowed only after Sheriff's oath; contents of oath.

SEC. 2. Whenever any Sheriff or Tax Collector shall be credited on settlement with any tax or taxes by him returned as insolvent, dead or removed, he shall forthwith make publication at the courthouse door of a complete list of the names of such insolvent, dead or removed delinquents, with the amount of taxes due from each, and the sum total so credited, and at at least one public place in each township a list of such delinquents of said township. Such complete list, by order of the Board of Commissioners, shall if there be one, also [be] published in a newspaper printed in the county, in which case the expense of advertisement for such time as may be directed, shall be paid by the county. Any Sheriff or Tax Collector failing to comply with the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be fined not less than ten nor more than one hundred dollars. List to be recorded and copy sent Auditor, when. Lists of insolvents and dead or removed delinquents to be published by Sheriff. Method of publication.

SEC. 3. Before any real estate shall be sold for taxes, the Sheriff or Tax Collector shall mail to or serve a written or printed or partly written and partly printed notice of such sale on the delinquent tax-payer or his agent at least thirty days Failure to comply with provision of this section a misdemeanor. Penalty. Notice before sale of real estate for taxes.

Publication of notice. To lowest news- paper bidder.	before such sale, if the delinquent resides in the State. If the delinquent tax-payer resides out of the State, the Sheriff or Tax Collector shall give notice through the mail of such sale, as well as by publication thereof once a week for four successive weeks preceding the sale in the newspaper published in his county having a general circulation which shall make the lowest bid for such advertising. And if there be no newspaper published in his county, he shall give notice of such sale by written or printed notice posted on the door of the court-house or building in which the Courts are commonly held, for four consecutive weeks previous to the sale, and he may adjourn the sale from day to day until all the property advertised has been offered. The notice shall contain a notification that all the lands on which the taxes of the preceding year (naming it) remain unpaid will be sold and the time and place of sale, and said notice must contain a list of the lands to be sold and the amount of the taxes due thereon. The Sheriff shall add to each description of land and town lots so advertised the sum of twenty cents to defray the expenses of advertising, which sum shall be added to the amount due on said land or town lots for taxes due, collected in the same manner as taxes. No land shall be sold for taxes unless the tax-payer has not sufficient personal property to pay the same situated in the county where the tax is due.
Publication at court-house door where no news- paper in county.	
Adjournment of sale from day to day.	
Contents of notice.	
Sheriff's fee for advertising.	
No land sold till personal property in county exhausted.	
Purchaser to immediately pay taxes and cost of land resold.	SEC. 4. The person purchasing any parcel or portion thereof shall forthwith pay to the Sheriff the amount of the taxes and costs charged thereon, and on failure to do so the said parcel shall at once again be offered as if no such sale had been made.
Sheriff to keep sale book. Contents.	SEC. 5. The Sheriff shall keep a sale book showing the land sold, the name of the purchaser, and the sum for which each tract was sold, and on or before the first Monday of May following the sale of real property he shall file in the office of the clerk of the Board of Commissioners a return thereof as the same shall appear on said sale book, and such certificate shall be an evidence of the regularity of the proceedings.
When and where to file return thereof.	
Such return evidence.	
Misdemeanor for Sheriff to fail to attend sale.	SEC. 6. If any Sheriff shall fail to attend any sale of lands as required by this act, either in person or by competent deputy, he shall be guilty of a misdemeanor and liable to a penalty of three hundred dollars, to be recovered by an action in the Superior Court against the Sheriff and his bondsmen. And if such officer or deputy shall sell or assist in selling any real property, knowing the same not to be subject to taxation, or that the taxes for which the same is sold have been paid, or shall knowingly and willingly sell or assist in selling any real property for payment of taxes to defraud the owner of such real property, or shall knowingly or willingly execute a deed for property, so sold, he shall be liable
Penalty.	
Knowingly selling land not taxable, or after taxes paid, to defraud owner or execute a deed therefor, unlawful.	

to a fine of not less than one thousand nor more than three thousand dollars, or to imprisonment not exceeding one year, or to both fine and imprisonment, and to pay to injured party all damages sustained by such wrongful act, and all such sales shall be void.

SEC. 7. If any Sheriff shall hereafter be, either directly or indirectly, concerned in the purchase of any real property sold for the payment of taxes, he shall be liable to a penalty of not more than one thousand dollars, to be recovered in an action in the Superior Court brought in the name of the county against such Sheriff and his bondsmen, and all such sales shall be void.

Penalty for Sheriff being concerned in purchase of land sold for taxes.

Such sales void.

SEC. 8. When it becomes necessary to charge the tax on personal property against real property, the Sheriff or collector shall select for that purpose some particular tracts or lots of real property owned by the person owing such personal property tax, and in his advertisement for sale shall designate the particular tracts or lots of real property against which sum such personal property tax is charged.

Selection of tract or lot of land for sale for personal property taxes.

SEC. 9. The purchaser of any tract of land sold by the Sheriff for taxes will be entitled to a certificate in writing describing the land so purchased, the sum paid and the time when the purchaser will be entitled to a deed, which certificate shall be signed by the Sheriff in his official capacity, and shall be presumptive evidence of the regularity of all prior proceedings. The purchaser acquires a perpetual lien of the tax on the land, and if after the taxes become delinquent he subsequently pays any tax levied on the same whether levied for any year or years previous or subsequent to such sale, he shall have the same lien for them and may add to the amount paid by him in the purchase, and the Treasurer of the county shall make out a tax receipt and duplicate for the taxes on the real estate mentioned in such certificate, the same as in other cases, and shall write thereon "Sold for Taxes." If any person shall become the purchaser of more than one parcel of property, he may have the whole included in one certificate, but each parcel shall be separately described, and the amount paid may be entered in gross in said certificate. Said certificate shall be substantially in the following form, to-wit:

Purchaser's certificate.

Contents.

Force and effect of certificate.

Purchaser's lien on property sold for taxes.

Treasurer's duplicate.

Purchasers of more than one tract may include all in one certificate.

#### CERTIFICATE OF SALE.

STATE OF NORTH CAROLINA, ..... COUNTY.

I, ....., Sheriff of the county of ....., in the State of North Carolina, do hereby certify that the following described real estate in said county and State, to-wit (describing

Form of certificate.

the same), was, on the .... day of ....., 190..., duly sold by me in the manner provided by law for the delinquent taxes for the year 190... thereon, amounting to ..... dollars, including interest and penalty thereon and the cost allowed by law to ..... for the said sum of .... dollars, he being the highest and best bidder for the same. And I further certify that unless redemption is made of said estate in the manner provided by law, the said ....., heirs or assigns, will be entitled to a deed in fee therefor on and after the ..... day of ....., A. D. 190..., on surrender of this certificate. In witness whereof, I have hereunto set my hand, this ..... day of ....., A. D. ....

*Sheriff.*

Sheriff's fees for deeds and certificates.

SEC. 10. The Sheriff is authorized to demand fifty cents for each deed or certificate made by him on such sales, but any number of parcels of land bought by any person may be included in one deed, as may be desired by the purchaser; and whenever the Sheriff makes a deed to any land sold for taxes he shall enter an account thereof in the sale book opposite the description of the land conveyed.

Account of deeds executed to be entered in sale book.

Redemption of land after sale.  
Who may redeem.  
When.  
How.

SEC. 11. The owner or occupant of any land sold for taxes, or any person having a lien or interest thereon, may redeem the same at any time within one year after the day of such sale by paying the Sheriff for the use of such purchaser, his heirs or assigns, the sum mentioned in his certificate, with interest thereon at the rate of twenty per centum per annum from the date of purchase, together with all other taxes subsequently paid, whether for any year or years previous or subsequent to said sale, and interest thereon at the same rate from the date of such payment, and the Sheriff shall enter a memorandum of the redemption in the list of sales and give a receipt therefor to the person redeeming the same, for which he may charge a fee of twenty-five cents, and shall hold the redemption money paid, subject to the order of the purchaser, his agent or attorney: *Provided*, that infants, idiots, and insane persons may redeem any land belonging to them from such sales within one year (after the expiration of such disability on like terms as if the redemption had been made within one year) from the date of said sale and from the date of each subsequent payment of taxes thereon at the rate of twenty per centum per annum on the several amounts so paid by the purchaser until redemption. Any redemption made shall inure to the benefit of the person having the legal or equitable title to the property redeemed, subject to the right of the person making the same to be reimbursed by the person benefitted.

Memorandum of redemption in list of sales.  
Receipt.  
Fees.  
Redemption money, how held.  
Proviso as to infants, idiots or insane persons.

To whose benefit redemptions inure.

SEC. 12. If any purchaser of real estate sold for taxes under the provisions of this act shall suffer the same to be again sold for taxes before the expiration of the last day of the annual sale thereafter, such purchaser shall not be entitled to a deed for such real property until the expiration of a like term from the date of such sale, during which time the land shall be subject to redemption upon the terms and conditions prescribed in this chapter, but the person redeeming shall only be required to pay for the use of such first purchaser the amount paid by him, with interest at the rate of ten per centum per annum. The second purchaser shall be entitled to the amount paid by him with interest as provided in the preceding section, and unless paid by the first purchaser, he shall forfeit his right to a deed for said land.

Purchaser at tax sale allowing land to be sold for next year's taxes, when entitled to deed.

Land subject to redemption during said time.

Interest rate on redemption.

Rights and relation of second and first purchasers.

SEC. 13. Any person claiming an undivided part of any land sold for taxes may redeem the same on paying such proportion of the purchase-money, interest, principal and subsequent taxes as he shall claim of the land sold.

Claimants of individual interests may redeem by proportional payment.

SEC. 14. In every case of a partial redemption, pursuant to the last section, the quantity sold shall be reduced in proportion to amount paid on such partial redemption, and the Sheriff shall convey accordingly.

On partial redemption amount sold reduced proportionally.

SEC. 15. Hereafter no purchaser or assignee of such purchaser of any land, town or city lot, at any sale of lands or lots for taxes or special assessments due either to the State or any county or any incorporated town or city within the same, or at any sale for taxes or levies authorized by the law of this State shall be entitled to a deed for the lands or lots so purchased until the following conditions have been complied with, to-wit: Such purchaser or assignee shall serve or cause to be served a written or printed, or partly written and partly printed, notice of such purchase on every person in actual possession or occupancy of such land or lot, and also the person in whose name the same was taxed or specially assessed, if upon diligent inquiry he can be found in the county, at least three months before the expiration of the time of redemption on such sale, in which notice he shall state when he purchased the land or lot, in whose name taxed, the description of the land or lot he has purchased, for what year taxed or special[ly] assessed and when the time of redemption will expire. If no person is in actual possession or occupancy of such land or lot, and the person in whose name it was taxed or assessed can not upon diligent inquiry be found in the county, then such person or his assignee shall publish such notice in some newspaper published in such

Purchaser, before entitled to deed, to comply with conditions enumerated in this section.

Notice of purchase, when and upon whom served.

Contents of notice.



Publication of notice where no one in possession and owner non-resident.

county, and if no newspaper is published in the county, then the nearest newspaper that is published in this State or to the county seat of the county in which such land or lot is situated, which notice shall be inserted three times, the first not more than five months and the last time not less than three months before the time of redemption shall expire.

Purchaser's affidavit before entitled to deed.

SEC. 16. Every such purchaser or assignee, by himself or agent, shall before he shall be entitled to a deed, make an affidavit of his having complied with the conditions of the foregoing section, stating particularly the facts relied on as such compliance, which affidavit shall be presented to the person authorized by law to execute such tax deed, to be by such officer delivered to the Register of Deeds and entered on the record of his office and carefully preserved among the files of his office, and which record or affidavit shall be *prima facie* evidence that such notice had been given. Any person swearing falsely in such affidavit shall be deemed guilty of perjury and punished accordingly. The Register shall be entitled to the same fee therefor as allowed by law for recording deeds.

Affidavit to be presented to person authorized to execute deed.  
To be recorded.

Force and effect of, when recorded.

False swearing in affidavit, perjury.  
Fees of register.

Redemptioner to pay cost of publication of notice.

SEC. 17. In case any person shall be compelled to publish such notice in a newspaper, then before any person who may have a right to redeem such land or lots from such sale shall be permitted to redeem he shall pay the officer or person who by law is authorized to receive such redemption money, the amount paid for printer's fee for publishing such notice, for the use of the person compelled to publish such notice as aforesaid. The fee for such publication shall not exceed three dollars for such tract or lot contained in such notice.

Maximum fee for publication.

When and to whom Sheriff shall execute deed.

SEC. 18. At any time within one year after the expiration of one year from the date of sale of any real estate for taxes, if the same shall not have been redeemed, the Sheriff, on request and on production of the certificate of purchase, shall execute and deliver to the purchaser, his heirs or assigns, a deed of conveyance for the real estate described in such certificate; and in case of the loss of any certificate, on being fully satisfied by due proof, the Sheriff may execute and deliver the proper conveyance: *Provided*, when a Sheriff or Tax Collector has made due sale of land for taxes and dies before executing a deed thereto, or when a Sheriff or Tax Collector dies, and in collecting taxes due on lists that were in his hands for collection his executor or administrator or anyone acting for the sureties on his bond shall have made sale for taxes as contemplated by law in all such cases, his successors or the Sheriff then in office shall be the proper person to execute a deed or conveyance to the person entitled to the same: *Provided*, that all the conditions

Procedure when certificate lost.

Who to execute deed in case Sheriff dies before execution or sale by deceased Sheriff's bondsmen or representatives.

Proviso.



of section fifteen, sixteen, and seventeen of this act shall have been fully complied with. The conditions of sections fifteen, sixteen and seventeen shall not be required when any county shall become the purchaser.

SEC. 19. The deed so made by the Sheriff shall be recorded in the same manner as other conveyances of real estate, and shall vest in the grantee, his heirs and assigns, the title of the property therein described without further acknowledgment or evidence of such conveyance, and said conveyance shall be substantially in the following form:

Deed, how recorded.

Further acknowledgment not necessary.

STATE OF NORTH CAROLINA, ..... COUNTY.

WHEREAS, At a sale of real estate for the non-payment of taxes, made in the county aforesaid, on the .... day of ..... A. D. 190... the following-described real estate was sold, to-wit: (Here place description of real estate conveyed): and,

Form of Sheriff's deed to land sold for taxes.

WHEREAS, The same not having been redeemed from such sale and it appearing that the holder of the certificate of purchase of said real estate has complied with the laws of North Carolina necessary to entitle (insert him, her, or them) to a deed of said real estate; now, therefore, know ye, that I, ....., Sheriff of said county of ....., in consideration of the premises and by virtue of the statutes of North Carolina in such cases provided, do hereby grant and convey unto ..... his heirs and assigns forever, the said real estate hereinbefore described, subject, however, to any redemption provided by law.

Given under my hand and seal, this .... day of ..... Anno Domini, 190...

....., Sheriff. (Seal.)

SEC. 20. Deed made by the Sheriff as aforesaid shall be presumptive evidence in all Courts of this State in all controversies and suits in relation to the rights of the purchaser, his heirs or assigns, to the lands thereby conveyed of the following facts:

Facts which Sheriff's deed to land sold for taxes is presumptive evidence of.

(1) That the real property conveyed was subject to taxation for the year or years stated in the deed.

(2) That the taxes were not paid at any time before the sale

(3) That the real property conveyed had not been redeemed from the sale at the date of the deed.

(4) That the property had been listed and assessed.

(5) That the taxes were levied according to law.

(6) That the property was sold for taxes, as stated in the deed.

(7) That the notice had been served and due publication had before the time of redemption had expired. And it shall be conclusive evidence of the following facts:

(8) That the manner in which the listing, assessment, levy and sale were conducted was in all respects as the law directed.

(9) That the grantee named in the deed was the purchaser or his assignee.

Facts necessary to be proved by persons claiming title adverse to title conveyed by Sheriff's deed to land sold for taxes, in order to defeat such title.

(10) That all the pre-requisites of the law were complied with by all the officers who had or whose duty it was to have had any part or action in any transaction relating to or affecting the title conveyed or purporting to be conveyed by the deed, from the listing and valuation of the property up to the execution of the deed, both inclusive, and that all things whatsoever required by law to make a good and valid sale and to vest the title in the purchaser were done, except in regard to the points named in this section, wherein the deed shall be presumptive evidence only. And in all controversies and suits involving the title of real property claimed and held under and by virtue of a deed made substantially as aforesaid by the Sheriff, the person claiming title adverse to the title conveyed by such deed shall be required to prove, in order to defeat the said title, either that the said real property was not subject to taxation for the year or years named in the deed, that the taxes had been paid before the sale, that the property had been redeemed from the sale according to the provisions of this act and that such redemption was had or made for the use and benefit of the persons having the right of redemption under the laws of this State, or that there had been an entire omission to list or assess the property, or to levy the taxes, or to sell the property; but no person shall be permitted to question the title acquired by a Sheriff's deed without first showing that he or the person under whom he claims title had title to the property at the time of the sale, and that all taxes due upon the property have been paid by such person or the person under whom he claims title as aforesaid.

Proviso as to land on which taxes paid and sold by mistake.

*Provided*, that in any case where a person has paid his taxes, and through mistake in the entry made in the Sheriff's books or in the receipt, the land upon which the taxes were paid was afterwards sold, the Sheriff's deed shall not convey the title: *Provided further*, that in all cases where the owner of lands sold for taxes shall resist the validity of such tax title, such owner may prove fraud committed by the officer selling the same, or in the purchaser to defeat the same, and if fraud is established such sale and title shall be void.

If fraud proven, title void.

SEC. 21. When by mistake or wrongful act of the Sheriff or other officer land has been sold on which no tax was due at the

time, or whenever land is sold in consequence of error in describing such land in the tax receipt, the county is to hold the purchaser harmless by paying the amount of principal and costs paid, with eight per centum interest thereon, and the Sheriff or other officer and their bondsmen will be liable to the county to the amount of their official bond; or the purchaser or his assignee may recover directly of the Sheriff or other officer in the action brought to recover the same in any Court having jurisdiction of the amount, and judgment shall be against him and his bondsmen, but the Sheriff or other officer and their bondsmen shall be liable only for their own and the acts of their deputies, and any amount so paid by the county for State taxes shall, on proper certificate from the chairman of the Board of County Commissioners, be allowed by the Auditor and paid by the State Treasurer.

Liability of Sheriff or other officer, or the county, when land sold by mistake of said Sheriff or other officer.

Procedure.

SEC. 22. Whenever it shall be made to appear to the satisfaction of the Sheriff, either before the execution of a deed for real property sold for taxes, or if the deed be returned by the purchaser that any tract or lot was sold which was not subject to taxation or upon which the taxes had been paid previous to the sale, he shall make an entry opposite such tract or lot on the record of same that the same was erroneously sold, and such entry shall be evidence of the fact therein stated; and in such cases purchase-money shall be refunded to the purchaser as provided by this act.

Mistake appearing before execution of deed, Sheriff to make entry thereof on record of sales.

Entry evidence, and purchase money refunded.

SEC. 23. No action for the recovery of real property sold for the non-payment of taxes shall lie unless the same be brought in within three years after the Sheriff's deed is made as above provided: *Provided*, that where the owner of such real property sold as aforesaid at the time of such sale be a minor or insane or convict in the penitentiary, or under any other legal disability, three years after such disability shall be removed shall be allowed such person, his heirs or legal representatives, to bring action.

Actions taken barred by lapse of time.

Proviso as to persons under disabilities.

SEC. 24. In all suits or controversies involving the question of title to real property held under and by virtue of a Sheriff's deed, all acts of assessors, Sheriff, Clerks, Supervisors, Commissioners and other officers *de facto*, shall be deemed and construed to be of the same validity as acts of officers *de jure*.

Acts of *de facto* officers of same validity as those of *de jure* officers.

SEC. 25. No sale of real property for taxes shall be considered void on account of the same having been charged in any other name than that of a rightful owner if the said property be in other respects sufficiently described.

Sales for taxes not void if charged in name other than owner's, if sufficiently described otherwise.

Officers' books or certified copies sufficient evidence.

SEC. 26. The books and records belonging to the offices of the Register or Sheriff, or copies thereof properly certified, shall be deemed sufficient evidence to prove the sale of any real property for taxes, the redemption thereof or the payment of the taxes thereon.

Irregularities in assessment, etc., not to invalidate sale, etc.

SEC. 27. Irregularities in making assessments, and in making the returns thereof in the equalization of property as now provided by law, shall not invalidate the sale of any real estate when sold by the Sheriff for the delinquent taxes due thereon, nor in any manner invalidate the tax levied on any property or charged against any person.

What deemed irregularities within meaning of preceding section

SEC. 28. The following defects, omissions and circumstances occurring in the assessment of any property for taxation, or in the levy of taxes, or elsewhere in the course of the proceedings, the assessment, and to and including the execution and delivery of the deed of property sold for taxes, shall be taken and deemed to be mere irregularities within the meaning of the preceding section. The failure of the assessors to take or subscribe an oath or attach one to an assessment roll; the omission of a dollar mark or other designation descriptive of the value of figures used to denote an amount assessed, levied or charged against any property or the valuation of any property upon any record; the failure to make or serve any notice mentioned in this act; the failure or neglect of the Sheriff to offer any real estate for sale for delinquent taxes thereon at the time mentioned in the advertisement or notice of such sale; and the failure of the Sheriff to adjourn such sale from day to day, or any irregularity or informality in such adjournment, and any irregularity or informality in the manner or order in which real estate or order in which real estate may be offered for sale; the failure to assess any property for taxes or to levy any tax within the time provided by law; and any irregularity, informality or omission in any such assessment or levy and defect in the description upon any assessment book, Tax Collector's book or other record, on real or personal property assessed for taxation, or upon which any taxes are levied, or which may be sold for taxes: *Provided*, such description be sufficiently definite to enable the Sheriff, Tax Collector or other officer, or any person interested, to determine what property is meant or intended by the description; and in such case a defective or indefinite description, on the assessment or collector's book, or in any notice or advertisement, may be made definite by the Sheriff in the deed by which he may convey such property, if sold for taxes by conveying a proper and definite description of the property

so defectively or indefinitely described; any other irregularity, informality or omission or neglect on the part of any or in any proceedings whether mentioned in this section or not; the omission of a seal to the Sheriff's deed; the neglect or omission to tax or assess for taxation any person or property; the over-taxation of persons or property liable to be taxed, including an assessment or tax for an illegal purpose.

SEC. 29. That when any corporation doing business in this State shall fail or neglect to pay any taxes assessed or charged against it, when the same shall become delinquent, it shall be lawful for the Sheriff to notify any agent or officer of said company in the county where such tax is delinquent that the same is delinquent and the amount due, and shall further notify such officer or agent to pay over all moneys that may be in his hands or that may afterwards come into his hands, belonging to such corporation, not exceeding the amount of tax due to such Sheriff; and if such agent or officer fail to pay over said moneys to the Sheriff he shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than fifty dollars nor more than five hundred dollars. And if any corporation shall be delinquent for taxes for six months after they become due, its charter shall be forfeited and a receiver appointed by the Clerk of the Superior Court to wind up the affairs of such corporation, upon suit brought by the Attorney-General if such corporation was chartered by the General Assembly; and if by letter of incorporation issued from the Clerk's office, upon an affidavit made by the Sheriff that he can not collect the taxes due, the letter shall be revoked and publication made to that effect, the cost of which shall be paid by the county.

SEC. 30. No injunction shall be granted by any Court or Judge in the State to restrain the collection of any tax or any part thereof, nor to restrain the sale of any property for the non-payment of any such tax, except such tax or the part thereof enjoined be levied or assessed for an illegal or unauthorized purpose or be illegal or invalid or the assessment be illegal or invalid, nor shall any person be permitted to recover by claim and delivery, or other process, any property taken or distrained by the Sheriff or any Tax Collector for the non-payment of any tax, except such tax be levied or assessed for an illegal or unauthorized purpose, but in every case the person or persons claiming any tax or any part thereof to be for any reason invalid, or that the valuation of the property is excessive or unequal, who shall pay the same to the Tax Collector or other authority, in all respects as though the same was legal and valid,

When corporation taxes due and delinquent, Sheriff to notify agent thereof and to turn over corporation funds.

Failure by agent to do so a misdemeanor.

Penalty.

Six months' delinquency forfeits charter.

Appointment of receiver.

Cost, by whom paid.

No injunction against collection of taxes or sale of property, except where illegal or invalid.

When recovery by claim and delivery, etc., will lie.

Proceedings where party claims tax invalid or property valuation excessive, etc.

such person may at any time within thirty days after such payment demand the same in writing from the Treasurer of the State or of the county, city or town, for the benefit or under the authority or by request of which the same was levied; and if the same shall not be refunded within ninety days thereafter, may sue such county, city or town for the amount so demanded, including in his suit against the county both State and county tax; and if upon the trial it shall be determined that such tax or any part thereof was levied or assessed for an illegal or unauthorized purpose, or was for any reason invalid or excessive, judgment shall be rendered therefor, with interest, and the same shall be collected as in other cases, and the amount of taxes overpaid or declared invalid certified by the Clerk and refunded by the State Treasurer.

County or city authorities to release, etc., any portion of taxes assessed.

Liability for such release.

Refunding taxes not prevented nor powers of Board of Equalization interfered with.

Proceedings where person taxed leaves county, or dies without leaving property from which tax can be collected.

Sheriff and tax collectors prohibited from purchasing county or town orders at a discount.

SEC. 31. No County, City, Council or Town Commissioners shall have power to release, discharge, remit or commute any portion of the taxes assessed and levied against any person or property within their respective jurisdictions for any reason whatever; and any tax so discharged, released, remitted or commuted, may be recovered by civil action from the members of any such board at the suit of any citizen of the county, city or town, as the case may be, and when collected shall be paid in to the proper Treasurer. Nothing in this section shall be construed to prevent the proper authorities from refunding taxes paid as provided in this act nor to interfere with the powers of any officers or boards sitting as a board of equalization of taxes.

SEC. 32. Whenever it shall appear from the returns of the Sheriff that any person charged with the taxes on personalty has removed out of the county or has deceased and left no property out of which taxes can be made, or if from any other cause it be impossible to collect such taxes, it shall be the duty of the County Commissioners to cause the same, after the expiration of two years, in which time the Sheriff shall use the due diligence to collect the same, to be stricken from the tax list, and the clerk of the Board of County Commissioners shall certify the amount due the State so stricken off to the Auditor, who shall credit the county therewith for taxes due the State, and upon his warrant the same shall be paid by the State Treasurer.

SEC. 33. No city or town collector of tax shall either directly or indirectly contract for [or] purchase any warrant or order or orders issued by the county or municipal corporation of which he is collector, at any discount whatever upon the sum due on such warrant or order or orders; and if any Sheriff or collec-



tor of taxes shall so contract for or purchase any such order or warrant, he shall not be allowed in settlement the amount [of] said order or warrant or any part thereof, and shall also forfeit the whole amount due on such order or warrant, to be recovered by civil action, at the suit of proper authority, for the use of the school fund of the county or benefit of such municipal corporation.

Penalty.

SEC. 34. The owner of any certificate or certificates of tax sale upon any tract or town lot shall be deemed to be the assignee or owner of all the liens for taxes of the State or county for which such tracts or lots was sold, and may, instead of demanding a deed therefor as provided in this act proceed by action at any time before the expiration of two years from the date of such certificate to foreclose the same, and cause the tract or lot to be sold for the satisfaction thereof and of all prior and subsequent taxes paid thereon, in all respects, as far as practicable, in the same manner and with like effect as though the same were a mortgage executed to the owner of such certificate or certificates for the amount named therein, together with subsequent and prior taxes thereon by the person having or owning the title to said land or lot adverse thereto. More than one certificate on the same property may be included in the same action, but each, together with prior or subsequent taxes paid thereon, shall be deemed and stated as a separate cause of action: *Provided*, that no action to foreclose any such lien shall be maintained unless the owner of such certificate shall have served notice on the occupant or owner of the land mentioned therein.

Owner of certificate may foreclose the same within two years.

Procedure.

More than one certificate may be included, each a separate cause of action.

Proviso.

SEC. 35. If the owner of such certificate shall fail or neglect either to demand a deed thereon or to commence an action for the foreclosure of the same, as provided in the preceding section within two years from the date thereof, the same shall cease to be valid or of any force whatever either as against the person holding or owning the title adverse thereto, and all other persons, and as against the State, county and all other municipal subdivisions thereof.

Failure to demand deed or commence action within two years, renders certificate invalid.

SEC. 36. In any case in which the plaintiff shall recover in an action for the foreclosure of tax lien, as provided in this act, he shall be entitled to interest on each amount paid by him and evidenced by his certificates, tax sales and receipts for taxes paid at the rate of twenty per centum per annum from the date of each payment until the rendition of the decree of foreclosure, which decree shall draw interest as in other cases.

Recovery on foreclosure action entitles plaintiff to interest.

Amount.

When county to purchase at tax sales.

Certificates to county.

Assignment by County Commissioners.

Assignment, how made.

When County Commissioners may sell or assign certificate of purchase at fifty per cent of amount expressed therein.

Power of mayor where land or lot situated in corporate limits.

SEC. 37. At all tax sales provided for by law the Commissioners of the several counties of this State shall purchase, for the use and benefit and in the name of their respective counties, any real estate therein advertised and offered for sale when the same remains unsold for want of other bidders. The respective Sheriffs shall issue certificates of purchase of the real estate sold, as set out in section nine of this act, in the name of the proper county. Such certificates shall remain in the custody of the Sheriff, and at any time the County Commissioners may assign such certificates of purchase to any person wishing to buy for the amount expressed on the face of the certificate, and interest thereon at the rate per centum which the taxes were drawing at the time of the purchase or for the total amount of all tax on such real estate. Such assignment may be made by the endorsement of the chairman of his name on the back of each certificate, and such endorsement shall be made when requested by the County Commissioners.

SEC. 38. Whenever the County Commissioners of any county in this State have purchased any real estate in two successive years for delinquent taxes, or when there are three years or more delinquent taxes due on any real estate, and the County Commissioners have purchased the same for the delinquent taxes due thereon at a single sale, they may sell and assign the tax certificates issued upon said purchase for an amount not less than fifty per centum on the amount expressed in such certificate: *Provided*, that if any real estate shall consist of lot or lots in any city, town or village in this State, the taxes upon which have been delinquent for any three years and which so remains delinquent at the time of the sale, the County Commissioners may purchase said lot or lots at any time for the amount of said delinquent taxes, without interest, and may sell and assign the tax certificate thereof for an amount not less than fifty per centum of the amount in such certificate.

SEC. 39. In case such real estate be within the corporate limits of any city or town, the Mayor shall have the same power and is authorized to purchase any estate in such city or town in like manner as the County Commissioners may purchase, as specified in section thirty-seven of this act, and the Mayor may assign such certificate of sale (to be issued to him by the Sheriff on request) by the endorsement of his name on the back of each certificate when [requested] to do so by the City Council or Town Commissioners, but no such certificate shall be issued to the city or town by the Sheriff when a certificate for the same tract or lot has been issued to the County Commissioners.

SEC. 40. Whenever real estate is purchased by County Commissioners or by the city or town, the Sheriff of the county wherein the real estate is situated shall not be obliged to account to the State Treasurer or to any person for the amount of taxes due until the County Commissioners or city or town authorities have sold the certificate or certificates of purchase of the real estate sold. And in all cases where such certificate or certificates of purchase of the real estate sold shall have been sold and assigned by the County Commissioners for an amount not less than fifty per centum of the amount expressed in such certificates, and in all cases where real estate has been sold by the Sheriff of a county at a minimum valuation, fixed thereon by the County Commissioners in case where the amount of taxes due exceeds the valuation of said real estate, and in all cases where the tax lien is foreclosed by the County Commissioners, the Sheriff shall be required to account to the State Treasurer or person, for the proportion only of the amount actually received, due the State or otherwise, and the Sheriff shall receive credit for the full amount of the taxes charged up by the State or city or town against real estate.

When authorities obliged to account to State Treasurer for taxes on lands bid in by them.

When certificates sold for less than face value, etc., Sheriff to account to Treasurer proportionally and receive credit in full.

SEC. 41. Whenever there is more than one year's tax due upon city or town real estate the certificate of purchase may be assigned by the Mayor at not less than fifty per centum of the tax due, and when such certificate is assigned by the Mayor, and not before, he shall pay to the Sheriff the due proportion of the State and county tax.

When mayor may assign certificate for less than face value.

Payment to Sheriff proportional.

SEC. 42. The County Commissioners may foreclose the lien for all tax due the State and county, and the Mayor or other chief officer of any city or town may foreclose the lien for the taxes due such city or town. Any assignee of such tax certificate or tax lien may foreclose the same in the same manner and with like effect as in cases where such County Commissioners may, under the provisions of this act, proceed to foreclose the same, and any person whosoever may purchase real estate at such foreclosure sale.

Foreclosure of lien by County Commissioners or Mayors.

Foreclosure by assignee.

A lay one may purchase at foreclosure sale.

SEC. 43. Any person, persons or corporations having, by virtue of any provisions of the tax or revenue laws of this State, a lien upon any real property for taxes assessed thereon may enforce such lien by any action in the nature of a foreclosure of a mortgage for the sale of so much real estate as may be necessary for that purpose and cost of suit.

Persons having liens on real estate for taxes, may foreclose.

SEC. 44. Any person, persons or corporation holding or possessing any certificate of purchase of any real estate at public tax sale or any tax deed shall be deemed entitled to

Holders of certificates of purchase or tax deed, may foreclose in two years.

Proviso.

foreclose such lien under the provisions of this act within any time not exceeding two years from date of tax sale (not deed) upon which such lien is based: *Provided*, that the taking out of a tax deed shall in nowise interfere with the rights granted in this act.

Life tenants neglecting to pay taxes, upon sale by officer, forfeit estate to remainderman.

SEC. 45. If any person who shall be seized of lands as tenant by courtesy or dower, or who shall be seized of lands for life, or in the right of his wife, shall neglect to pay the taxes thereon so long that such lands shall be sold for the payment of the taxes, and shall not within one year after such sale redeem the same according to law, such person shall forfeit to the person or persons next in title to such lands in remainder or reversion all the estate which he or she, so neglected as aforesaid, may have in said lands; and the remainderman or reversioner may redeem said lands in the same manner that other lands may be redeemed, after having been sold for taxes, within one year after such forfeiture; and moreover, the person so neglecting, as aforesaid, shall be liable in action to the person in title to the estate for all damages such person may have sustained by such neglect.

Remainderman or reversioner may redeem.

Life tenants liable for damages.

Persons having lien upon real estate may pay taxes.

SEC. 46. Any person having a lien upon real estate may pay the taxes thereon in so far as the same are a lien upon such real estate, and the amount of taxes so paid shall, from the time of payment, operate as a lien upon such real estate in preference to all other liens, and the money so paid may also be recovered by action for moneys paid to his use against the person or persons legally liable for the payment of such taxes.

Force and effect of.

Right to recover by action.

When one co-tenant, tenant in common or co-partner pays his proportion of tax, effect of and procedure on.

SEC. 47. In all cases where any tract of land may be owned by two or more persons as joint tenants, as co-partners or tenants in common, and one or more of the proprietors shall have paid or may hereafter pay the tax or tax and penalty charged or chargeable on his or their proportion or proportions of such tract, and one or more of the remaining proprietors shall have failed or may hereafter fail to pay his or their proportion of the tax and penalty charged or chargeable on said lands has or shall be made between them, the tax or tax and penalty paid as aforesaid shall be deemed to have been paid, or the proportion or proportions of said tract set off to the proprietor or proprietors who paid his or their proportions of said tax or tax and penalty. And the proprietor or proprietors so paying the tax or tax and penalty as aforesaid, shall hold the proportion or proportions of such tract set off to him or them as aforesaid, free from the residue of the tax or tax and penalty charged on said tract before partition, and the proportion or proportions of said tract set off to the proprietor or proprietors who shall not have

paid his or their proportion of said tax or tax and penalty shall be charged with and held bound for the portion of said tax or tax and penalty remaining unpaid in the same manner as if said partition had been made before said tax and penalty had been assessed, and said proportion or proportions of said tract originally listed for taxation in the name or names of said delinquent proprietor or proprietors; and whenever any land so held by tenants in common shall be sold upon proceedings of partition or shall be taken by the election of any of the parties to such proceedings, or where any real estate be sold at judicial sale or by administrators, executors, guardians or trustees, the Court shall order the taxes and penalties and the interest thereon against such lands to be discharged out of the proceeds of such sale or election; and any part owner [who] shall pay the tax on the whole tract or tracts of which he is a part owner, shall have a lien on the shares or parts of the other part owner of the tax paid in respect of their shares or parts, which with interest thereon, he shall be entitled to receive on sale or partition of such lands, and the collection of which with interest, he may enforce like any other lien or charge.

Where lands sold for partition, judicial sale, or by personal representative, guardian, etc., taxes to be paid out of proceeds.

Lien of part owner paying all taxes.

How enforced.

SEC. 48. 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 right 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.  
Proviso.  
Saving clause.

SEC. 49. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 15th day of March, A. D. 1901.

## CHAPTER 559.

### An act to amend the charter of Murfreesboro, North Carolina.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the charter of the town of Murfreesboro in this State be and the same is so amended as to authorize and empower the Mayor of said town, under directions of the Board of Commissioners thereof, to convey and pass title to lots on Winder Street owned by said town.

Charter of town<sup>13</sup> of Murfreesboro<sup>14</sup> amended, relative to Mayor's powers.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

## CHAPTER 560.

**An act to validate the election of certain Justices of the Peace of Alleghany County.**

Preamble.

WHEREAS, At the general election held for the county of Alleghany on the first Thursday in August, 1900, the following persons were voted for and declared elected Justices of the Peace for Gap Civil Township in said county, to-wit: C. W. Edwards, Joseph Robinson, J. C. Roup, H. M. Crouse, Van W. Reaves and R. M. Nichols; and,

WHEREAS, Doubts have arisen as to the legality of such election on account of the number of persons voted for and declared elected being greater than the said township was authorized by law to elect; therefore,

*The General Assembly of North Carolina do enact:*

Election validated.

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 the 9th day of March, A. D. 1901.

## CHAPTER 561.

**An act for the protection of game on Bogue Banks in Carteret County.**

*The General Assembly of North Carolina do enact:*

Unlawful to kill or capture turkeys or quail for four years on Bogue Banks, Carteret County.  
Unlawful to interfere with nest of same.

SECTION 1. That it shall be unlawful to shoot, kill, trap, net or capture turkeys or quail on Bogue Banks in Carteret County for a period of four years from and after the ratification of this act.

SEC. 2. That it shall be unlawful to rob, destroy or in any way interfere with the nests of turkeys or quail on Bogue Banks in Carteret County.

Violation a misdemeanor.  
Penalty.

SEC. 3. That any person violating any provision of this act shall be guilty of a misdemeanor and shall be fined twenty dollars, one-half of which shall be paid to the informant, and one-half to the public school fund.

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 11th day of March, A. D. 1901.



## CHAPTER 562.

**An act to appoint J. E. Gudger a Justice of the Peace.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That J. H. Gudger, of Asheville Township, Buncombe County, be and he is hereby appointed a Justice of the Peace for the term of six years, his term of office to begin upon the passage of this act and his acceptance and qualification.

J. H. Gudger appointed Justice of the Peace, Asheville Township, Buncombe County.

SEC. 2. That section twenty-seven of The Code of North Carolina shall not be applicable to the said J. E. Gudger.

Section 27, Code, not applicable.

SEC. 3. That the appointment of the said J. E. Gudger and his acceptance and qualification as a Justice of the Peace in and for said township and county shall in nowise affect his right to practice as an attorney at law in the various courts of Buncombe County and the courts of the State, except in such cases as have been appealed from the courts of the Justice of the Peace over which he presided or took part.

Allowed to practice law.

Exceptions.

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 11th day of March, A. D. 1901.

## CHAPTER 563.

**An act to appoint a Board for the selection of List-Takers or Assessors for Camden County.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That the chairman of the Board of County Commissioners, the Clerk of the Superior Court and Register of Deeds of Camden County be and they are hereby appointed and constituted a board for the selection of List-Takers or Assessors for taxes, in Camden County, for the year one thousand nine hundred and one, and annually hereafter until otherwise directed by law; and the said board shall have full power and authority to appoint all List-Takers and Assessors that may be required by law for the county of Camden.

Board, how composed.

Duration of office.

Authority to appoint list-takers.

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

Conflicting laws repealed.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

## CHAPTER 564.

**An act relating to the sale of liquor in Crawford Township, Currituck County.**

Preamble.

WHEREAS, A majority of the voters of Crawford Township, Currituck County, have voted at a regular election called for that purpose, in favor of allowing liquor to be sold in said township; therefore,

*The General Assembly of North Carolina do enact:*

License to issue upon petition of qualified voters.

SECTION 1. That upon a petition of a majority of the qualified white voters of Crawford Township to the Board of Commissioners of Currituck County asking that license be issued to sell spirituous and malt liquors in said township, it shall be the duty of said Commissioners to issue the same to any applicant who shall comply with the revenue law in making such application.

Duty of Commissioners to issue same.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

## CHAPTER 565.

**An act for the consolidation and government of the colored normal schools.**

*The General Assembly of North Carolina do enact:*

Power of State Board to remove or close.

Distribution of funds.

State Treasurer to pay on certification of secretary.

Action of State Board of Examiners reviewable.

Conflicting laws repealed.

SECTION 1. The State Board of Education shall have the power to remove or close any of the State Colored Normal Schools now existing and to distribute the funds now appropriated to all such schools in such manner as in their judgment may best subserve the interests of the remaining colored normal schools.

SEC. 2. The State Treasurer shall pay such amount to each of the schools established under the provisions of this act as shall be certified to him by the secretary of the State Board of Education.

SEC. 3. All rules and regulations of the State Board of Examiners in reference to said colored normal schools shall be subject to review by the State Board of Education.

SEC. 4. All laws and parts of laws in conflict with this act be and the same are hereby repealed in so far as they conflict with this act.

SEC. 5. This act shall be in force from and after July 1, 1901.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

## CHAPTER 566.

**An act to appoint a commission to investigate all claims or accounts of the Shell-Fish Industry and for other purposes.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That a Commission of Senators and two members of the House of Representatives be appointed to investigate the administration and accounts of the Oyster Industry and the Shell-Fish and the Oyster Fund, with full power to send for persons and papers and administer oaths, and to hold their sessions at such times and places as they may deem to the best interest of the State.

Commission, how constituted.

Object.

Powers.

Places and time of holding meetings.

SEC. 2. That said Commissioners shall have power to sit during the vacation of the General Assembly and shall investigate the Shell-Fish Industry in all its details under whatever name it may be known and shall report to the next session of the General Assembly. But immediately upon the completion of its labors said commission shall file a copy of its report with the Governor of this State, who shall cause one thousand copies of the same to be printed.

Power to sit during vacation.

To report to General Assembly.

Copy of report filed with Governor.

Report to be printed.

SEC. 3. That said commission shall also make such recommendations for the management and promotion of said industry as they deem for the public good of the State.

Commission to make recommendations.

SEC. 4. That said commission shall be paid out of the State Treasury the same per diem and mileage as is now allowed members of the General Assembly.

Commission allowed per diem and mileage.

SEC. 5. That all claims for services rendered or for any other account against said Shell-Fish Industry now pending before the Auditor, Treasurer or before the General Assembly, or shall not have yet been presented, shall be referred to said commission for investigation and auditing, and such as they shall find to be legal, valid, and reasonable claims against the State shall be endorsed by the chairman of said commission and the State Auditor shall issue his warrant for the same, which shall be paid by the State Treasurer out of any funds he may have in the treasury to the credit of the Shell-Fish Fund.

Claims pending to be referred to commission.

Chairman to endorse all valid claims.

Auditor to honor same.

Treasurer to pay same out of Shell-Fish Fund.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

## CHAPTER 567.

## An act to enlarge the stock-law territory of Bladen County.

*The General Assembly of North Carolina do enact:*

Section 1, Chapter 350, Public Laws 1899, amended.

Line changed.

SECTION 1. That chapter three hundred and fifty, section one, of the Public Laws of eighteen hundred and ninety-nine be and the same is hereby amended as follows: At the end of said section one, after the word "beginning" in line eighteen add the following, "and also beginning at J. T. Martin's, thence across Harrison's Creek with J. N. Gray's lower line to the road leading from White Oak Village to W. J. Rayfield, thence up said road to J. W. Bullard, thence across Harrison Creek to Sike's Cedar Swamp, thence a direct line to B. F. Kinlaw and intersect stock law fence."

Conflicting laws repealed.

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

When effective.

SEC. 3. That this act shall be in force and effect from and after the fifteenth day of April, 1901.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

## CHAPTER 568.

## An act to prevent the felling of timber and debris in Beaver Dam and Ledge of Rock Creeks in New Light Township, Wake County.

*The General Assembly of North Carolina do enact:*

Unlawful to place timber or debris in Beaver Dam Creek, or Ledge of Rock Creek, Wake County.

SECTION 1. That it shall be unlawful for any person or persons to place any timber, trees, logs, brush or any debris of any kind capable of causing a raft, or of interfering in any way with the free flow of water, in any part of Beaver Dam Creek or Ledge of Rock Creek, in New Light Township in Wake County, and to permit the same to remain in said creeks, or either of them, for a longer period than one week.

Violation a misdemeanor.

SEC. 2. That any person or persons violating the provisions of this act shall be guilty of a misdemeanor.

When to become effective.

SEC. 3. That this act shall be in force from and after the first day of June, 1901.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

## CHAPTER 569.

**An act to provide for the working of the public roads in Orange County and issuing bonds for the same.**

*The General Assembly of North Carolina do enact:*

- SECTION 1. That for the purpose of laying out, establishing, altering, repairing, grading, macadamizing and improving in any way the public roads and streets in the several townships in Orange County and for purchasing machinery and tools, etc., necessary for such improvements, the Board of Commissioners of Orange County are authorized, empowered and directed to issue coupon bonds, bearing interest at a rate not to exceed six per cent per annum, payable semi-annually at the office of the Treasurer of the county of Orange, to an amount not to exceed twenty thousand dollars (\$20,000) for any one township in said county, in the manner and under the restrictions hereinafter provided, and the bonds so issued by the Commissioners of Orange County shall be paid by the township for which they are issued, and shall not be chargeable against any property or polls outside of such township. The Board of County Commissioners in performing the duties of issuing, selling and purchasing bonds or doing any other thing under this act, shall be deemed the agents of any township acting under this act.
- SEC. 2. That upon presentation of a petition in writing signed by not less than *one-sixth* of the qualified voters of any township to the Board of County Commissioners of Orange County, requesting them to submit to the qualified voters of the township where such petitioners reside, a proposition to issue bonds, for the purposes named in the preceding section, for a definite amount, at a maximum rate of interest and to run, for a period not exceeding fifty years, all to be named in said petition, the Board of County Commissioners shall within thirty days order an election to be held in such township and submit to the qualified voters therein the question of issuing bonds to the amount at the rate of interest, and to run for the period specified in said petition, at which election all those qualified to vote who are in favor of said proposition, and shall vote, shall vote a ballot on which shall be written or printed the words "For Road Bonds" and those opposed to the proposition shall vote a ballot on which shall be written or printed the words "Against Road Bonds," and the election for this purpose shall be conducted in the same manner and subject to the same rules and regulations as are or may be provided for the election of township officers by the general election laws of this State, unless in any manner other-
- Purpose.
- Authority to issue bonds.
- Amount of bond issue.
- Townships severally responsible. Commissioners deemed as agents.
- Petition of one-sixth of qualified voters necessary.
- Commissioners to order election in thirty days.
- Style of ballot.
- Regulations.

Commissioners to appoint judges of election.	wise provided for in this act. The Board of County Commissioners shall at the time of ordering any election under this act appoint one registrar and two judges of election in each precinct in
Books open for registration.	such township to hold said election. The books shall be kept open for the registration of voters for twenty days preceding the day of election. And for the purpose of registration the books used in general elections shall be delivered to and revised by the
New registration.	registrar. And the Commissioners may order a new registration by giving thirty days' notice of such new registration. Such
Notice, how given.	election shall be held after thirty days' notice thereof, specifying the amount of the proposed bond issue, rate of interest and period for which bonds shall run, shall have been posted at the court-house and at every polling place in the township where said election shall take place, and published in four issues of some newspapers published in the county, if the Board of Commissioners so order, and the returns thereof shall be made to the Board of County Commissioners, and the returns recorded and result declared by said board as they may determine. If a majority of the qualified voters vote "For Road Bonds," then the
Commissioners to issue coupon bonds.	Board of County Commissioners shall issue coupon bonds to the amount, at the rate of interest and to run for the period specified in the said petition and order of election and the bonds shall, upon their face, indicate on account of what township they are
Denomination.	issued. They shall be in denominations of not less than one hundred dollars (\$100.00) and not exceeding one thousand dol-
How executed.	lars (\$1,000.00) each. They shall be signed by the chairman of the Board of County Commissioners and attested by the official seal and signature of the Register of Deeds of Orange County. And the chairman of the Board of County Commissioners under
How sold.	the direction of said board shall sell the bonds so issued at not
Proviso.	less than par value, and for as much above par as possible: <i>Provided</i> , that said bonds shall be issued and sold only as the funds are needed in the township for the purposes indicated herein:
Proviso.	<i>Provided further</i> , elections may be ordered and held, upon petition, under the provisions of this act not oftener than every twelve months in any township until the full amount of bonds authorized by this act shall have been issued for such township.
Special tax to be levied.	SEC. 3. That the County Commissioners or other county authorities who are legally authorized and empowered to levy taxes shall, in order to provide for payment of the bonds and interest thereon, to be issued under the preceding section, compute and levy each year at the time of levying county taxes a sufficient tax upon the property and polls, observing the constitutional equation, in any township having issued bonds to pay the interest on the bonds issued on account of such township, and shall also



levy a sufficient tax to create a sinking fund to provide for the payment of said bonds at maturity. Such taxes shall be levied and collected annually and under the same laws and regulations as shall be enforced for levying and collecting other county taxes, and shall not in any year exceed 30 cents on the one hundred dollars worth of property and ninety cents on each poll.

Sinking fund.  
Taxes, how collected.

SEC. 4. 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, the number of the bond purchased, the date of issue, when due, rate of interest, the township on account of which the bond is issued, and the amount received for said bond. They shall also cause to be kept a record of all proceedings, and elections, as well as 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, and that fact recorded: *Provided*, the record of bonds for each township shall be kept separate.

Record to be kept.  
  
Redeemed bonds to be destroyed.  
Proviso.

SEC. 5. The fund raised by taxation in excess of the amount required to pay interest on bonds, if any, shall be safely invested by the Board of County Commissioners, and the County Commissioners are authorized to purchase any of said bonds to amount of such excess annually, and after ten years, they may purchase at a sum not exceeding their par value one-twenty-fifth of the bonds issued for any township, and if no holder of said bonds shall offer to sell such amount, then the said County Commissioners are authorized to designate such bonds as they may desire to purchase and after the designation of such bond and the notice thereof given through a newspaper published in Orange County, if the holder of the bonds neglects or refuses to surrender the same and receive their par value with interest accrued thereon at the time of such notice, then the holder shall not receive any interest subsequently accruing: *Provided*, the said bonds designated shall express such conditions on their face.

Funds to be invested.  
  
Authority to purchase bonds.  
  
Holder of bonds to surrender same.  
  
Proviso.

SEC. 6. That the funds derived from the sale of any bonds hereinafter provided for, and the taxes levied and collected under this act on account of any township shall be turned over to the County Treasurer of Orange County and a separate account of each fund for the benefit of each township shall be kept; and all such funds belonging to any township shall be kept separate from all other funds. But before any such funds shall be placed in his hands the said Treasurer shall execute a good and sufficient bond in a penal sum of fifty per cent more than the amount of money in his hands at any time for road purposes and payment of bonds and interest thereon on account of the several

Funds to be turned over to County Treasurer.  
  
  
  
  
  
  
Treasurer to give bond.

Bond to be approved.

Powers and liability of commissioners.

Judgment in favor of commissioners.

Orders for payment of bonds, how made.

Funds, how expended.

Disposition of funds.

Proviso.

townships in the county, and for the faithful performance of such other duties as may devolve on him as treasurer of said fund. The said bond shall not be less than five thousand dollars, and shall be approved by the Board of County Commissioners and shall be recorded and kept as the bonds of county officers are required to be kept.

SEC. 7. The Board of County Commissioners may sue and be sued, plead and be impleaded in any court of competent jurisdiction in this State touching the bonds issued on account of any township in Orange County or any matter connected therewith, or touching the road fund of any such township derived under this act or on any contract made by or with the said board for carrying out the purposes of this act. And any judgment in favor of said board shall specify for the benefit of what township such judgment is rendered, and any judgment against the said board shall specify what township is liable for the payment thereof, and the said judgment shall be paid only out of the funds of such township or by taxes derived from property and polls in such township.

SEC. 8. All orders for the payment of any of said bonds and for interest on said bonds shall be made by the County Commissioners and shall specify thereon the purpose and the amount for bonds and the amount for interest shall be on separate orders. The fund for other purposes shall be expended under the direction of the Commissioners or by the Township Supervisor with the consent of any of the Commissioners, and paid upon the order of the Commissioners or in such manner and on such orders as said Board of Commissioners may direct, and said Board of Commissioners shall make such rules and regulations and make such directions in this respect as they may see proper.

SEC. 9. That the funds derived from sale of bonds on account of any township shall be used for the purpose of laying out, establishing, altering, repairing, grading and macadamizing and improving in any manner the public roads and main streets leading from public roads into or through any town or city in such township, and for purchasing such material, machinery and implements as may be necessary: *Provided*, the money so expended shall be as far as possible used for permanent improvements only, which road and street improvement shall be made in accordance with the provisions of chapter 581, Laws of 1899, as amended by the General Assembly of nineteen hundred and one.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

## CHAPTER 570.

**An act to authorize the Commissioners of the county of Randolph to disburse certain stock-law funds.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Commissioners of the county of Randolph are hereby authorized and empowered, when petitioned by a majority of the qualified voters in any stock law territory in said county, to whose credit there has accrued by the special taxes levied an amount of money over and above that which was necessary to accomplish the purpose for which it was levied, to order the Treasurer of the county to pay out such money to whatever purpose said petitioners may demand: *Provided*, that notice of such petition shall have been posted in four (4) public places in said territory at least thirty (30) days prior to the presentation of such petition to the Board of County Commissioners.

Commissioners authorized to disburse excess in stock law fund.

Proviso.

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

Conflicting laws repealed.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

## CHAPTER 571.

**An act to repeal Chapter 363 of the Public Laws of 1891.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter three hundred and sixty-three (363) of the Public Laws of eighteen hundred and ninety-one fixing the fees of the Clerk of the Superior Court of Pitt County, be and the same is hereby repealed, and the Clerk of the Superior Court of said county of Pitt is hereby authorized to charge such fees as are allowed other Clerks under the laws of this State.

Chapter 363, Public Laws 1891, 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 11th day of March, A. D. 1901.

## CHAPTER 572.

**An act supplemental to an act passed at the present session of the General Assembly, ratified the 7th day of March, 1901, relative to stock law in Johnston County.**

*The General Assembly of North Carolina do enact:*

Amending last  
section of origi-  
nal act.

SECTION 1. That the last section of an act passed at the present session of the General Assembly relative to stock law in Johnston County ratified on the 7th day of March, 1901, be amended by striking out the words "its ratification" and inserting in lieu thereof the words "January 1st, 1902."

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

## CHAPTER 573.

**An act to protect deer in Robeson County.**

*The General Assembly of North Carolina do enact:*

Unlawful to trap  
or kill deer.  
Applicable to  
Robeson County.

SECTION 1. That it is hereby declared to be unlawful for any person to catch, trap, or kill deer in the county of Robeson at any time of the year, except in the months of November and December, and any persons violating this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned in the discretion of the Court.

A misdemeanor.  
Penalty.

When 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 the 11th day of March, A. D. 1901.

## CHAPTER 574.

**An act to authorize the Board of Commissioners of Haywood County to convert the excess of special bridge tax to the general county fund.**

*The General Assembly of North Carolina do enact:*

Commissioners  
authorized to  
convert excess of  
bridge tax.

SECTION 1. That the Board of Commissioners of Haywood County are authorized to convert the excess of the special taxes levied for bridges into the general funds 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 the 11th day of March, A. D. 1901.

## CHAPTER 575.

**An act to amend Chapter two hundred and ninety-seven of the Laws of one thousand eight hundred and eighty-five.***The General Assembly of North Carolina do enact:*

SECTION 1. That section one of an act passed at the session of the General Assembly of one thousand eight hundred and eighty-five, to prevent live stock from running at large in the counties of Greene, Lenoir, Pitt and Craven, be amended as follows, so far as applies to Swift Creek Township, Pitt County: Commencing at the stock law gate on the road leading from the Snow Hill road to the Gum Swamp road near Cicero Smith's residence, running up said road to the Gum Swamp road at the corner of Mr. Tingle's fence, then down said road to L. B. Cox's line, near J. J. B. Cox's residence, then with said Cox and Harding's line to the canal, then down the canal to the lower corner of W.J. Laughinghouse's fence, then with said Laughinghouse, J.B. Kilpatrick, Walter G. Chapman, Jacob Barrow and M. G. Wetherington's fence to Levi Stokes' land, then with said Stokes' line to D. C. Smith's line, then with said Smith's line to the road leading to Gardner's Bridge, thence down said road to the lower corner of Smith's fence, then with said fence to the stock law fence near C. P. Moore's.

Section 1, Chapter 297, Laws 1885, amended.

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 11th day of March, A. D. 1901.

## CHAPTER 576.

**An act to amend section 1276 of The Code.***The General Assembly of North Carolina do enact:*

SECTION 1. That section 1276, of The Code, be amended by striking out the words "of a" in line one, and inserting the words "named in a will or" in line one between the words "trustee" and "deed."

Section 1273, Code, 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 11th day of March, A. D. 1901.

## CHAPTER 577.

**An act to authorize the Secretary of State to return to insurance companies all copies of their charters and by-laws deposited in obedience to the Craig Act, and to relieve said insurance companies from all liabilities thereunder.**

*The General Assembly of North Carolina do enact:*

Authorized to  
return charters  
and by-laws.

SECTION 1. That the Secretary of State is hereby authorized and directed to return, upon request, to the insurance companies which deposited them, all copies of charters and by-laws deposited with the Secretary of State by insurance companies in obedience to chapter 62 of the Public Laws of 1899; and all insurance companies are hereby relieved and absolved from all duties and liabilities incurred by reason of having deposited the said copies of charters and by-laws: *Provided*, that no insurance company shall receive the benefit of this act, nor have its charter and by-laws returned, unless said company shall have, in all respects, complied with chapter 54, Public Laws of 1899, and all acts amendatory thereof.

Relieved from all  
liability.

Proviso.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

## CHAPTER 578.

**An act to authorize the Treasurer of Haywood County to file bond for the public school tax on the first Monday in March, 1901.**

*The General Assembly of North Carolina do enact:*

Treasurer author-  
ized to file bond.

SECTION 1. That the Treasurer of Haywood County be, and he is hereby authorized to file bond for the public school taxes of said county before the Board of County Commissioners on the first Monday in April, 1901.

Commissioners  
authorized to  
receive the bond.

SEC. 2. That the Board of County Commissioners are empowered to receive said bond at said meeting, and when received and approved it shall be of the same force and carry with it the same obligation as if the same had been filed on the first Monday in December, 1900.

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 11th day of March, A. D. 1901.



## CHAPTER 579.

**An act to permit the sale of liquors at Nags Head and for special police at that place.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter five hundred and thirteen (513), Public Laws of one thousand eight hundred and ninety-nine, be and the same is hereby made applicable in all respects to the hotel at Nags Head in Dare County. Chapter 513, Public Laws 1899, made applicable.

SEC. 2. That the owner of said hotel shall after having complied with the provisions of said act, keep on duty a well-regulated police during the months named in said act. Police 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 the 11th day of March, A. D. 1901.

## CHAPTER 580.

**An act prohibiting the manufacture and sale of liquors near any church in Chatham County.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That from and after the first day of July, 1901, it shall be unlawful for any person, firm or corporation to manufacture or sell any spirituous, malt or vinous liquors within four miles of the following churches in Chatham County, to-wit: Pleasant Hill Methodist Episcopal, Osgood Methodist Episcopal, Gum Spring Baptist, Asbury Methodist Episcopal, Memphis Methodist Episcopal and Caribton Methodist Episcopal; and within three miles of any other church in said county. When unlawful.  
What unlawful to sell.  
Where unlawful.

SEC. 2. That nothing herein contained shall prohibit the manufacture of brandy or wine from fruit, berries or grapes, and the sale of the same in quantities of not less than four gallons, nor the manufacture and sale of cider. Exceptions.

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 the 11th day of March, A. D. 1901.

## CHAPTER 581.

**An act to increase the number of County Commissioners for Durham County.***The General Assembly of North Carolina do enact:*County Com-  
missioners  
increased to five.

SECTION 1. That there shall be elected in the county of Durham at the general election to be held in the year nineteen hundred and two (1902) and every two years thereafter by the duly qualified electors of said county five (5) persons, who shall be styled and shall be the Board of County Commissioners of the said county of Durham.

Conflicting laws  
repealed.

SEC. 2. That all laws and parts of laws inconsistent with this act be and they 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 11th day of March, A. D. 1901.

## CHAPTER 582.

**An act to pay H. C. Elliott a certain school claim.**

Preamble.

WHEREAS, H. C. Elliott taught a public school in district number 44, White Sulphur Springs Township, Rutherford County, from 20th day of July, 1897, to the 3d day of January, 1898, being a term of three and three-twentieth months at a salary of twenty-five dollars per month; and,

WHEREAS, He received only fifty-four dollars, leaving a balance of twenty-four dollars and seventy-five cents due on said claim;

*The General Assembly of North Carolina do enact:*Committee  
directed to pay.

When to pay.

Amount due.

SECTION 1. That the committee of said district 44, now number 44, white, be authorized and required after the apportionment of 1902 has been placed to the credit of said district, to draw an order on the treasurer of the county school fund of Rutherford County in favor of the said H. C. Elliott for the sum of twenty-four dollars and seventy-five cents, which order when properly countersigned by the County Superintendent of Schools shall be a valid voucher for the payment of said claim.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

## CHAPTER 583.

**An act to cede to the United States of America certain lands upon the conditions therein named.**

WHEREAS, By virtue of an act to lay off and establish the town of Smithville, near Fort Johnston, on the west side of Cape Fear River, passed by the General Assembly in the year A. D. 1792, the Commissioners of said town did, by authority of said act, lay off a certain part of the public ground for a fort; and,

WHEREAS, By an act ratified in General Assembly the 18th day of July, 1794, that part of the public ground so laid off by the Commissioners for a fort on Cape Fear River, including a part of the ground whereon Fort Johnston had formerly stood, was ceded to the United States of America, as also certain lands in the town of Smithville adjoining thereto, so soon as the proprietors of said lands shall convey the same to the United States; and,

WHEREAS, By certain acts contained in chapter 649, at page 1009, and chapter 776, at page 1162, of the "Laws of North Carolina, 1796-1820," the cession to the United States of said property was revived and continued in force; and,

WHEREAS, The United States acquired by purchase in addition to the tracts so laid off as aforesaid, through intermediate conveyances from the Commissioners, the land in part hereinafter described; and,

WHEREAS, By the acts relating to the establishment of the said town of Smithville hereinbefore mentioned, as by subsequent acts, certain lots and water-skirts, included in said land, were not properly described in the deeds executed to the government; and,

WHEREAS, The inhabitants of the said town of Smithville have been, by acts of the General Assembly, incorporated as the city of Southport, with all the rights and franchises vested in said city, as were formerly vested in the said town of Smithville; and,

WHEREAS, Some question has arisen between the said city and the government of the United States, as to the title of the lands known as the Government Reservation at Southport, and which has been in possession of the government of the United States since the acts of session herein referred to; now,

*The General Assembly of North Carolina do enact.*

SECTION 1. That the Mayor and Aldermen of the city of Southport be and they are hereby authorized and empowered by proper conveyance to grant, release and convey, for such consideration

Authority given  
to convey.

Property to be ceded.	and upon such condition as they may stipulate, all the right, title, interest and estate of said city, as well as all the right, title, interest and estate of said former town of Smithville, in and to that tract, or part thereof, of land and water-skirt, within the corporate limits of said city, known as the site of Old Fort Johnston, and now known as the Government Reservation, bounded on the southwest by the northeastern line of Davis Street, on the north or northwest by the southeastern line of Moore Street, on the east or northeast by the dividing line from Moore Street extended to the river channel, between lot No. 16 and lot No. 17, according to the official plan of said city, and on the south or southeast by the channel of the Cape Fear River, including within such boundary so much of the old streets of Ellis and Bay as are within the lines described, and also the water-skirts lying in front and within the lines described of said property.
Location.	
Boundaries.	
To be ceded to United States.	SEC. 2. That the land, including the streets and water-skirts described as aforesaid, as soon as the said corporate authorities of said city shall convey the same, shall be ceded and stand vested in the United States of America, with the exclusive jurisdiction thereof, but nothing herein contained shall be construed to prevent any officer of this State from serving process or levying executions and carrying them into full effect, agreeable to the laws of this State within the limits hereby conceded, in the same manner as though this cession had never been made.
Certain restrictions.	
Conflicting laws repealed.	SEC. 3. That all laws or clauses of laws in conflict with this act be and the same are hereby repealed.
	SEC. 4. That this act shall be in force from and after its ratification.
	In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

## CHAPTER 584.

**An act to create a new township in Randolph County.**

*The General Assembly of North Carolina do enact:*

Township created.	SECTION 1. That a new township to be called East Brower Township be and the same is hereby created in Randolph County to be taken from the townships of Brower and Pleasant Grove, bounded as follows: Beginning at the Moore County line on the east bank of Deep River, running with said river to the Brower and Pleasant Grove Township line, thence with said line to the east bank of Big Brush Creek, thence with said creek to the mouth of Little Brush Creek, thence with Little Brush Creek
Boundary prescribed.	

to the Randolph and Chatham County lines, thence with said Randolph and Chatham County [lines] to the Moore County line, thence with the Moore and Randolph County lines to the beginning.

SEC. 2. That said township shall have all the rights, powers and privileges now granted to the townships by law, and the permanent place of voting therein shall be at Alfred Brower's. Powers granted.

SEC. 3. That James P. Phillips and John M. Manly be and they are hereby appointed Justices of the Peace for East Brower Township for a term of six years from and after the 1st day of June, 1901, and that the Clerk of the Superior Court of Randolph is authorized to notify said Justice of the Peace of their appointment on or before the 1st day of May, 1901, and the said Justices shall qualify on or before the 1st day of July, 1901. Justices of the Peace appointed.  
Clerk to notify.

SEC. 4. That the portion of Brower Township on the west side of Deep River be known and designated as West Brower Township; that said township of West Brower have all the rights, powers and privileges now granted to the township by law, and the permanent voting place therein shall be at L. O. Suggs'. Name, powers and polling places.

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 11th day of March, A. D. 1901.

#### CHAPTER 585.

#### **An act to define the boundary line between Gap Civil and Glade Creek Townships, Alleghany County.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That the boundary line between Gap Civil and Glade Creek Townships in Alleghany County shall be as follows between the points named: Beginning in the Virginia line at top of hill north of Allen Rector's, running with the Old Ridge Road to the top of Turkey Pen Knob, then to Cross-Roads north-east of D. R. Cox's house, then a straight line to forks of road at the south side of Caty Place, then on east side of public road to forks of road near H. M. Crouse, thence to Little River at point where Lawrence Wolfe Road crosses said river, thence with said Old Road to Sparta Road. Boundary line defined.  
Callis.

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 11th day of March, A. D. 1901.

## CHAPTER 586.

**An act to protect trade, commerce and transportation from combination, monopoly and conspiracy.**

*The General Assembly of North Carolina do enact:*

Chapter 666, Public Laws 1899, repealed.

Definition of trust.

Purposes for which created.

Object.

Object.

Object.

Acts prohibited.

Acts prohibited.

SECTION 1. That chapter 666 of the Public Laws of 1899 be repealed, and the following enacted in lieu thereof: "A trust is combination of capital, skill or acts by two or more persons, firms, corporations, or association of persons, or either two or more of them, for either, any or all of the following purposes:

(1) To create or carry on restriction in trade or commerce, or aid to commerce, or to create or carry on restriction in the full and free pursuit of any business authorized or permitted by the laws of this State.

(2) To increase or reduce the price of merchandise, produce or any commodity.

(3) To prevent competition in manufacturing, making, transportation, sale or purchase of merchandise, produce or any commodity, or to prevent competition in aid to commerce or trade.

(4) To fix a standard or figure, whereby its price to the public shall be in any manner controlled or established, any article or commodity of merchandise, produce or commerce intended for sale, use or consumption in this State.

(5) To make or enter into, or execute or carry out any contract, obligation or agreement of any kind or description by which they shall bind or have bound themselves not to sell, dispose of or transport any article or articles of trade, use, merchandise, commerce or consumption below a common standard figure, or by which they shall agree in any manner to keep the price of such article, commodity or transportation at a fixed or graded figure, or by which they shall in any manner establish or settle the price of any article or commodity of transportation between them, or themselves and others to preclude a free and unrestricted competition among themselves or others in the sale or transportation of any such article or commodity, or by which they shall agree to pool, combine or unite any interests they may have in connection with the sale or transportation of any such article or commodity that its price might be in any manner affected.

(6) To sell or dispose of their goods or products in this State or any other State or Territory of the United States in such manner as to discriminate against the trade of this State or any other State or Territory of the United States, save and except as warranted and justified by a difference in freight rates to the



competing localities, whether such discrimination be by concession in price, rebate, gift, scheme or otherwise.

SEC. 2. Any corporation holding a charter under the laws of this State which shall violate any provision of this chapter shall therefor forfeit its charter and franchise, and its corporate existence shall cease and determine. Charter forfeited.

SEC. 3. For any violation of any of the provisions of this act by any such corporation, it shall be the duty of the Attorney-General upon his motion and without leave or order of any Court or Judge, and as soon as possible upon receipt of reliable information thereof, to institute suit in Wake County, or in any county in the State where such corporation exists, does business or may have a domicile, for the forfeiture of its charter, rights and franchises, and the dissolution of its corporate existence. "And in case the Attorney-General shall fail to institute suit under this section within thirty days after the receipt of such information as aforesaid, any citizen of the State may institute such action." Duty of Attorney-General.  
Venue.  
Any citizen may institute action.

SEC. 4. Such firm or corporation violating any of the provisions of this chapter shall be denied the right and prohibited from doing business in this State, and it shall be the duty of the Attorney-General upon being satisfied of such violation by reliable information, to enforce this provision by proper procedure in the name of the State of North Carolina, "and in case the Attorney-General shall, for thirty days after the receipt of reliable information of any act done by any such corporation whereby its right to do business in this State has been forfeited, fail to institute action to declare the same forfeited, any citizen of the State may institute said action." Penalty for violation.

SEC. 5. Each and every such firm, person, corporation or association of persons who shall in any manner violate any of the provisions of this chapter shall for such violation forfeit the sum of five hundred dollars, to be recovered by the Attorney-General in the Superior Court of any county in this State, to the use of the State. Penalty for violation.

SEC. 6. Any contract, combination or agreement in violation of the provisions of this act shall be absolutely void and not enforceable in law or in equity. Contracts rendered void.

SEC. 7. In any action brought under the provisions of this act, the Court before which the same may be pending may compel any person or persons, partnership, company, association or corporation so proceeded against, or any of the members of any such partnership or corporation, or any director, officer, receiver, trustee, agent, employee or clerk of them or either of them, to attend, offer and testify in such suit or proceedings, and may compel the Who proceeded against.

production of books and papers of any such person, persons, company, association or corporation party to any such proceeding: *Provided*, no evidence, affidavits, statements or admissions made or given by any officer, agent, employee or representative of any such corporation, partnership, firm, company or individual, or by any person in any action against him, nor any matter nor evidence derived therefrom, in any Court or before any Commissioner, or grand jury or officer authorized to take and receive such evidence, answer, pleadings, affidavits, statement or admission, shall be competent or admissible on trial of any indictment against the party giving it, nor in any action for the recovery of any penalty or forfeiture against such person: *Provided further*, that nothing herein shall be construed to exempt any party or witness from prosecution and punishment for perjury committed by him in testifying as aforesaid.

**Witnesses.**

**Evidence.**

**Perjury.**

**Duty of Secretary of State.** SEC. 8. It shall be the duty of the Secretary of State, at the request of the Attorney-General, to address to the president, secretary or treasurer of any incorporated company named by the Attorney-General, doing business in this State, a letter of inquiry as to whether the said corporation has all or any part of its business or interest in or with any trust, company or association of persons or incorporators as named in this act, and require an answer to be made and subscribed under oath of such president, secretary or treasurer, or any director of said company, and a form shall be enclosed in said letter of inquiry as follows:

### "AFFIDAVIT.

"STATE OF NORTH CAROLINA, ..... COUNTY.

Affidavit to be made.

"I, ..... do solemnly swear that I am ..... of the company known and styled ....., duly incorporated under the laws of ....., on the .... day of ....., transacting or conducting business in the State of North Carolina, and that I am duly authorized to represent said company in making this affidavit; and I do further solemnly swear that the said company has not since the .... day of ..... (naming the day upon which this act takes effect), created, entered into or become a member of or party to any pool, agreement, or company with any other corporation, partnership, individual, person or association of persons to regulate or fix the price of any article of manufacture, mechanism, commodity, or any article or thing whatsoever, and that it has not entered into or become a member of or party to any pool, trust, agreement, contract or combination to fix or limit the amount or supply or quantity of any article of manufacture, mechanism, merchandise, commodity, or any article or thing whatsoever, with the

What to set forth.

intent to fix or limit a price, or lessen the production or sale of any such article or commodity used or consumed, or to prevent, restrict or diminish the manufacture or output of any such article.

"Sworn to and subscribed before me, a ....., within and for the county of ....., this .... day of ....., A. D. ...."

And on refusing to make and subscribe such oath in answer to such inquiry, or failure to do so within thirty days from the receipt thereof, such failure shall be *prima facie* proof that such incorporation or company is transacting business in the State of North Carolina, and is violating the provisions of this act. Any person who shall wilfully and corruptly swear to any false statement in such affidavit shall be guilty of perjury. *It is provided, however,* that all parties making the affidavit provided for in this section shall be exempt from prosecution for any violation of law that may be disclosed by this affidavit.

Failure to make oath.

False statement.  
Proviso in case of affidavit.

SEC. 9. The provisions hereof shall be held cumulative of each other: *Provided*, this chapter shall not be held to apply to live stock or agricultural products in the hands of the producer or raiser, nor shall it be understood or construed to prevent the organization of laborers for the purpose of maintaining any standard of wages.

Not applicable to certain cases.

SEC. 10. That chapter 374 of the Public Laws of 1889, and all laws or parts of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 11. That any act of selling or attempting to sell, or any other act in violation of any provision of this act, shall be *prima facie* evidence of the intent to do the acts defining a trust as set forth in sub-sections one, two, three, four, five, six of section one of this act."

What *prima facie*.

SEC. 12. Any person, firm or corporation in any way violating any of 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 and each day such violation exists after conviction and final judgment in first trial shall constitute a separate offence.

A misdemeanor.

Penalty.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

## CHAPTER 587.

**An act to validate an election on the question of stock law, held in certain portions of Moore County.****Preamble.**

WHEREAS, An election was held by order of the Board of County Commissioners of Moore County, on the 18th day of December, 1900, on the question of Stock Law, in certain portions of Moore County described in the following act, and a majority of the qualified electors in said territory cast their votes for Stock Law at said election;

*The General Assembly of North Carolina do enact:*

**Election, when held.**

SECTION 1. That the election held on the 18th day of December, 1900, on the question of Stock Law in the following-described territory in Moore County, to-wit: Beginning on the south side of Deep River at Gardner's and L. P. Davis' line, running thence with Gardner's line to Street's line, thence with Street's line to upper Carthage Road, thence with said road to Albert Seawell's line, thence with his west line to McLendon's Creek, thence with J. W. Cole's east line to Dr. G. McLeod's line, thence with Dr. G. McLeod's line west to R. M. McRae's west line to Joab McLeod's line, thence with W. A. Rogers' west line to Giles Fields' line, thence with Giles Fields' line south to Carthage Road near K. M. Fry's, thence with the Carthage Road to Deep River Township line near P. L. Love's, thence with Deep River Township line to Greenwood Township line near J. W. Craven's, thence with J. W. Craven's south line to C. A. Craven's line, thence with said line to the Plank Road near J. D. Spivey's, thence down said road to corner of Alex. Caviness' land, thence to the present Stock Law at J. D. Wadsworth's, known as the Owen Oldham place, thence with said fence to J. P. Gilliam's, thence with road to Fayetteville Plank Road, thence up said road to Carbondon Plank Road, thence with said road to Geo. Cole's plantation, including it, thence around it to Chatham County line, thence with said line to Deep River near Carbondon, thence up said river to the beginning point, be and the same is in all respects validated.

**Declared valid.****Stock law declared in force.**

SEC. 2. That stock law shall be in force in said territory, and said territory shall be subject to all the provisions of chapter twenty of The Code of North Carolina relating to stock law and amendments thereto: *Provided*, stock law shall not be enforced in said territory until a fence shall have been erected around the same as provided by said chapter.

**Proviso.****Commissioners authorized to keep fence in repair.**

SEC. 3. That the Board of Commissioners of Moore County shall have power and authority to make the levy and assessment provided in section two thousand eight hundred and twenty-four

of The Code of North Carolina and amendments thereto, for the purpose of erecting and keeping in repair said fence, at any regular meeting of the board.

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 11th day of March, A. D. 1901.

## CHAPTER 588.

### An act to regulate the sale of seed cotton in Mecklenburg County.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person, firm, joint stock company, corporation or association of any kind, whether incorporated or not, to buy or sell any seed cotton or cotton in the seed, for money, barter or other thing of value between the first day of April and the first day of December of each and every year hereafter.

When unlawful to sell seed cotton.

SEC. 2. Any such person, company, firm, corporation or association desiring to buy seed cotton, for money, barter or other thing of value, during the months of December, January, February and March in any year, shall make application to the Sheriff, stating the place at which he proposes to buy seed cotton, and the Sheriff shall, upon the payment to him of a license fee of three dollars, grant a license, giving the person to whom it is issued the right to buy seed cotton, during the months of December, January, February and March next succeeding the granting of the license, at the place stated by the applicant and at no other. All licenses shall be issued on or before the first days of December in each year and shall be in force and effect from the first day of December of the year in which it is issued until and including the 31st day of March next ensuing and no longer. The person or persons, company, firm, corporation or association to whom such license is granted shall display the same in a conspicuous place at their place of business, and the Sheriff shall keep a record of all licenses so granted in a conspicuous place in his office.

When seed cotton may be sold.

How license to sell obtained.

When license to issue.

Sheriff to keep a record.

SEC. 3. That it shall be unlawful for any person to buy any seed cotton or cotton in the seed for money, barter or other thing of value during the months of December, January, February and March in any year without having first obtained a license therefor as provided in section 2 of this act.

When unlawful to buy seed cotton.

Record to be kept by all who engage in buying seed cotton.

SEC. 4. That each and every person, company, firm, corporation or association licensed to buy seed cotton or cotton in the seed as provided in this act, shall keep a book in which he shall record the name of each and every one from whom he, she or it buys any seed cotton, the date of each purchase, the weight of the seed cotton bought and the amount paid for the same in money, barter or other thing of value; and shall also record in said book the residence of the person, company, firm, corporation or association from whom he buys any seed cotton, stating whether he lives upon his own lands or upon the land of another, giving the name of the person upon whose land the seller may live and this book shall be kept open for inspection by the public at any and all times.

What the record to set forth.

Fees to be paid to the public school fund.

SEC. 5. That all license fees collected under this act shall after allowing the Sheriff his lawful fees and commission, be paid by him into the public school fund of the county.

Who liable.

SEC. 6. That each and every person, company, firm, corporation or association violating any of the provisions of this act, as well as each of the officers, agents and employees of any such company, firm, corporation or association, so violating any of such provisions, shall be guilty of a misdemeanor and shall upon conviction be fined or imprisoned in the discretion of the Court.

A misdemeanor. Penalty.

To apply only to Mecklenburg County.

SEC. 7. That this act shall only apply to the county of Mecklenburg.

SEC. 8. 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 11th day of March, A. D. 1901.

#### CHAPTER 589.

##### An act to regulate fishing in certain waters of North River in Camden County.

*The General Assembly of North Carolina do enact:*

Unlawful to fish under certain conditions.

SECTION 1. That it shall be unlawful for any person, firm or corporation to fish with Pound or Dutch nets or Fyke nets in any of the waters of North River that lie on the Camden side of the channel of said river, except during the months of February, March and April, of each year.

Misdemeanor. Penalty.

SEC. 2. That any person violating the provisions of this act shall upon conviction be fined not more than fifty dollars, or imprisoned not to exceed 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 the 11th day of March, A. D. 1901.



## CHAPTER 590.

**An act for the local option in Union County on the dispensary question.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Commissioners of Union County are hereby authorized, empowered and directed to submit to the qualified voters of said county on the 1st Monday of September, 1902, A. D., the question whether or not the dispensary laws then existing for said county shall be retained.

Commissioners to submit question to voters.  
When.

SEC. 2. The said election shall be held, and returns made, under the same rules and regulations as prescribed for holding elections for members of the General Assembly, so far as the same may be applicable and the returns made to the Board of County Commissioners aforesaid, who shall meet at eleven o'clock on the second day after said election, and who shall canvass the returns of same, have record of the results entered upon their minutes and declare the result in the same manner as is now required of the Board of County Commissioners, within their county, in elections for members of the General Assembly.

Regulations governing said election.

How canvassed.

Record to be kept.

SEC. 3. Any person allowed to vote for members of the General Assembly shall have the right to vote at such election, at the place where he is legally entitled to vote and every such voter who favors retaining the dispensary laws there existing for said county shall vote a ticket on which shall be written or printed, without device, the words "For Dispensary Laws" and every such voter who shall favor abolishing the then existing dispensary laws for said county, shall vote a ticket on which shall be written or printed, without device the words "Against Dispensary Laws."

Qualification of voter.

Character of ballot.

SEC. 4. If a majority of the votes cast at said election shall have written or printed on them, without device, the words "For Dispensary Laws," then and in that case the dispensary laws then existing for said county shall remain and be retained, unimpaired, as theretofore; but if a majority of the votes so cast shall have written or printed on them, without device, the words "Against Dispensary Laws," then and in that case all laws of the State of North Carolina then existing, providing for the creation, maintenance, regulations, control, government and disposition of funds of dispensaries, together with all laws making the sale or manufacture of intoxicating liquors save by dispensaries in said county, unlawful, and all laws in anywise appertaining to dispensaries for said county, shall by said election, stand repealed and abolished, said repeal and abolition not to take effect, however, until January 1, 1903, A. D., and all dispensaries then

Result of election.

Dispensary retained.

Dispensary abrogated.

How dissolved.

Repeal of certain laws.

When effective.

Prohibition in certain townships.

Chapter 32, Code.

Incorporation of churches, etc., not affected.

Disposition of liquor on hand.

Commissioners may refuse to grant license in certain cases.

Proviso.

existing under said laws in said county, shall have until said date of January 1, 1903, A. D., in which to wind up their business, and Sandy Ridge and Jackson Townships in said county, which, prior to the adoption of said dispensary laws, had prohibition under the provisions of chapter 32, volume 2 of The Code of North Carolina, together with all townships, towns or cities in said county, or said county itself hereafter and prior to said election casting a majority vote for prohibition," under the provisions of said chapter, shall be deemed and held to leave, and shall leave in force by law, under the provisions of said chapter, notwithstanding said election, prohibition in the territory of every such township, town or city, or said county, and all of said county after said election so resulting shall be subject to the provisions of said chapter for one time.

SEC. 5. The prohibition existing at the date of said election within three miles of any incorporated church, school, or religious association, under acts of the General Assembly providing therefor, shall in nowise be affected or impaired by the result one way or the other of said election.

SEC. 6. If a majority of the votes cast at said election shall have written or printed on them, without device, the words "Against Dispensary Laws," and if on January 1, 1903, A. D., any dispensaries of said county shall have on hand not disposed of any intoxicating liquor or vessels therefor not disposed of, then and in that case, the said Board of Commissioners of said county may refuse to issue license to sell intoxicating liquor to any person or persons refusing to purchase said liquors, or vessels therefor not disposed of by said dispensaries as aforesaid: *Provided*, same be tendered to such person at first cost with freight added: *Provided, however*, that this act shall not be construed to read that said Board of Commissioners of said county may not refuse to grant such license to sell intoxicating liquors for any other reason, or in any other manner, permissible under the general laws of North Carolina governing the issue of such license.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

## CHAPTER 591.

**An act to allow the county of Davie to fund her outstanding railroad bonds.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That whereas the county of Davie in the State of North Carolina did under chapter 113, Laws of one thousand eight hundred and seventy-nine (1879), issue bonds for the purpose of paying the subscription of said county to the capital stock of the "Winston-Salem and Mooresville Railroad," and whereas there is now outstanding four thousand (\$4,000) dollars in bonds of one hundred dollars each, and whereas said county of Davie may not be able to pay off said bonds when due.

Preamble.

Chapter 113, Laws 1879.

SEC. 2. Now therefore the County Commissioners of Davie County are hereby authorized and empowered at any time after the first day of July, one thousand nine hundred and one (1901), whenever the holder of any of said bonds shall present the same at the office of the Register of Deeds of Davie County and request that the same be taken up, and new bond or bonds issued therefor, to take up, cancel and destroy said bond or bonds and issue therefor and deliver to said holder or his agent, a new bond or bonds for the principal of said old bonds, said new bonds shall be in the sum of one hundred dollars each, and shall be due and payable July the first, one thousand nine hundred and eleven (1911), and shall bear interest at the lowest rate that can be secured by said County Commissioners, and the highest rate of interest shall not exceed five per cent per annum, and payable semi-annually on the first day of January and July of each year, and shall be in the same form of said old bonds, except in interest rate. But the said County Commissioners shall have power to call in and pay off and discharge any or all of said new bonds so issued and this shall be expressed on the face of said new bonds.

Commissioners authorized to fund said bonds. When.

New bonds.

When new issue payable.

Rate of interest.

Power to pay said bonds.

Upon failure to present bonds after maturity.

Interest shall cease.

Notice, how given.

SEC. 3. When the Board of Commissioners of Davie County shall notify any holder of any of said new bonds to present them at the office of Register of Deeds of Davie County for payment on a day certain, which day shall be after said new bonds shall have become due, and if the holder of any such new bonds shall fail to so present the same for payment at the time and place specified in said notice, then all interest on said bond or bonds so notified to be produced for payment, shall cease until said bond or bonds are produced for payment to the Register of Deeds of Davie County, the notice mentioned in this section may be given by service on the holder of the bond or bonds in person,

or by publication in some newspaper published in Davie County, N. C.

**No new bonds to issue.** SEC. 4. No bonds shall be issued, or if issued, shall be valid against the county, except such as are in place of an old bond, in number and value or those taken up and cancelled, except as to rate of interest; and the Register of Deeds shall keep a record of all old bonds taken up and cancelled and new bonds issued in lieu thereof.

**Record to be kept.**

**Failure or refusal to exchange old bonds for new issue.** SEC. 5. That in the event of the holder or holders of the old bond or bonds decline or neglect to exchange their old bond or bonds for the new bond or bonds as provided for in section 2 of this act, on or before said old bond or bonds are due, then and in that event the Commissioners of said county may sell the aforesaid corresponding new bond or bonds at not less than par and apply the proceeds arising from the sale thereof to the payment of the principal of the outstanding old bond or bonds.

**Commissioners to sell new bonds in certain cases.**

**When effective.** SEC. 6. That this act shall be in force from and after the first day of July, 1901.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

## CHAPTER 592.

### An act to consolidate two school districts in Rutherford County.

*The General Assembly of North Carolina do enact:*

**Consolidation effected.** SECTION 1. That the two white school districts in High School Township in Rutherford County, the one including the Henrietta Cotton Mill at Henrietta and the other including the cotton mill at Caroleen, be and the same are hereby constituted into one school district.

**What embraced.**

**Apportionment per capita.** SEC. 2. That in apportioning the school fund of said county the said consolidated school district shall be allowed the proportion of said fund due per capita to the white children of school age.

**Power to receive donations.** SEC. 3. That it shall be lawful for said district to receive donations in land, school buildings and money to erect school buildings and to extend the school term.

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 11th day of March, A. D. 1901.

## CHAPTER 593.

**An act to prevent the felling of timber in or otherwise obstructing certain streams or damaging bridges across same in Jones, Duplin and Lenoir counties.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person or persons, firm or corporation to cut or fell trees, or to place any other obstructions in the waters of the following streams: Trent River, Mill Creek, Big Chincapin Creek, Little Chincapin Creek, and Tuckahoe Creek in Jones County, Trent River, and its tributaries and Wheat Swamp and Tuckahoe Creek in Lenoir County, and Stewart Creek, Goshen and Northeast River in Duplin County, and allow same to remain in either of said streams for ten days.

Unlawful to obstruct certain streams.  
What streams.

SEC. 2. That it shall be unlawful for any person or persons, firm or corporation to injure or damage any bridge across any of the above streams or creeks, or any other streams or creeks in Jones, Duplin or Lenoir counties, by running boats or floating rafts against said bridges or in any other manner.

Unlawful to damage certain bridges.

SEC. 3. That any person or persons, firm or corporation, violating the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be fined not less than fifty dollars or imprisoned not less than thirty days or both at the discretion of the Court.

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 the 11th day of March, A. D. 1901.

## CHAPTER 594.

**An act to amend chapter one hundred and nine of the Public Laws of eighteen hundred and ninety-seven, in regard to the trial of civil actions.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred and nine of the Public Laws of eighteen hundred and ninety-seven, entitled "An act in regard to the trial of civil actions," be amended by striking out section three (3) thereof, as amended by chapter one hundred and thirty-one of the Public Laws of eighteen hundred and ninety-nine, and inserting in lieu thereof the following:

Chapter 109, Public Laws 1897, amended.  
Section 3 stricken out.  
Said act as amended by Chapter 131, Public Laws 1899.

What inserted. "SECTION 3. That if the motion is refused the defendant may  
 Defendant may except, and if the defendant introduces no evidence the jury shall  
 except. pass upon the issues in the action, and the defendant shall have the benefit of his exception on appeal to the Supreme Court. But  
 Evidence, how after the motion is refused he may waive his exception and then  
 introduced. introduce his evidence just as if he had not made the motion. But he may again move to dismiss after all the evidence on both  
 When motion sides is in. If the motion is then refused, upon consideration of  
 refused. all the evidence, he may except, and after the jury shall have  
 Exception on rendered its verdict, he shall have the benefit of such latter ex-  
 appeal. ception on appeal to the Supreme 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 the 11th day of March, A. D. 1901.

#### CHAPTER 595.

#### An act to regulate quo warranto proceedings.

*The General Assembly of North Carolina do enact:*

When leave is SECTION 1. That when the Attorney General shall have granted  
 granted and bond is insufficient. leave to a private relator to bring an action in the name of the State to try the title to an office, and it shall afterwards be shown to the satisfaction of the Attorney General that the bond filed by such private relator is insufficient, or that the securities thereto are insolvent, the Attorney-General may recall and revoke such leave thereto granted, and upon a certificate of the withdrawal and revocation by the Attorney General to the Clerk of the Court of the county where any such action is pending, it shall be the duty of the Judge presiding, upon motion of the defendant, to dismiss the action.

Attorney-General ACTION, when to to require be dismissed. SEC. 2. That the Attorney General, before granting leave to a  
 sureties. private relator to bring a suit to try the title to an office, may require two securities to the bond now required by law to be filed to indemnify the State against costs and expenses, and require

Proof of solvency. such sureties to justify, and may require such proof and evidence of the solvency of said sureties as may be satisfactory to him, and in all cases where leave has heretofore been granted if it shall appear that the sureties to such bond have not justified or that the bond is not sufficient the Attorney General may recall the same.

Power to recall. SEC. 3. That this act shall be in effect from and after its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.



## CHAPTER 596.

**An act to improve the highways in Guilford County.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Commissioners of Guilford County be and they are hereby authorized and empowered to submit to the vote of the qualified voters of Guilford County, at such time as in their discretion they may deem best, the first election to be held within one year after the passage of this act, the question, "Shall Guilford County, North Carolina, issue \$300,000.00 of its bonds, with interest coupons attached, to repair, make, and improve the public roads in said county?" Said Board of County Commissioners shall for at least thirty days preceding such election, give public notice of said election, and purpose thereof by publication in one or more newspapers published in said county: *Provided*, that if a majority of said qualified voters of said county shall not vote to issue said bonds at the election so held, the said Board of County Commissioners may submit the said question to the qualified voters thereof at any other time or times under the same rules and regulations as are hereinafter provided.

Election authorized.

Question.

Notice to be given.

Proviso.

SEC. 2. That said election shall be held and conducted in the same manner as is now in force or may hereafter be prescribed by law for holding elections for members of the General Assembly, *Provided, however*, that 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 of, and challenge of voters shall be conducted in the same manner as is now provided for the election of members of the General Assembly or may hereafter be provided, and said County Commissioners may or may not order new registration for said election. The vote shall be counted at the close of the polls and returned to the said Board of County Commissioners on the Thursday next following the election, and said County Commissioners shall tabulate and declare the result 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.

Election, how conducted.

Vote, how canvassed.

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 opposed to the issue of said bonds shall vote "Against Good Roads."

Style of ballots.

Commissioners to elect Highway Commission.	SEC. 4. In the event that the requisite majority of qualified electors of said county shall vote "For Good Roads" at said election, and the result shall be recorded and declared as aforesaid, the Board of Commissioners of Guilford County shall elect six electors, residents of said county, to be known as the Highway Commission of Guilford County. One member thereof shall
Members, qualifications of.	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 member from the county at large. At the first election of said Highway Commission by said Commissioners of Guilford County, two members of said Highway Commission shall be elected for two years,
Tenure.	two members for four years, and two members for six years: <i>Provided</i> , that said Board of County Commissioners shall have power to fill all vacancies by death, resignation or otherwise, for an unexpired term: <i>Provided further</i> , that at least two members of said Highway Commission shall at all times
Different political party.	be from members of a different political 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
Chairman, how chosen.	and organize by electing one of their members chairman of said Commission, and another of their members clerk, and another, or some other suitable person, treasurer thereof, and shall pass such rules and regulations for their government as they shall
Proviso.	deem best: <i>Provided</i> , that the Highway 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.
Board to prepare bond issue.	SEC. 5. In the event that the requisite majority of qualified electors of said county shall vote "For Good Roads" at said election and the result shall be declared and recorded as aforesaid, the Board of County Commissioners of Guilford County shall have
Denomination.	prepared bonds in denominations not exceeding one thousand and not less than one hundred dollars, the total amount to be that provided for in the first section of this act; and the said bonds
Interest.	shall bear a rate of interest not exceeding five per cent per annum with the interest coupons attached payable semi-annually
When payable.	on the first days of January and July during the time of their running, and the principal thereof shall be payable or redeemable at such time or times not exceeding thirty years from the
Date of maturity.	date of their issue as the said Board of Commissioners of Guilford County may determine. Said bonds and coupons shall be
When payable.	payable at the office of the Treasurer of Guilford County, North

Carolina. Said 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 said bonds shall have upon them the seal of said county. The said bonds shall be styled "Guilford County Highway Improvement Bonds."

SEC. 6. 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 expense 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 provisions 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 bond or bonds so sold, and no bond shall be of any value until said seal is so affixed.

SEC. 7. That none of the bonds authorized by this act shall be disposed of by sale, exchange or otherwise for less price than their face value, nor shall said bonds or other proceeds be used for any other purpose or purposes than those declared by this act. When said bonds are issued they shall be numbered consecutively and the coupons attached and issued with them shall bear the number of the bonds to which they are attached. The bonds and coupons shall state on their face when they are due and where payable, and said bonds shall show by what authority they are issued. The said Highway Commission shall record all their proceedings in respect to said bonds in the minutes of their meetings, and when any of the same are sold, the number of bonds, their denomination, to whom sold, and the number of coupons attached must be recorded in said minutes: *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.

SEC. 8. 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 funds and all other funds provided for in this act, which may come into his hands, separate from all other funds, and he shall keep separate accounts of same, and said Treasurer, before any fund provided for in this act shall be paid

How executed.

Highway Commission to sell bonds.

Purpose.

Expenses, how defrayed.

Proviso.

Seal to be affixed.

Must be sold for face value.

Bonds to be numbered.

Nature of bonds.

Record to be kept.

Proviso.

Funds to be kept by Treasurer of Highway Commission.

Account to be kept.	<p>over to him, shall 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 by reason of this act, conditioned for his faithful safe keeping of the same and rendering a due account in respect thereto, and in all things holding, dispensing and accounting for the same as is required by law, which bond shall be passed upon, accepted and received by said 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 Clerk of said Highway Commission.</p>
Money, how paid out.	
Commissioners to levy tax.	<p>SEC. 9. 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 on the first Monday in June, a separate road tax for said county, of not exceeding fifteen cents on the one hundred dollars worth of property and not exceeding forty-five cents on each poll and not less than twelve and one-third cents on the one hundred dollars worth of property and thirty-seven cents on the poll, the subjects of taxation and levying of taxes to be the same on which the said Board of County Commissioners now or may hereafter be authorized to levy taxes upon, 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 interest of said bonds and next to the creation of a sinking fund for the redemption of said bonds, said sinking fund to be placed in the hands of a Sinking Fund Commissioner, elected by the Board of County Commissioners, and said Sinking Fund Commissioner to be required to execute a bond every two years payable to the County of Guilford in such sum as the Board of County Commissioners may determine: <i>Provided</i>, that the said bond shall never be less than fifty per cent greater than the amount in his hands and supposed to come into his hands during the time covered by said bond. The term of office of the said Sinking Fund Commissioner shall be for ten years, and the commission allowed for the services of said Commissioner shall not exceed one per cent of the amount which may come into his hands. The duties of said Sinking Fund Commissioner shall be to care for</p>
Amount.	
A separate fund. For payment of interest, a sinking fund.	<p>and invest the amounts which may come into his hands, so that the same may increase as fast as possible, and to turn over to his successor the amount which may come into his hands either principal or interest during the term of his office. That said Sinking Fund Commissioner shall make an annual statement (and oftener if deemed necessary by the Board of Commissioners of Guilford County) of all moneys coming into his hands, the manner of</p>
Proviso.	
Sinking Fund Commissioners.	
May invest same.	
Annual statement.	

- their investment and the interest received thereon to the Board of Commissioners of Guilford County: *Provided further*, that in case any of the bonds issued under and by authority of this act, become due during the term of said Sinking Fund Commissioner, the the said Board of County Commissioners shall have power to require him (and it shall be his duty) to turn over to the County Treasurer a sum sufficient to meet the payment of such bonds. Proviso.  
  
Payment of bonds.
- SEC. 10. That the said Highway Commission shall use the funds derived from the sale of the said bonds for the purpose of constructing and improving the public highways in the said county, and for said purposes they shall have entire charge and control of the chain gang and of all prisoners convicted of crimes and sentenced by the court or courts to terms of penal servitude on said public highways. They may purchase tools, machinery, implements and stock and all other things whatsoever deemed by them necessary for the purpose of working the convicts or hired free labor on public highways in said county. It shall be the duty of the Board of County Commissioners whenever called upon by said Highway Commission to turn over to said Highway Commission all convicts, tools, machinery, appliances and stock which may be in their hands with which they have been preparing material for working the public roads of the county. Chain gang.  
  
Implements, machinery, etc.
- SEC. 11. That the highways in said county, constructed, or improved under this act shall not be less than eighteen nor more than thirty-six feet wide, at least nine feet of which shall be macadamized as soon as is expedient, and the whole of which shall be made as straight as is practical, and graded. Dimensions of highway.
- SEC. 12. That as soon as the Highway Commission shall deem 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 \$2,500.00 for the faithful execution of his duties and for accounting for all money and property which may come into his hands as said officer. Said bond shall be approved by said Highway Commission. Said Highway Superintendent shall hold his office for two years, and until his successor is elected and qualified, except that the said Highway Commissioners may, for any good cause, remove said Highway Superintendent from his office, and elect a successor for the unexpired term. Said Highway Superintendent shall enter upon his duties and work when and where directed by said Highway Commission. Said Highway Superintendent shall direct the Highway superintendent.  
  
Duties of.  
  
Bond.  
  
Removal from office.  
  
Duties of.



Roads ordered built.	laying out of the highways with the aid of an engineer experienced in such work: <i>Provided</i> , that it shall be the duty of the Highway Commission to macadamize the public highways of the county, beginning at the county seat and macadamizing the public highways, approximately east, west, north, south, southeast, northeast, southwest, and northwest, but no one of these highways shall have more than four miles of macadam laid under this act until all are macadamized as near the same distance as is practicable and then these same highways shall be macadamized not exceeding four miles further out and so on towards the county line, treating each section of the county with justice: <i>Provided further</i> ,
Proviso.	they may have power to put not more than one-third of the working force in other parts of the county for a part of the time if in their judgment they deem it wise and necessary to equalize the benefits to all sections. Said Highway Superintendent shall have control over and direct the working of the convicts in Guilford County, and shall also have control over and direct all other labor as may be deemed by the Highway Commission proper to be employed on said roads, and to be paid for out of funds herein provided. It shall be his duty to employ the overseers of the chain gangs or the convict forces, and such other forces as it may be deemed by the Highway Commission expedient to employ, and the necessary servants and guards for the working and caring for the convicts worked under and by authority of law. He shall prescribe the duties of the overseers, and may discharge them at any time for cause; all of which duties of said Highway Superintendent shall be subject to the approval of the Highway Commission.
Powers of said superintendent.	
Overseers.	
Duties of.	
Treasurer to account.	SEC. 13. 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.
Eminent domain.	SEC. 14. That in opening new highways, widening and straightening old roads and repairing the same, the Highway Commission, through their agents, are hereby authorized to enter upon any land 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: <i>Provided further</i> , that before entering upon land as authorized by this section, it shall be the duty of the Highway Com-
Proviso.	



mission to serve notice upon the owner or owners of said land, notifying said owner or owners that the highway would be located upon such land under the authority of this act.

SEC. 15. That the passage of this act shall not repeal the road law now in force, applicable to the general working of public roads in said county, except that the Supervisor working and keeping in repair the highways constructed or improved under the provisions of this act, shall at all times be under the direction of the said Highway Superintendent. Any Supervisor refusing to act in response to said rules, as said Highway Superintendent shall direct, shall be guilty of a misdemeanor: *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 Guilford County shall not levy any other tax for road purposes than that provided for in this act after a levy under the provisions of this act has been made.

Road law now in force not repealed.

Exceptions.

Misdemeanor.

Proviso.

SEC. 16. That said Highway Commission shall have authority to employ a physician at any time to assist the county physician to attend to the convicts working the public highways, and shall also have power to provide for the care and safe keeping of said convicts, and to provide all things necessary to carry into effect the provisions of this act.

Physician to be employed.

Medicines, etc.

SEC. 17. That said Highway Commission shall be entitled to the same per diem and mileage as the Board of Commissioners of Guilford County.

Per diem and mileage.

SEC. 18. That said Highway Superintendent provided for in this act shall have the care and charge of all tools and appliances, shall make an inventory of the same, and furnish said inventory to the Highway Commission, and shall look after the safety of all such tools, machinery and appliances, and the said Superintendent shall be responsible for the loss of the same resulting from carelessness or neglect.

Custody of road machinery.

Responsibility.

SEC. 19. That 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 may institute and prosecute any necessary action for the recovery of any such road taxes in case any officer fail to account for same.

Accounts to be audited.

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 fined or imprisoned at the

Fraudulent orders.

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 \$20.00 or more than \$100.00: *Provided further*, the Board of County Commissioners may, for good and sufficient cause, remove any one or more of the Highway Commissioners, and the vacancy or vacancies shall be filled as provided in this act for filling vacancies from other causes.

Highway Commission, 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," definition of. SEC. 22. The term "Highway" in this act shall be understood to mean all public roads macadamized or improved under the provisions of this act, as distinguished from other public roads in the county.

Not over \$50,000 to be expended 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 mules, except by a two-thirds vote in a joint meeting of the Highway Commission and the County Commissioners.

SEC. 24. This act shall be in force from and after its ratification. In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

## CHAPTER 597.

### An act supplemental to an act to create a Road Commission for Union County.

*The General Assembly of North Carolina do enact:*

Amendatory of original act. SECTION 1. That section eight of an act entitled "An act to create a Road Commission for Union County," be amended by inserting between the words "of" and "thirty" in said section the words "not more than," and by inserting between the words "and" and "one" the words "not more than" so as to require a tax levy of not more than thirty-three and one-third cents on property, and not more than one dollar on the poll.

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 11th day of March, A. D. 1901.

## CHAPTER 598.

An act to authorize the Commissioners of Buncombe County to issue bonds to pay its present floating indebtedness for necessary expenses and to secure a suitable site and erect thereon suitable buildings for a court-house, public offices and the preservation of the public records.

*The General Assembly of North Carolina do enact:*

SECTION 1. That for the purpose of paying the lawful outstanding floating indebtedness of the county of Buncombe, on the first day of January, 1901, the Board of Commissioners of the said county is hereby authorized to issue the bonds of the said county to an amount not to exceed fifty thousand (\$50,000) dollars, and to be in denominations of not less than one hundred (\$100) nor more than one thousand (\$1,000) dollars; the said bonds shall be payable within ten (10) years from the date of issue, and shall bear interest from their date and until maturity (unless they shall have been paid off at an earlier date as hereinafter provided) at a rate not greater than five per cent (5 per cent) per annum, payable semi-annually on the first days of January and July in each year. The said semi-annual payments to be represented by coupons attached to each one of the said bonds, and to be identified therewith by proper numbers and such other means as the said Board of Commissioners may determine.

To pay floating indebtedness.

Amount.

Denomination.

Date of maturity.

Rate of interest.

Coupons.

SEC. 2. That after the expiration of five years from the date of issuing said bonds the said Commissioners may at their discretion purchase annually not exceeding one-fifth of the whole of the amount of the said bonds so issued, at a price not exceeding their par value, with accrued interest; and in case no one shall offer to sell the bonds so desired to be purchased, then the said Commissioners are authorized to designate from those first falling due such as they may desire to purchase, and give notice thereof by publication for four successive weeks in some newspaper published in the said county for the holders of the said bonds so designated to present them for payment at the place to be fixed by the said Commissioners, and if the holder or holders of the said bonds fail to present the same and to receive their par value and the interest thereon, which may have accrued up to the expiration of the time of such public notice, then he or they shall not be entitled to receive any interest subsequently accruing thereon; and the substance of this provision shall be expressed in the body of the said bonds.

May purchase said bonds.

Publication required.

Interest.

SEC. 3. That in order to provide the necessary funds to acquire a suitable site for a court-house, and to erect thereupon such public buildings as are necessary for the holding of the courts of

Court-house.

Authorized to issue bonds.	said county, for public officers, the preservation of the public records, and the erection of other suitable buildings necessary for the public service, the said Board of Commissioners is hereby authorized to issue the bonds of the county to an amount not to exceed fifty thousand dollars, to be dated on the first day of January, 1902, and to mature at the expiration of thirty years thereafter. The said bonds shall be denominated the Court-House Bonds; shall be signed by the chairman of the Board of County Commissioners, and have affixed the county seal; the interest thereon shall not exceed five per cent (5 per cent) per annum, and shall be payable on the first day of January and the first day of July of each year until the maturity of the said bonds, unless they shall have been sooner paid off or discharged. They shall be in denominations of not less than one hundred or more than one thousand (\$1,000.00) dollars each, and shall have attached coupons representing the semi-annual payments of interest due upon each respectively, the said coupons to be identified by numbers corresponding to the bonds 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 be expressed upon the face of the bonds.
Duration.	
Execution of bonds.	
When payable.	
Identity of coupons.	
Exempt from taxes.	
Price at which bonds to be sold.	SEC. 4. No bond issued under the provisions of this act shall be sold or otherwise disposed of for less than its par value, and all coupons on said bonds accruing prior to the date of any sale shall be detached before the said bond is delivered.
Notice.	SEC. 5. That before disposing of any of the bonds provided for in section 3 of this act, the said Commissioners shall by public notice to be printed in one or more of the newspapers published in the said county, for at least sixty days, invite bids therefor; the said bids may be for the whole amount of the said issue, or any part thereof not less than ten thousand dollars (\$10,000.00); they shall be securely sealed and deposited with the chairman of the said Board of Commissioners, and by him to be safely preserved unopened, until the date fixed in the said publication for the consideration thereof, when the same shall be opened in the presence of such citizens of the county as may desire to attend, and the Commissioners shall thereupon proceed to award and allot to the said purchasers, or any one of them, so many of the said bonds as they may then desire to dispose of: <i>Provided, however,</i> they shall not dispose of any for a less sum than the par value thereof: <i>And provided further,</i> the said Commissioners may reject any or all of said bids in their discretion.
Bids.	
Consideration of bids.	
Proviso.	
Separate fund created.	SEC. 6. 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 only to the respective purposes for which they are issued, as provided herein; and the said board shall cause the Treasurer of the said county to open and keep separate accounts of the said funds, so that the condition thereof may at all times be shown. Accounts.

SEC. 7. That the said Board of Commissioners may use so many of the bonds issued under the first section of this act as may be found desirable or practicable for funding the floating indebtedness mentioned therein; but in so doing they shall not issue the said bonds at a price less than the par value thereof; and they shall cause to be kept an accurate record of all claims of indebtedness so funded, and the bonds issued therefor. Money, how to be used. Record to be kept.

SEC. 8. That in order to pay the interest on the said bonds as it may accrue, and the principal thereof as it may mature, the Board of Commissioners of the said county may 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 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 thereto be liable officially as well as personally, to all the requirements of law now prescribed, or which may hereafter be prescribed, for the faithful collection, and payment of other taxes. Interest, how to be paid. Tax levied. Liability.

SEC. 9. That the Commissioners hereinafter named shall have full power and authority to accept from G. W. Pack, or any other person as a gift or donation, a suitable lot on which to be built a new court-house, and take a deed therefor to the county of Buncombe, and the Board of Commissioners of Buncombe County are authorized to dedicate to the use of the public the present lot on which the court-house now stands as a public park for said county. Right to receive donations. Present site to be dedicated.

SEC. 10. That the Commissioners hereinafter named in section seventeen (17) [twelve (12)] shall have full power and authority to sell the old court-house, or to provide for the use of the material, or any part thereof, in said building, to the building of a new court-house, and in case of sale, to use the money for the same purpose, they shall have full authority and power to carry into effect the purposes of this section. Power to sell old court-house. Use of proceeds.

SEC. 11. That no bonds shall be used or issued as above provided for in section three (3), or any sale made of the old court-house until a suitable lot for a new court-house is provided for by gift or donation. Condition as to use of funds.

SEC. 12. That M. L. Reed, H. C. Blackstock, J. H. Tucker, J. E. Rankin, J. A. Wagner, Jason Ashworth, J. A. Nichols be and they Commissioners named.



- Powers of. are hereby appointed Commissioners, with full authority and power to make the sale provided for in this act, and to have erected by contract, or otherwise, as they may deem best, a new court-house as provided for in this act under such terms, rules and regulations as may, in their judgment, be most advantageous to Buncombe County.
- Commissioners to provide place for holding court ad interim. SEC. 13. That during the period of tearing down the old court-house and the erection of a new one, the Board of Commissioners of said county shall provide for a suitable place for the holding of courts in the city of Asheville, and also suitable offices for the use of the county officers of said county. All sales required to be made by law at the court-house door shall be made at the place designated to hold courts, as above provided for, and shall be in all respects a compliance with the law, and all advertisements required to be made at the court-house door shall be made at the place designated to hold courts.
- Advertisement. SEC. 14. That said Commissioners provided for in section twelve (12) shall make such rules and regulations and provide for payment of such agents or clerks as may be deemed necessary to carry into effect the provisions of this act. Said board shall receive as compensation for their services two dollars per day for the time in which they are engaged in carrying out the provisions of this act, and their meetings shall be at such times and places as they may deem necessary to the performance of their duties as prescribed in this act.
- Commissioners to make rules, etc. SEC. 15. That the Board of Commissioners of Buncombe County may provide for a general election, under the same rules and regulations as provided for the election of members of the General Assembly, at which election the question shall be submitted to the qualified voters of said county as to the building of a new court-house and those in favor of a new court-house shall vote a ticket "For New Court-House," and those opposed a ticket "Against New Court-House," and if a majority of the votes cast shall be "For New Court-House," then said bonds shall be sold and all the provisions of sections three, four, five, six, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen and seventeen, shall be in full force and effect; but said last named sections shall be of no force or effect until approved by a majority of the vote cast as herein provided.
- General election provided. SEC. 16. That said election provided for in section 15 shall be held if ordered by said Board of County Commissioners at the various voting precincts in Buncombe County on a day to be designated by the said Board of County Commissioners.
- Question submitted. SEC. 17. That this act shall be in force from and after its ratification.
- Style of ballot. In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.
- Approval of majority requisite. Election, how, where and when held.



## CHAPTER 599.

**An act to amend Chapter 196 of the Public Laws of 1897.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That sections eight and nine of chapter 196 of the Public Laws of 1897 and the sub-sections thereunder, are hereby repealed and the following sections and sub-sections substituted therefor:

Amendatory of  
Sections 8 and 9,  
Chapter 196, Pub-  
lic Laws 1897.

(1) The Managing Committee of the Mountain Retreat Association shall have power to make such by-laws, rules, regulations and ordinances and sanitary regulations for the government and health of the community as they may deem necessary, and not inconsistent with the laws of the State; they may appoint at their annual meetings a recorder, marshal, tax collector and such other officers and agents as may be necessary to enforce their by-laws, regulations and ordinances, keep their records and conduct their affairs; may determine the amount of their salaries; may impose oaths of office upon them and require bonds payable to the State in proper penalties for the faithful discharge of their duties; they may pass ordinances, by-laws or regulations for abating or preventing nuisances of any kind, and for preserving the health of the citizens.

In lieu of said  
section.

(2) The Managing Committee of the Mountain Retreat Association may enforce their by-laws, regulations and ordinances by imposing penalties on such as violate them and compel the performance of the duties they impose upon others by suitable penalties.

By whom to be  
enforced.

(3) That in cases where judgments may be rendered against any person for fines, penalties or cost according to the laws or the ordinances of the Mountain Retreat Association and the person against whom the same is adjudged refuses or is unable to pay such judgment, it shall be lawful and the recorder is hereby empowered to commit such person so convicted to the county jail in which case said corporation shall pay all costs and expenses thereof or such prison as the Managing Committee shall construct, and to work him on the streets or other public works during the period of such confinement: *Provided*, that no female shall be sentenced to work on the public streets.

In case of  
judgment.

Penalty.

(4) The recorder is hereby constituted an inferior court, and as such he shall be a Magistrate and conservator of the peace, and within the corporate limits of the Mountain Retreat Association shall have the jurisdiction of a Justice of the Peace in all civil or criminal matters arising out of torts, contracts, or the laws of the State, or the by-laws, regulations or ordinances of the Moun-

Recorder a court.

Jurisdiction.

	tain Retreat Association. The rules of law regulating proceedings before a Justice of the Peace, shall be applicable to proceedings before such recorder, and the said recorder shall be entitled to the same fees which are allowed to Justices of the Peace.
Fees.	
Authority.	(5) As such court, the said recorder shall have authority to hear and determine all cases that may arise upon the ordinances, regulations or by-laws of the Mountain Retreat Association; to enforce penalties by issuing execution upon any adjudged violation thereof, and to execute the by-laws, regulations or ordinances that may be made and provided by the Managing Committee of the said Mountain Retreat Association, for their health, regulation and government, but in all cases any person dissatisfied with the judgment of said recorder may appeal to the Superior Court as in case of a judgment rendered by a Justice of the Peace.
Regulations.	
Appeal.	
Penalty.	(6) Any person violating the regulations, by-laws or ordinances of the Mountain Retreat Association shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding fifty dollars, or imprisoned not exceeding thirty days.
Oath.	(7) The recorder and marshal and other officers before entering upon their duties shall take the oath prescribed for public officers, and an oath that they will faithfully and impartially discharge the duties imposed upon them by law.
Vacancies, how filled.	(8) All vacancies occurring in the offices herein provided, shall be filled by appointment of the Executive Committee of the Mountain Retreat Association, and the appointee shall hold his office until the next annual meeting of the Managing Committee, and until his successor is elected and qualified.
Authority that of constable.	(9) As a peace officer and as a ministerial officer, the marshal shall have, within the limits of the corporation, all the powers of a constable in the county, and the power to execute all process that may be issued by the recorder, and to enforce the by-laws, regulations or ordinances of the Managing Committee as they may direct. He shall have the same power to collect the taxes and assessments imposed by the Managing Committee as Sheriffs have to collect the taxes imposed by the County Commissioners, and he may be required by the Managing Committee to give bond with sufficient surety, payable to the State of North Carolina, in such sum as the Managing Committee may prescribe, upon which suit may be brought by the Managing Committee in the same manner that bonds of officers of towns and cities are enforced and collected. The bonds of the officers of the Mountain Retreat Association shall be approved by the Executive Committee of the Association, and duly proved and registered in the office of the Register of Deeds of Buncombe County: <i>Provided,</i>
May collect taxes.	
Bond.	
Approval of bond.	
Proviso.	

if a Tax Collector is appointed, then the collection of taxes, and the duties defined by this section, shall be performed by him, but the Marshal may be appointed also as Tax Collector.

(10) The Managing Committee may, at any annual meeting, appoint the Tax Collector for the Mountain Retreat Association, with all the rights, authority, power and duty to collect taxes as are conferred upon the Marshal in sub-section nine above, and he may be required to take oath and to give bond, and it shall be enforceable in like manner as prescribed in said sub-section 9.

Tax Collector,  
how appointed.

Bond.

(11) The Marshal shall have the same authority to make arrests and to execute civil and criminal process within the limits of Mountain Retreat Association as is vested by law in Sheriffs or Constables.

Marshal.

(12) The Tax Collector and Marshal shall make settlement and full return of all moneys, penalties and fines coming into his hands each month with the Treasurer of the Mountain Retreat Association, or other officer authorized to receive the same, and upon failure to make such settlement and accounting each month, he shall be guilty of a misdemeanor, and upon conviction he shall be fined or imprisoned, or both, in the discretion of the Court.

Settlement, how  
made.

Misdemeanor.

(13) All the officers herein provided shall, on demand, turn over to their successors in office the property, books, moneys or effects of the Mountain Retreat Association, and any officer failing to do so shall be guilty of a misdemeanor, and upon conviction fined and imprisoned as prescribed by law in cases where municipal officers fail to make such transfers.

Successors.

A misdemeanor.

(14) That all fines and penalties imposed by and collected under the judgment of the recorder of Mountain Retreat Association, sitting as a Justice of the Peace or recorder, shall belong to the Association to be used in defraying the expenses of the Association, or for schools.

Fines, disposition  
of.

School purposes.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

## CHAPTER 600.

**An act to be entitled an act for the relief of Stephen Venable, ex-Sheriff of the county of Surry.***The General Assembly of North Carolina do enact:*

Authority given to collect arrears. SECTION 1. That Stephen Venable, ex-Sheriff of the county of Surry, is hereby authorized and empowered to collect the arrears of taxes due him as said Sheriff for said county for the years 1891 and 1892 under such rules and regulations as are or may be provided by law for the collection of taxes.

What period.

Liability not removed. SEC. 2. That nothing herein contained shall be construed to relieve said Sheriff, his representatives or bondsmen from the liability imposed by the law to pay State, county or other taxes at the time and place provided by law.

When authority shall cease. SEC. 3. That the authority herein given shall cease and determine at the expiration of the year 1902.

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 11th day of March, A. D. 1901.

## CHAPTER 601.

**An act to protect deer in Tyrrell County.***The General Assembly of North Carolina do enact:*

Unlawful to hunt or kill deer. SECTION 1. That it shall be unlawful for any person or persons to hunt with gun or dog, or chase or kill any deer in Tyrrell County between the following dates, to-wit: From the first day of February to the fifteenth day of October of each and every year.

When.

Misdemeanor. 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 twenty dollars (\$20.00) or imprisoned not longer than thirty days.

Penalty.

Applicability. SEC. 3. That this act shall apply to Tyrrell 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 the 11th day of March, A. D. 1901.

## CHAPTER 602.

**An act for the relief of Plato Collins, Clerk of the Superior Court of Lenoir County.***The General Assembly of North Carolina do enact:*

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 one, and to be exempt from the provisions, penalties and liabilities mentioned in sections one hundred and fourteen and one hundred and fifteen of The Code: *Provided*, that said Clerk shall leave a competent deputy to perform all duties authorized to be performed by said deputy.

Relief granted.

Of what to consist.

Exemption from liability.

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 the 11th day of March, A. D. 1901.

## CHAPTER 603.

**An act supplemental to an act for the better protection of wild fowls in Currituck Sound, passed by the General Assembly and ratified on the 27th day of February, 1901.***The General Assembly of North Carolina do enact:*

SECTION 1. That section ten (10) of "An act for the better protection of wild fowls in Currituck Sound," ratified on the 27th day of February, 1901, be stricken out and that the following be inserted in lieu thereof, to-wit: "That this act shall be in force from and after the first day of October, 1901: *Provided*, that it shall have been ratified at an election to be ordered and held in the county of Currituck on the first Thursday in August next as hereinafter provided."

Amendatory of original act.

Election provided.

SEC. 2. That the Commissioners of said county upon the petition of two hundred and fifty qualified voters of said county shall order an election to be held at the time above specified after giving thirty days' notice thereof at every polling place in the county, the said election to be held and returns made as provided in the general election law for the election of members of the General Assembly.

Election. Petitions.

Notice.

SEC. 3. That the ballots in said election shall be "For Game Keepers" and "Against Game Keepers," and may be either printed

Style of ballots.

or written or partly printed and 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 Currituck 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 11th day of March, A. D. 1901.

#### CHAPTER 604.

**An act to prohibit the chasing or killing of deer being chased by dogs other than by the owner or owners, possessor or possessors of the dogs jumping the deer and then chasing the same.**

*The General Assembly of North Carolina do enact:*

Unlawful to kill or catch deer.

SECTION 1. It shall be unlawful for any person or persons to catch, or kill, in any manner whatsoever, any deer at the time being chased by the dogs of another or the present possessor or possessors thereof.

Unlawful to interfere with other hunters.

SEC. 2. It shall be unlawful for any person or persons to join in and bark dogs on a fleeing deer, or the trail thereof, being pursued at the time by the dogs of another, or the present possessor or possessors thereof, and thereby breaking off from the said trail the dog or dogs jumping and then pursuing the said fleeing deer.

Misdemeanor.

SEC. 3. That any person or persons violating this act shall be guilty of a misdemeanor and upon conviction shall be fined not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00) or imprisoned not less than ten days nor more than thirty days: *Provided*, if such person or persons so violating this act, will deliver the deer so caught or killed, to the aggrieved person or persons, then the person or persons so offending shall not be guilty of a misdemeanor.

Penalty.

SEC. 4. This act shall apply only to Tyrrell and Beaufort counties.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

Applicability.



## CHAPTER 605.

**An act to amend Chapter 439 of the Laws of 1899, regulating the shooting of wild fowls in the waters of Carteret County.***The General Assembly of North Carolina do enact:*

SECTION 1. That chapter 439 of the Laws of 1899, be amended as follows: Add to section 2 of said act the following, "or to shoot wild fowl of any kind whatever, at any time, from any battery or sneak boat in all that certain part of Core Sound in Carteret County, between the following lines: One line beginning on the northeastern boundary of Hog Island and running in a direct course to Harbor Island Light, and from Harbor Island Light a due southeast course to a point on Core banks; the other line beginning at Steep Point and running a due southeast course to a point on Core banks." Add to section 4 of said act: "*Provided*, that it shall be lawful for any person or persons to hunt or shoot wild fowl by fire or light in all that certain part of Bogue Sound in Carteret County west of Sally Bell Shoals in said sound, but that it shall be unlawful for any person or persons to hunt or shoot wild fowl west of Sally Bell Shoals in Bogue Sound with battery or sneak boat."

Chapter 439, Laws 1899, amended.

Location.

Boundaries.

Where unlawful.

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 11th day of March, A. D. 1901.

## CHAPTER 606.

**An act to appoint Henry Stewart, Jr., of Macon County, a Justice of the Peace, and allow him to practice law.***The General Assembly of North Carolina do enact:*

SECTION 1. That Henry Stewart, Jr., of Macon County, be and he is hereby appointed a Justice of the Peace for Highland Township, Macon County, for a term of six years, to begin upon the ratification of this act.

Appointment.

Locality.

SEC. 2. That section twenty-seven of The Code shall not apply to Henry Stewart, Jr.: *Provided*, the said Stewart shall be subject to the lawyer's license tax, provided by law: *And provided further*, that said Stewart shall not appear as attorney in any case which may be appealed from him, where he presided, or took part as a Justice of the Peace.

Section 27, Code.

Allowed to practice law.

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 11th day of March, A. D. 1901.

## CHAPTER 607.

**An act making certain parts of Pasquotank, Perquimans and Chowan counties a stock law district.**

Preamble.

WHEREAS, Application has been made to the General Assembly for the establishment of the stock law in certain part of the counties of Pasquotank, Perquimans and Chowan; and,

WHEREAS, A large number of land owners in the territory to be affected object to the passage of such a law; and,

WHEREAS, The General Assembly can not properly investigate the facts involved and the County Commissioners of the aforesaid counties can do so without expense and can give all parties a full hearing; now, therefore,

*The General Assembly of North Carolina do enact:*

Power to establish stock law.

SECTION 1. That the Boards of County Commissioners of the counties of Pasquotank, Perquimans and Chowan shall have power to establish a stock law in that part of the aforesaid counties which is bounded by the northern and western side of the right of way of the Norfolk and Southern Railroad Company, along its main line: beginning at Edenton Bay and extending to the Pasquotank River, on the north and west; thence by Pasquotank River to its mouth on the north and east and by the Albemarle Sound and Edenton Bay on the south, and to levy and collect the taxes necessary to provide for and maintain the establishment of such a law, each Board of County Commissioners having power to act separately and exclusively in reference to the territory in its county: *Provided, however,* that before the Board of County Commissioners of each of said counties shall establish such a law they shall have been petitioned by a majority of the land owners in the territory over which the stock law is to extend. After the filing of such petition the said Boards of County Commissioners shall give notice in the newspapers published in the different counties, stating the territory embraced in the petition and when the petition will be heard. The hearing of the petition shall not be less than thirty days after the same has been filed, nor less than twenty days after giving notice. If the Boards of Commissioners after a full hearing, find that the petitioners are *bona fide* land owners in the territory over which the stock law is to extend, the Boards of County Commissioners shall grant the petition: *Provided further,* that the Board of County Commissioners of each of said counties shall have power to determine whether or no the territory in its county embraced in this bill shall be subject to the stock law.

Location.

Boundaries.

The boards severally shall have power.

Proviso.

Notice.

Petitions.

Proviso.

SEC. 2. That upon such petition being granted the said Boards of County Commissioners shall enter upon their minutes an order in substance that the provisions of the stock law are extended to the territory referred to in the petition which territory shall be particularly described in such order.

Record to be kept.

Description  
necessary.

SEC. 3. That when such order is made, the provisions of The Code of North Carolina applicable to stock law or relating to stock law be applicable to such territory.

Code applicable.

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 11th day of March, A. D. 1901.

#### CHAPTER 608.

An act supplemental to an act to amend Chapter 301 of the Public Laws of 1889, and Chapter 10 of the Public Laws of 1891, and Chapter 164 of the Public Laws of 1893, and Chapter 175 of the Private Laws of 1895, ratified by the General Assembly of North Carolina at its session of 1901.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section 1 of an act to amend chapter 301 of the Public Laws of 1889, and chapter 10 of the Public Laws of 1891, and chapter 164 of the Public Laws of 1893, and chapter 175 of the Private Laws of 1895, ratified by the General Assembly of North Carolina at its session of 1901, be amended by adding at the end of said section one the words: "That the original issue of certificates of stock of each of said corporations pursuant to said organizations and the subsequent issue of certificates of stock of each of said corporations, and the subsequent reissue of certificates of stock of each of said corporations upon a transfer or exchange of the same, be and the same are hereby in all respects approved, ratified and confirmed; and each of said corporations is hereby authorized and empowered to sign or endorse the notes, bonds or other evidences of debt issued by any other of said corporations, and to purchase, receive, acquire, hold and operate any part or all of the property of any other of said corporations; and to sell and convey any part or all of its property to any other of said corporations, or to any other person or corporation."

Section 1, Chapter 301, Public Laws 1889, Chapter 10, Public Laws 1891, Chapter 164, Public Laws 1893, Chapter 175, Private Laws 1895, ratified at session 1901, are amended.

SEC. 2. 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 the 13th day of March, A. D. 1901.

## CHAPTER 609.

**An act to levy a special tax in Wilkes County to repair the court-house of said county.***The General Assembly of North Carolina do enact:*

**Commissioners authorized to levy a tax. When.** SECTION 1. That the Board of County Commissioners of Wilkes County shall on the first Mondays in June, one thousand nine hundred and one, one thousand nine hundred and two, and one thousand nine hundred and three, levy a special tax, not to be less than fifteen hundred nor more than ten thousand dollars, one-third of said amount to be levied in each of the years above named, for the purpose of repairing the jail and court-house of said county. The constitutional equation between property and poll to be always observed in the levy of said tax.

**Purpose of such levy.**

**Disposition of money collected.** SEC. 2. That said special tax shall be applied alone to the repairing court-house and jail, and shall be collected and accounted for by the Sheriff or Tax Collector in the same manner, and under the same penalties as other taxes are collected and accounted for. The repairs on said court-house and jail shall be completed by the first day of November, 1902. Should it be necessary to do so the said Commissioners are authorized to borrow a sum sufficient to complete said repairs: *Provided, however,* said amount shall not exceed the maximum herein provided, and they shall not pay a greater rate of interest than the law allows, and not for a longer time than until January first, 1904.

**Proviso.**

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

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

In the General Assembly read three times, and ratified this the 13th day of March, A. D. 1901.

## CHAPTER 610.

**An act to amend section 258 of The Code relative to the verification of pleadings by a corporation.***The General Assembly of North Carolina do enact:*

**Method of verification by corporations amended.** SECTION 1. That the words in lines 19 and 20 of section 258, of The Code, which now read "when a corporation is a party, the verification may be made by any officer thereof," be amended so as to read as follows: "When a corporation is a party, the verification may be made by any officer, or managing or local agent thereof."

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

In the General Assembly read three times, and ratified this the 13th day of March, A. D. 1901.

## CHAPTER 611.

**An act supplemental to an act to amend and consolidate the Union County Dispensary Law.***The General Assembly of North Carolina do enact:*

SECTION 1. That section nineteen of an act passed at the present session of the General Assembly of North Carolina entitled "An act to amend and consolidate the Union County Dispensary Law," be amended as follows: The Treasurer of Union County shall be entitled as compensation for handling the said dispensary fund one per centum on all receipts, and one per centum on all disbursements, but he shall receive no compensation for disbursing the net profits of the dispensary.

Section 19, of  
original act,  
amended.

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 and effect from and after its ratification.

In the General Assembly read three times, and ratified this the 13th day of March, A. D. 1901.

## CHAPTER 612.

**An act to amend section 1 of Chapter 359 of Laws of 1885.***The General Assembly of North Carolina do enact:*

SECTION 1. That section one (1) of chapter 359 of the Laws of 1885 be amended by striking out all of said section after the word "interest" in third line from end of said section and inserting in lieu thereof the words, "Provided, the said homestead shall be actually assigned and set apart to the judgment debtor or homesteads before the expiration of ten (10) years from the docketing of such judgment: *Provided further,* that the owners of judgments docketed since March 11, 1885, shall have two (2) years from the ratification of this act within which to assign and set apart the homesteads under such judgments, the suspension of the statute of limitations shall be suspended not only as to the judgment under which the homestead is allotted, but as to all other judgments.

Section 1. Chapter  
359, Laws of 1885,  
relative to home-  
steads, amended.

OWNERS of  
judgments dock-  
eted since March  
11, 1885, given two  
years to assign  
and set apart  
homesteads  
under same.

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

In the General Assembly read three times, and ratified this the 13th day of March, A. D. 1901.

## CHAPTER 613.

**An act to cure certain defects in issuing and certifying copies of grants for land from the office of the Secretary of State.***The General Assembly of North Carolina do enact:*

All former copies made valid.

SECTION 1. That all copies of grants heretofore issued from the office of the Secretary of State duly certified under the Great Seal of the State, and to which the name of the Secretary has been written or affixed by the clerk of the said Secretary of State, are hereby ratified and approved and declared to be good and valid copies of the original grants and admissible in evidence in all courts of this State when duly recorded in the counties in which the land lies: that all such copies heretofore recorded in said counties are hereby declared to be lawful and regular in all respects as if the same had been signed by the Secretary of State in person and duly recorded.

Admissible as evidence.

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 13th day of March, A. D. 1901.

## CHAPTER 614.

**An act to provide for the auditing and recording of the final returns of Commissioners to sell real or personal property.***The General Assembly of North Carolina do enact:*

Final account of commissioner to sell property, when filed.

SECTION 1. That, in all actions, or special proceedings, when any person shall be appointed commissioner to sell any real or personal property, he shall, within sixty days after the maturity of the note or bond for the balance of the purchase-money of said real or personal property, file with the Clerk of the Superior Court a final account of his receipts and disbursements on account of said sale.

Clerk to audit and record accounts.

SEC. 2. That said Clerk shall audit said account and record it in the book in which the final settlements of executors and administrators are recorded.

Fees of clerks.

SEC. 3. That the Clerk shall receive one-half of the same fees for auditing and recording said accounts as are allowed for auditing or recording the final returns of executors and administrators.

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 13th day of March, A. D. 1901.



## CHAPTER 615.

**An act relating to the road law for Charlotte Township.**

*The General Assembly of North Carolina do enact:*

SECTION 1. The Board of Township Trustees shall meet in some place in their respective townships to be agreed upon by themselves, or in the absence of such an agreement, to be named by their chairman, on the first Monday of May and November, and at such other times as a majority of them may deem advisable. They shall keep a record of their proceedings, and shall annually at their May meeting elect one of their number chairman. The Board of Trustees shall be exempt from the four days' labor on the public 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. For the purposes of this act the Magistrates of Charlotte Township shall constitute the Board of Road Trustees for said township.

Township trustees to meet.

When.

Elect a chairman.

To examine the roads.

Magistrates are the board.

SEC. 2. The power and authority given by sections 3, 5 and 38 shall in Charlotte Township be exercised by the Board of Trustees of the township, and whenever authority or power is given hereinbefore to the Board of County Commissioners, or to said board and the Board of Trustees jointly, the same shall belong to, and be exercised, in Charlotte Township, by the Board of Trustees of that township, but this shall not affect the provisions of section 60, which shall remain in full force, and the taxes levied for road purposes, in said section, shall be levied and collected as therein provided, and applied as hereinafter directed: *Provided*, that nothing contained herein shall be so construed as to prevent the County Commissioners of Mecklenburg County from working the convict force or "chain-gang" upon any public road in said township at such times, in such manner and in such way as they may consider most advisable, and defraying the expenses of such convict labor out of any general funds that may come into their hands, or from funds raised, according to the provisions of law for road purposes.

Charlotte Township.

County Commissioners

Levy of taxes.

Convict labor

SEC. 3. All money raised or collected by taxation under the provisions of section 60, for public roads and such an amount of the highway tax, as the Road Committee of Charlotte Township may deem necessary for the repair of the highways in said township shall be used and applied, in such manner and for such pur-

Money collected, how disposed of.

poses as said Board of Trustees may deem best, for the construction, preservation, improvement and repair of highways and public roads of said township, and no money, raised and collected as aforesaid, shall be paid out, except upon order, to be signed by the chairman of the said Board of Trustees for Charlotte Township and countersigned by the secretary.

A superintendent to be employed.

SEC. 4. The Board of Trustees of Charlotte Township shall have the power to employ a Superintendent or General Supervisor of Roads in said township, and prescribe his duties and fix his compensation; and they shall also have the power to purchase machinery, material and all other things deemed necessary by them for the proper performance of their duties; and they may employ laborers or servants to work on the roads of said township, and they may have or possess all other power which will enable them to discharge the duties imposed upon them by law.

Duties.

Road committee, how elected.

SEC. 5. That the Trustees of Charlotte Township at their annual meeting in May, shall elect three of their members to constitute a Road Committee, whose duties and authority shall be prescribed by the board, and it shall be the duty of the chairman of the Board of Trustees to report to the Solicitor any violation of the provisions of section 1 of this act.

Mile posts.

SEC. 6. The Road Committee in Charlotte Township shall erect and keep up on roads running out of the city of Charlotte mile posts at such places as the Road Committee may designate.

Certain sections repealed and abrogated.

SEC. 7. Sections 61, 63, 68, 69, 70, 71 of the "Road Law" shall have no application to Charlotte Township (Act of March . . . , 1901).

In the General Assembly read three times, and ratified this the 13th day of March, A. D. 1901.

## CHAPTER 616.

**An act to amend Chapter 411 of the Public Laws of 1899, by correcting an error therein and extending the time for organization thereunder.**

*The General Assembly of North Carolina do enact:*

Time for organization extended two years.

SECTION 1. That section 2 of chapter 411 of the Public Laws of 1899 be amended so that the chapter in the Laws of 1897 which is amended thereby shall be 440 instead of 446, and the time for organization thereunder is extended for two years from the passage of this act.

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

In the General Assembly read three times, and ratified this the 13th day of March, A. D. 1901.

## CHAPTER 617.

**An act to amend section 1781 of The Code.***The General Assembly of North Carolina do enact:*

SECTION 1. That section 1781 of The Code of North Carolina be amended by adding to said section the following: "And this section shall apply to the property of married women when it shall appear that such building or buildings were built or repaired on her land with her consent or procurement," and in such case she shall be deemed to have contracted for such improvements.

Section 1781 of The Code, relative to mechanics' liens, amended as to property of married women.

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

In the General Assembly read three times, and ratified this the 13th day of March, A. D. 1901.

## CHAPTER 618.

**An act to appoint public official hay and grain inspector for the county of Wilson.***The General Assembly of North Carolina do enact:*

SECTION 1. That an inspector of grain and hay be appointed by the County Commissioners for the county of Wilson, whose duties it shall be to inspect, if called upon, "by either the consignor or consignee," any lot or parcel of hay or grain coming into the said county; and for each inspection there shall be a charge of one dollar (\$1.00) per car: *Provided, however,* that if said car or parcel is outside of the corporate limits of the town of Wilson, there shall be an additional charge of 10c. per mile or fraction thereof; all charges to be paid by the party requesting inspection.

Commissioners to appoint, duties.

Fees.  
Proviso.

SEC. 2. That said inspector shall receive no compensation from the State or county for his services.

No further compensation.

SEC. 3. The report of the inspector shall be considered conclusive in the adjustment of all differences between the consignors and consignees as to the grade and weight of hay and grain so inspected.

Report of inspector conclusive.

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

In the General Assembly read three times, and ratified this the 13th day of March, A. D. 1901.

## CHAPTER 619.

**An act to prohibit the jumping on and off moving trains at Haw River.  
North Carolina.**

*The General Assembly of North Carolina do enact:*

Unlawful to jump  
on or off moving  
trains near Haw  
River.  
Proviso.

SECTION 1. That it shall be unlawful for any person to jump on or off moving trains within a distance of one-half mile east or west of the depot at Haw River, North Carolina: *Provided*, this act shall not apply to railroad employees in the discharge of their duties, or to any passengers, or to those assisting passengers off or on the trains.

Penalty.

SEC. 2. That any person violating the provisions of section one of this act shall be guilty of a misdemeanor and upon conviction shall be fined, or imprisoned, or both, in the discretion of the Court.

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

In the General Assembly read three times, and ratified this the 12th day of March, A. D. 1901.

## CHAPTER 620.

**An act to establish a school district for the white race in Leasburg  
Township, Caswell County.**

*The General Assembly of North Carolina do enact:*

District created.

SECTION 1. That a school district for the white race is hereby created in Leasburg Township, Caswell County, with boundaries as follows: Beginning on the county line at the public road running from Roxboro to Leasburg, thence south one-half ( $\frac{1}{2}$ ) mile, thence west one and one-half ( $1\frac{1}{2}$ ) miles, thence north one (1) mile, thence east one and one-half ( $1\frac{1}{2}$ ) miles, thence south one-half ( $\frac{1}{2}$ ) mile to beginning.

Benefits, rules  
and regulations.

SEC. 2. That said district shall have all the benefits and be under the same rules and regulations as other public school districts in the county.

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

In the General Assembly read three times, and ratified this the 13th day of March, A. D. 1901.

## CHAPTER 621.

**An act to authorize the Commissioners of Pender County to levy a special tax in Caintuck Township for the purpose of building a public road across Black River Swamp.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Commissioners of Pender County be and they are hereby authorized to levy a special tax of not exceeding fifteen cents on each one hundred dollars of property and forty-five cents on each poll, on all subjects of taxation in Caintuck Township in said county for the years nineteen hundred and one and nineteen hundred and two. Said tax shall be levied at the same time with other levies in said years, and shall be collected and accounted for by the Sheriff of said county in the same manner, under the same penalties and within the same time as the other taxes levied for said county.

Commissioners to levy; rate of taxation.

Time of levies.

How collected, etc.

SEC. 2. That the money derived from said special taxes shall constitute a special fund to be paid out upon the order of said Board of Commissioners for the building of a public road across Black River Swamp from the location of the proposed new bridge at or near Still Bluff leading to the Moore's Creek Battle Ground, in said county.

To what applied.

SEC. 3. That the Board of Commissioners of said county in conjunction with the Board of Road Supervisors of said township shall have authority to arrange for the construction of said public road by contract or otherwise, and to pay for the same when completed.

Commissioners and road supervisors to arrange for construction of road.

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

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

In the General Assembly read three times, and ratified this the 13th day of March, A. D. 1901.

## CHAPTER 622.

**An act to allow S. W. Davis to practice law.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That S. W. Davis, a Justice of the Peace in Mecklenburg County, and a licensed attorney, be allowed to practice law.

S. W. Davis a Justice of the Peace, to be allowed to practice 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 13th day of March, A. D. 1901.

## CHAPTER 623.

**An act to allow Owens Township in Rutherford County to elect a Magistrate and Constable.***The General Assembly of North Carolina do enact:*

Election of magistrate and constable provided for.

SECTION 1. That it shall be lawful for Owens precinct in Rutherford County to elect one Magistrate and one Constable for said precinct in addition to the Magistrates and Constable now allowed to be elected for Sulphur Springs Township in 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 the 13th day of March, A. D. 1901.

## CHAPTER 624.

**An act to amend section 3732 of The Code.***The General Assembly of North Carolina do enact:*

Section 3732 of The Code, relating to servants for the State Departments, amended.

SECTION 1. That section 3732 of The Code be amended by striking out in line four thereof after the word "and" the words "State Librarian" and inserting in lieu thereof the words "Attorney-General" and by adding at the end of said line "and one to the State Librarian."

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 13th day of March, A. D. 1901.

## CHAPTER 625.

**An act to amend Chapter 323 of the Public Laws of 1897, being the charter of the Tar River and Carolina Railroad Company.***The General Assembly of North Carolina do enact:*

Chapter 323, Public Laws of 1897, amended.

SECTION 1. That section seventeen of chapter (323) three hundred and twenty-three of the Public Laws of (1897) eighteen hundred and ninety-seven, be and the same is hereby amended by striking out the word "four" in the first line of said section and inserting in lieu thereof the word "eight."

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 13th day of March, A. D. 1901.



## CHAPTER 626.

**An act to amend section 208 of The Code.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That section 208 of The Code of North Carolina be amended by adding to said section the following: "*Provided*, that where an action is instituted upon a bill, note, bill of exchange, liquidated and settled account, or for divorce, and summons in such action shall be served on the defendant at least thirty days before the term of Court to which such summons shall be returnable, and a copy of the complaint filed in the Clerk's office at least thirty days before such term of Court, then and in such case such action shall stand for trial at such first term of Court:" *Provided*, that this act shall apply only where such said return term is one at which, under the general law, civil cases may be tried."

Section 208 of The Code, as to action on notes, bills of exchange, etc., amended.

Return term made trial term upon compliance with certain requirements.

SEC. 2. This act shall be in force from and after its ratification, but shall not apply to existing or pending actions.

Not to apply to existing actions.

In the General Assembly read three times, and ratified this the 13th day of March, A. D. 1901.

## CHAPTER 627.

**An act to amend Chapter one, Public Laws of 1899.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That sections fifty-four (54), fifty-five (55) and fifty-six (56) of chapter one (1) of the Public Laws of one thousand eight hundred and ninety-nine (1899) be and the same are hereby amended so as to confer the same power and authority upon the Board of Directors and Superintendent of the North Carolina School for the Deaf and Dumb, as is given to the Board of Directors and Superintendent of the State Hospital for the Insane in said chapter and sections of the Public Laws of one thousand eight hundred and ninety-nine (1899), relative to police protection of premises of said North Carolina School for the Deaf and Dumb.

Sections 54, 55 and 56 of Public Laws of 1899, amended as to police powers in school for deaf and dumb.

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 13th day of March, A. D. 1901.

## CHAPTER 628.

**An act in relation to neglected or abandoned children, amending Chapter 3, section 11 of The Code of North Carolina.***The General Assembly of North Carolina do enact:*

Section 11, Chapter 3 of The Code, as to neglected or abandoned children, amended.

Clerk upon complaint made in writing, to examine into condition of indigent infants.

Clerk to procure admission of infants to orphan asylum or to bind out.

Conflicting laws repealed.

SECTION 1. That section 11, chapter 3, of The Code of North Carolina be and the same is hereby amended as follows: Add to said section the following: (6) "All indigent infants under sixteen years of age who, on account of the neglect, crime, drunkenness, lewdness or other vice, of the parents, or persons with whom such infants reside, are in circumstances exposing such infants to lead an idle and dissolute life. That upon complaint made in writing by three reputable citizens to the Clerk of the Superior Court of any county in this State, that there is any infant or infants, in such county subject to any of the conditions enumerated in sub-section 2, 3, 5 and 6 herein, it shall be the duty of the said Clerk of the Superior Court upon ten days' notice to the complainants, and the parents or persons with whom such infants or infant resides, to examine into the allegations of the said complaint upon oath, and if the said Clerk of the Superior Court shall find upon such examination, that the condition, set forth in such complaint was true, it shall be the duty of said Clerk in his discretion to procure for said infant or infants admission into some orphan asylum in the State, or to bind out the said infant or infants as apprentices.

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

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

In the General Assembly read three times, and ratified this the 13th day of March, A. D. 1901.

## CHAPTER 629.

**An act to amend Chapter 492 of the Public Laws of 1899.***The General Assembly of North Carolina do enact:*

Section 1, Chapter 492 of Public Laws of 1899, amended.

SECTION 1. That section one of chapter 492 of the Public Laws of 1899 be amended by adding at the end of said section the following words: "*Provided, however, that they may be taken at any time for agricultural 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 13th day of March, A. D. 1901.

## CHAPTER 630.

**An act to amend Chapter 301 of the Public Laws of 1889, and Chapter 10 of the Public Laws of 1891, and Chapter 164 of the Public Laws of 1893, and Chapter 175 of the Private Laws of 1895.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That the organization of the Granite Manufacturing Company, under said chapter 301 of the Public Laws of 1889, and said chapter 10 of the Public Laws of 1891, and the organization of The Thomas M. Holt Manufacturing Company, under said chapter 164 of the Public Laws of 1893, and the organization of the Cora Manufacturing Company, under said chapter 175 of the Private Laws of 1895, be and the same are hereby in all respects approved, ratified and confirmed.

Organization of the Granite Manufacturing Company, The Thomas M. Holt Manufacturing Company and The Cora Manufacturing Company, ratified and confirmed.

SEC. 2. That said chapter 301 of the Public Laws of 1889 be and the same is hereby amended as follows: Amend section 7 of said chapter 301 by striking out the words "the certificates for the shares of stock shall be issued only when fully paid for, and shall not thereafter be liable to assessments for any purpose whatsoever" in lines fourteen, fifteen and sixteen of said section 7, and by striking out the words "and such increase of the capital stock shall not be made except for the purpose of providing a working capital" in the third and fourth lines from the end of said section 7. Amend section 11 of said chapter 301 by striking out the word "whom" in line 18 of said section 11, and inserting in lieu thereof the words "those living and acting as such directors;" and by striking out the words "paid in" in line 35 of said section 11 and inserting in lieu thereof the word "issued;" and by striking out the words "paid in" in line 43 of said section 11, and inserting in lieu thereof the word "issued;" and by inserting after the word "purposes" in lines 49 and 50 of said section 11 the words "including the election of directors and to fill any vacancy in the Board of Directors that may occur or may have occurred." Amend section 12 of said chapter 301 by inserting after the word "direct" in the second line of said section 12 the words "and may hold special meetings upon the call of the president after ten days written notice to such directors of such proposed meeting, at which special meetings they may among other things elect officers to fill any existing vacancy."

Section 301, Public Laws 1889, amended.

SEC. 3. That said chapter 164 of the Public Laws of 1893 be and the same is hereby amended as follows: Amend section 7 of said chapter 164 by striking out the words "the certificates for shares of stock shall be issued only when fully paid for, and shall not thereafter be liable to assessments for any purpose

Chapter 164, Public Laws 1893, amended.

whatsoever" in lines fourteen, fifteen and sixteen of said section 7; and by striking out the words "and such increase of the capital stock shall not be made except for the purpose of providing a working capital," in lines four and three from the end of said section 7. Amend section 10 of said chapter 164 by striking out the word "whom" in line 18 of said section 10 and inserting in lieu thereof the words "those living and acting as such directors," and by striking out the words "paid in" in line 35 of said section 10, and inserting in lieu thereof the word "issued;" and by striking out the words "paid in" in line 43 of said section 10 and inserting in lieu thereof the word "issued;" and by inserting after the word "purposes," in line 49 of said section 10 the words "including the election of directors and to fill any vacancy in the Board of Directors that may occur or may have occurred." Amend section 11 of said chapter 164 by inserting after the word "direct" in line 2 of said section 11, the words "and may hold special meetings upon the call of the president after ten days written notice to such directors of such proposed meetings, at which special meetings they may among other things elect officers to fill any existing vacancy."

Chapter 175, Private Laws 1895, amended.

SEC. 4. That said chapter 175 of the Private Laws of 1895 be and the same is hereby amended as follows: Amend section 7 of said chapter 175 by striking out the words "the certificates for the shares of stock shall be issued only when fully paid for, and shall not thereafter be liable for assessments for any purpose whatsoever" in lines fifteen, sixteen and seventeen of said section 7. Amend section 10 of said chapter 175 by striking out the word "whom" in line 19 of said section 10 and inserting in lieu thereof the words "those living and acting as such directors," and by striking out the words "paid in" in line 38 of said section 10 and inserting in lieu thereof the word "issued;" and by striking out the words "paid in" in line 46 of said section 10 and inserting in lieu thereof the word "issued," and by inserting after the word "purposes" in line 53 of said section 10 the words "including the election of directors and to fill any vacancy in the Board of Directors that may occur or may have occurred." Amend section 11 of said chapter 175 by inserting after the word "direct" in line 2 of said section 11 the words "and may hold special meetings upon call of the president, after ten days written notice to such directors of such proposed meetings, at which special meetings they may among other things elect officers to fill any existing vacancy."

SEC. 5. 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 the 13th day of March, A. D. 1901.

## CHAPTER 631.

**An act in regard to certain employes of the General Assembly.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That the office of Enrolling Clerk of the General Assembly is hereby abolished.

Bills, etc., to be enrolled under supervision of Secretary of State. May appoint assistant.

SEC. 2. That all bills passed by the General Assembly shall be enrolled for ratification under the supervision and direction of the Secretary of State. The Secretary of State may appoint an assistant to supervise the enrollment of all bills and resolutions, which assistant shall be paid three hundred dollars biennially for his services; and said assistant shall have power, with the approval of the Secretary of State, to employ all such copyists as may be needed in enrolling said bills and resolutions, who shall be paid not exceeding ten cents for each copy sheet.

Compensation.

Appointment, pay of copyists.

SEC. 3. That the committee of the General Assembly appointed next after the ratification of this act to examine the books and accounts of the State Treasurer shall examine in detail the expense of the General Assembly and the number of employees necessary to properly conduct the business of the General Assembly and the pay of each and to make full report thereof with such recommendations as they think necessary to the next session of the General Assembly.

Legislative committee to examine Treasurer's office, to examine and report on expenses of members and employees of General Assembly.

SEC. 4. This act shall be in force from and after May 1, 1901.

In the General Assembly read three times, and ratified this the 4th day of April, A. D. 1901.

## CHAPTER 632.

**An act to amend Chapter 464, Laws of 1895.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter 464, Laws of 1895, is hereby amended by striking out "1790" whenever it appears in said act, and inserting in lieu thereof "1791," the intent of this statute being to extend the publication of the State records down to 1st January, 1791.

Chapter 464, Laws of 1895, relating to publication of State records, amended.

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

In the General Assembly read three times, and ratified this the 13th day of March, A. D. 1901.

## CHAPTER 633.

**An act to prevent the manufacture and sale of spirituous liquors within five miles of Round Hill Academy, and for other purposes.***The General Assembly of North Carolina do enact:*

Unlawful to sell  
intoxicating  
liquors within  
five miles of  
Round Hill  
Academy.  
Penalty.

SECTION 1. That it shall be unlawful to manufacture or sell intoxicating liquors within five miles of Round Hill Academy in Rutherford County.

SEC. 2. Any person violating the provisions of section one of this act shall be guilty of a misdemeanor.

Intoxicating  
liquors defined.

SEC. 3. In all acts of the Legislature or prohibition by the county, forbidding the sale of intoxicating liquors in Rutherford County, all liquors which are intoxicating, and so held by the United States Internal Revenue Laws, and for which the said laws require a license as such, shall be deemed to be intoxicating liquors.

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

In the General Assembly read three times, and ratified this the 13th day of March, A. D. 1901.

## CHAPTER 634.

**An act to repeal Chapter 520 of the Laws of 1891, and to re-enact and amend section 1962 of The Code.***The General Assembly of North Carolina do enact:*

Chapter 520, Laws  
of 1891, repealed.

SECTION 1. That chapter 520 of the Laws of 1891 be and the same is hereby repealed.

Section 1967 of  
The Code,  
re-enacted.

SEC. 2. That section 1967 of The Code be and the same is hereby re-enacted and amended so as to read as follows: "It shall be unlawful for any railroad company operating in this State to allow any freight it may receive for shipment to remain unshipped for more than five (5) days unless otherwise agreed between the railroad company and the shipper, and any company violating this section shall forfeit and pay to the party aggrieved the sum of \$500 for each day said freight remains unshipped and all damages actually sustained by reason of said freight so remaining unshipped.

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

In the General Assembly read three times, and ratified this the 13th day of March, A. D. 1901.



## CHAPTER 635.

**An act to establish a dispensary at Kenly, North Carolina.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person, in any capacity whatever to sell, directly or indirectly, any spirituous, vinous, malt or other intoxicating liquors within the corporate limits of the town Kenly, Johnston County, North Carolina, except as hereinafter provided.

Unlawful to sell intoxicating liquors in the town of Kenly, except as provided.

SEC. 2. That H. F. Edgerton, R. A. Hales and D. L. Godwin are hereby appointed Dispensary Commissioners for the town of Kenly, 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 Kenly 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.

Dispensary Commissioners named.

Terms of office.

Vacancies on board, how filled.

On failure of Dispensary Board to fill vacancy, Town Commissioners to elect.

Oath of office.

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 Kenly (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 discretion 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 Kenly.

Selection of place of sale.

SEC. 4. That a manager shall be chosen by the Dispensary Commissioners and shall have charge of the management of said

Election of manager.

	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 of manager.	
Salary of manager.	
Record to be kept. Contents.	
Powers of commissioners to remove manager and fill vacancies.	
Stock of liquors to be kept on hand.	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.
Bills, how paid.	
Sales for cash; proceeds, how disposed of.	
Rules and regulations.	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 liquor 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 liquor be sold to any person known to be a habitual drunkard, to a minor, a person intoxicated, or a person showing to be in a boisterous condition, either by words or actions. 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; and a prescription from a practicing physician to obtain spirituous liquors on Sunday shall not be valid unless it names the patient, certifies that the patient has been examined by the physician and that the State of his or her condition requires alcohol as a medicine.
Price to be fixed by commissioners.	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. Maximum profit.

Sec. 8. The manager of said dispensary shall sell to no person or persons any spirituous, vinous or malt liquors except in sealed packages, and he shall not keep any broken packages in said dispensary. Said manager shall make a monthly report to the Dispensary Commissioners, and oftener if so required by them, showing amount of sales for preceding month and stock on hand at last day of the month. Liquors to be sold in sealed packages; no broken packages to be kept in dispensary.  
Monthly report, contents.

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 of stock.  
None but pure liquors to be sold.  
Payment for adulterated liquors to be refused.

Sec. 10. That no spirituous, vinous or malt liquors shall be sold in said dispensary to persons purchasing for the purpose of selling again. And any person who shall buy any liquor from said dispensary for the purpose of selling again shall be guilty of a misdemeanor. No liquors to be sold to retailers.  
Penalty for purchase to resell.

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 situate, 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 situate 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 Kenly. No loitering allowed in dispensary.  
Manager to be removed for allowing same.  
Penalty for refusing to leave dispensary premises.

Sec. 12. That the Board of Commissioners of the town of Kenly shall from time to time pass such ordinances as may be necessary to carry out the purpose of this act. Power of Town Commissioners to pass necessary ordinances.

Sec. 13. That the Board of Commissioners of the town of Kenly 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. Fund for establishment of dispensary.  
Amount to be repaid into treasury.  
Dispensary to be maintained from profits.

Sec. 14. The Dispensary Commissioners shall make an annual report to the Commissioners of the town of Kenly 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, Annual report of Dispensary Commissioners, contents.

Dispensary Commissioners, and all other moneys expended on any account of said dispensary and moneys received on account thereof.

License tax for dispensary.

SEC. 15. That the Dispensary Commissioners shall pay to the Sheriff of Johnston County for benefit of general school fund of the county, a sum equal to the tax levy, by the county and State, for two retail dealers in spirituous liquors, upon the payment of which the Sheriff of Johnston County shall issue to "the manager of Kenly Dispensary" a license to sell liquors under this act without first requiring from the Commissioners of Johnston County an order to issue said license.

Salary of commissioners.

SEC. 16. That the Dispensary Commissioners shall be paid for their services the sum of twenty-five dollars per annum.

Books of dispensary to be kept open for inspection.

SEC. 17. That all books and records kept by the Dispensary Commissioners or the manager of said dispensary shall at all times be open for inspection of all citizens of Kenly and all officers of the law.

Profits to be divided every six months equally between town and county.

SEC. 18. 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 Kenly, and the other half to the Treasurer of Johnston County.

Town's share of profits subject to order of Town Commissioners.

SEC. 19. That part of the profits paid to the Town Treasurer shall be subjected to the order of the Town Commissioners for the benefit of and improvement of said town of Kenly.

County's share of profits, how disposed of.

SEC. 20. That part of the profits from said dispensary paid to the Treasurer of Johnston County shall be by said Treasurer placed to the credit of the school fund, and applied to the support of the free public schools in the district in which the town of Kenly is situate, and shall be used by said schools as the Board of Commissioners of the town of Kenly shall direct.

Conflicting laws repealed.  
Section 3111 of The Code, repealed as to this act.

SEC. 21. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed, and that section three thousand one hundred and eleven of The Code is hereby repealed as to its application to this act.

SEC. 22. That this act shall be in force from and after the first day of July, one thousand nine hundred and one.

In the General Assembly read three times, and ratified this the 13th day of March, A. D. 1901.

## CHAPTER 636.

**An act to promote the ends of justice by allowing County Commissioners the authority to have an additional number of jurors summoned to any term or terms of court.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Commissioners of any county, may in their discretion cause to be summoned for any term or terms of Court, a number of jurors not exceeding eighteen, in addition to the number now allowed by law to be summoned. Commissioners may summon additional jurors.

SEC. 2. That such additional number of jurors shall serve as petty jurors during the week for which they are summoned, just as the jurors left after the grand jury is selected, now serve as petty jurors. This act shall only apply to the counties of Jones, Lenoir, Craven, Greene, Carteret, Onslow, Buncombe, Madison and Pamlico. To serve as petit jurors during the week.  
Counties to which act applies.

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 13th day of March, A. D. 1901.

## CHAPTER 637.

**An act to amend section 8 of Chapter 235 of the Public Laws of the year 1899, relating to the registration of deeds.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That lines one, two, three, four, five, six, seven and eight, of section eight of chapter two hundred and thirty-five of the Public Laws of the year 1899, be amended so as to read as follows: Section 8, Chapter 235, of the Laws of 1899, relating to registration of deeds, amended.

"SEC. 2. That when an instrument purports to be signed by a husband and wife the instrument may be ordered registered, if the acknowledgment of the husband is duly taken, whether the private examination of the wife is properly taken or not, but no such instrument shall be the act or deed of the wife, unless her private examination is taken according to law. And when an instrument purports to be signed by a married woman, the form of certificate of her acknowledgment and private examination before any officer authorized to take the same, shall be in substance as follows:" Amendments.

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

In the General Assembly read three times, and ratified this the 13th day of March, A. D. 1901.



## CHAPTER 638.

**An act to appoint Justice of the Peace in Robeson County.***The General Assembly of North Carolina do enact:*

Names of justices appointed. SECTION 1. That Spurgeon Jones and M. L. Marley, of Lumber Bridge Township; A. B. Pearsall, of Red Springs Township; D. W. Biggs, of Howellsville Township; John W. Wishart, of Wishart's Township; Z. R. Prevatt, of Back Swamp Township; J. E. Carlyle, and T. N. Higley, C. B. Skipper, J. H. Morrison, of Lumberton Township, in Robeson County, be and they are hereby appointed Justices of the Peace, in their respective townships for a term of six years from and after the date of their qualification.

Term of office.

Clerk to notify appointees. SEC. 2. That it shall be the duty of the Clerk of the Superior Court of said county immediately upon the passage of this act to notify the persons mentioned in section one of this act, of their appointment as Justices of the Peace, and it shall be the duty of said persons to go before the Clerk of the Court of said county and qualify as Justices of the Peace within the next thirty days after the passage of this act.

Appointees to qualify in thirty days of passage of act.

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 the 13th day of March, A. D. 1901.

## CHAPTER 639.

**An act to amend Chapter nine of the Public Laws of eighteen hundred and ninety-nine.***The General Assembly of North Carolina do enact:*

Chapter 9 of Public Laws of 1899, relating to pilotage of Old Topsail Inlet and Beaufort harbor, amended. SECTION 1. That section seven of chapter nine of the Public Laws of eighteen hundred and ninety-nine be stricken out and the following be substituted: "Section 7. The pilotage for old Topsail Inlet and Beaufort Harbor shall be as follows: For vessels drawing less than ten feet, one dollar and fifty cents per foot; ten to twelve feet, two dollars per foot; twelve feet and over, three dollars per foot. The above fees to be collectable in Beaufort Harbor from Middle Marsh to Lewis Thoroughfare. For every vessel piloted without these bounds an additional charge of fifty cents per foot may be charged."

Conflicting laws repealed. SEC. 2. All laws and parts of laws in conflict with this act are hereby repealed, and this act shall be in full force and effect from and after its ratification.

In the General Assembly read three times, and ratified this 13th day of March, A. D. 1901.



## CHAPTER 640.

## An act regulating settlements of partnerships by surviving partners.

*The General Assembly of North Carolina do enact.*

SECTION 1. When a member of any partnership in this State dies, the surviving partner or partners, within sixty days after the death of the deceased partner, together with the executor or administrator or other persons interested in the estate of the deceased partner, shall make out a full and complete inventory of the assets of the partnership, including real estate, if there be any, together with a schedule of the debts and liabilities thereof, a copy of which inventory and schedule shall be retained by the surviving partner or partners, and a copy thereof shall be furnished to the executor, administrator or other person interested in the estate of the deceased partner.

Inventory of assets and schedule of debts of deceased partner to be taken.  
By whom taken.

Copies, how disposed of.

SEC. 2. If the surviving partner or partners neglect or refuse to have said inventory made, the administrator, executor or other person interested in the estate of the deceased partner may have the same made in accordance with the provisions of the preceding section: *Provided*, that should any surviving partner fail to take such an inventory or refuse to allow the executor or administrator or other person interested in the deceased partner's estate to do so, such executor, administrator or other person interested in the deceased partner's estate may forthwith apply to a Court of competent jurisdiction for the appointment of a receiver for said partnership, who shall thereupon proceed to wind up the same and dispose of the assets thereof in accordance with law.

On refusal of surviving partners, inventory to be taken by executor or administrator.

Receivers to be appointed, when.

SEC. 3. Every surviving partner within thirty days after the death of the deceased partner, shall notify all persons having claims against the partnership which were in existence at the time of the death of the deceased partner, to exhibit the same to the surviving partner within twelve months from date of first publication of said notice. The notice shall be published once a week for six weeks in a newspaper (if there be any) published in the county where the partnership existed. If there should be no newspaper published in the county, then the said notice shall be posted at the court-house and four other public places in the county.

Notice to claimants against partnership, when given.

Claims, when exhibited.

Notice, how published or posted.

SEC. 4. All debts and demands against a copartnership, where one partner has died, shall be paid *pro rata*, except debts which have a specific lien on property belonging to the partnership.

Debts to be paid pro rata.  
Exception.

SEC. 5. In an action brought on a claim which was not presented within twelve months from the first publication of the general notice to creditors, the surviving partner shall not be

When claim is not presented within twelve months, surviv-

ing partner not chargeable for amounts paid out before on other claims.  
Not chargeable with costs.  
Appraisers provided for.

Appraisalment, how taken.

Purchase of interest of deceased partner, how made.

Surviving partner, in case of purchase, to give bond for payment of debts of partnership, etc.

Proviso.

Title to real estate not to pass until sale is confirmed by the Clerk of the Superior Court.

chargeable for any assets that he may have paid in satisfaction of any debts before such action was commenced, nor shall any costs be recovered in such action against the surviving partner.

SEC. 6. The surviving partner or partners may, if they so desire, make application to the Clerk of the Superior Court of the county in which the partnership existed after first giving notice to the executor or administrator of the time of the hearing of such application, for the appointment of three judicious, disinterested appraisers, one of whom may be named by the surviving partner, one by the representative of the deceased partner's estate, and the third named by the other two appraisers, whose duty it shall be to make out, under oath, a full and complete inventory and appraisalment of the entire assets of the partnership, including real estate, if there be any, together with a schedule of the debts and liabilities thereof, and to deliver the same to the surviving partner, and shall also deliver a copy to the executor or administrator. The surviving partner or partners, may with the consent of the executor or administrator of the deceased partner and the approval of the Clerk of the Superior Court by whom such executor or administrator was appointed, purchase the interest of said deceased partner in the partnership assets at the appraised value thereof, including the good will of the business, first deducting therefrom the debts and liabilities of the partnership, for cash or upon giving to the executor or administrator his or their promissory note or notes, with good approved security, and satisfactory to the executor or administrator, for the payment of the interest of such deceased partner in the partnership assets. In case such surviving partner or partners shall avail themselves of the privileges of purchasing said interest as provided for in this section, he or they shall give bond to said executor or administrator with surety for the payment of the debts and liabilities of said partnership, and for performance of all contracts for which said partnership is liable: *Provided* that when the original articles of that copartnership in force at the death of any partner or the will of a deceased partner makes the provisions for the settlement of such deceased partner's interest in said partnership, and for a disposition thereof different from that provided for in this act, the interest of such deceased partner in such partnership shall be settled and disposed of in accordance with the provisions of such articles of copartnership or of said will. In case of such sale of the real estate belonging to the partnership, the title to such real estate so purchased shall not pass until said sale of real estate is reported to and confirmed by the Clerk of the Superior Court in the county in which said partnership was located, in a special

proceeding in which the widow, heirs-at-law or devisees of such deceased partner are duly made parties.

SEC. 7. In case the surviving partner shall not avail himself of the privilege of purchasing the interest of the deceased partner, as provided for in section 6 of this act, he or they shall, within twelve months from the death of the deceased partner, file with the Clerk of the Superior Court of the county where the partnership was located, an account, under oath, stating his action as surviving partner and shall come to a settlement with the executor or administrator of the deceased partner: *Provided*, that the Clerk of the Superior Court shall have power upon good cause shown to extend the time within which said final settlement shall be made of the surviving partnership with the executor or administrator of the deceased partner. The surviving partner for his services in settling the partnership estate shall receive commissions to be allowed by the Court, and in no case to exceed five per cent out of the share of the deceased partner.

Account of surviving partner, when and how filed.

Proviso.

Time when extended.

Commissions for settlement.

SEC. 8. In case any surviving partner fail to come to a settlement with the executor or administrator of the deceased partner within the time provided for in section seven of this act, the Clerk of the Superior Court may, at the instance of such executor, administrator or other person interested in such deceased partnership estate, cite the surviving partners to a final settlement as provided for by law in the case of executors and administrators.

Surviving partner cited to a final settlement.

When and how.

SEC. 9. Should any surviving partner wilfully and intentionally convert any of the property, money or effects belonging to the partnership to his own use and refuse to account for the same on settlement, he shall be guilty of a crime, and upon conviction thereof before any Court having jurisdiction of the same shall be punished by fine and imprisonment with or without hard labor in the discretion of the Court.

Penalty for conversion of partnership property.

SEC. 10. That this act shall not be applicable to suits now pending.

Act not applicable to pending suits.

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

In the General Assembly read three times, and ratified this the 13th day of March, A. D. 1901.

## CHAPTER 641.

## An act to amend the stock law in Johnston County.

*The General Assembly of North Carolina do enact:*

Stock law to be extended.

Limits of new territory.

Territory above described under stock law provisions.

Conflicting laws repealed.

Effective on and after January 1, 1902.

SECTION 1. That the stock law territory in the county of Johnston be extended on the south side of said territory to a line described as follows, to-wit: Beginning at point in the Wake and Johnston County line on the road above Sandy Grove Church and running down said road to the Hunter Road, then down the Hunter Road to the stock law fence and line near Ashley Wallace.

SEC. 2. That all the territory included within the boundary lines described in section 1 of this act is hereby declared to be under the provisions of the stock [law].

SEC. 3. All laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 4. This act shall be in full force and effect from and after January 1, 1902.

In the General Assembly read three times, and ratified this the 13th day of March, A. D. 1901.

## CHAPTER 642.

An act to amend Chapter six hundred and sixty-five, Laws of eighteen hundred and ninety-nine, relating to the use of Meridian monuments in the State.

*The General Assembly of North Carolina do enact:*

Chapter 665, Laws 1899, amended as to meridian monuments.

SECTION 1. That chapter six hundred and sixty-five, Laws of eighteen hundred and ninety-nine, be and the same is hereby amended by adding at the end of section one the following: "On every official record of a survey of lands made after the first day of July, nineteen hundred and one, in any county in which the said Meridian monuments have been erected, there shall be entered by the surveyor making such survey, a record as to the date of testing the magnetic instrument used, and the amount of the declination or variation of the magnetic needle indicated at such test."

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

In the General Assembly read three times, and ratified this the 13th day of March, A. D. 1901.

## CHAPTER 643.

**An act to pay the witnesses attending the Court of Impeachment.***The General Assembly of North Carolina do enact:*

SECTION 1. That the witnesses summoned to attend the Court of Impeachment on the trial of Judges David M. Furches and Robert M. Douglas shall receive one dollar and fifty cents a day and five cents a mile by the most usual route from their respective homes to Raleigh and returning.

Witnesses to Court of Impeachment to be paid per diem and mileage.

SEC. 2. That the above shall apply to witnesses for the respondents as well as for the prosecution: *Provided*, the respondents shall not be allowed pay for more than two witnesses to prove the same fact, unless permitted by the Court.

Applicable also to witnesses for respondents. Proviso as to number of witnesses.

SEC. 3. That the Clerk of the Court shall certify the number of days each witness shall attend upon said trial and the number of miles traveled; and the State Auditor thereupon shall issue warrants upon the Treasurer of the State, who shall pay the same.

Clerk to certify attendance and mileage. Auditor to issue warrant and treasurer to pay the same.

SEC. 4. That all necessary expenses incurred in the prosecution of the articles of impeachment against the said Furches and Douglass, including fees of counsel employed by the managers shall be paid by the Treasurer of the State upon the warrant of the Auditor out of any money not otherwise appropriated: *Provided*, that the Auditor shall not issue his warrant for any amount under this section until the same has been approved by the Governor and Council of State and the Board of Managers.

Necessary expenses of prosecution to be paid.

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

In the General Assembly read three times, and ratified this the 13th day of March, A. D. 1901.

## CHAPTER 644.

**An act to amend Chapter 283, Public Laws of 1895, in regard to working convicts on the public roads in Wilkes and other counties.***The General Assembly of North Carolina do enact:*

SECTION 1. That chapter two hundred and eighty-three of the Public Laws of one thousand eight hundred and ninety-five be and the same is hereby amended as follows: In section one of said act strike out all between the word "Wilkes" in line two of said section down to and including the word "to" in line three of said section and insert in lieu thereof the word "shall," also strike out the words "Rutherford, Sampson and Mitchell"

Chapter 283, Public Laws 1895, as to Wilkes and other counties, amended.



wherever they occur in said act and change the word "counties" when used with reference to them to the word "County," and also strike out all between the word "with" in line thirteen of section one to and including the word "Sampson" in line fifteen, of said section. Strike out in line fifteen the words "ninth and tenth" and insert in lieu thereof the words "tenth, eleventh and thirteenth," and strike out the last proviso in section one.

County Commissioners to provide camps and equipments for convicts.

SEC. 2. That it shall be the duty of the said County Commissioners of Wilkes County to provide suitable camps and equipments for the protection of the convicts worked under the provisions of this act, whenever the same shall be necessary; that this section shall be an addition to section five of chapter 283, Public Laws of 1895.

Effective on and after first Monday in April, 1901.

SEC. 3. That this act shall be in full force and effect from and after the first Monday in April, 1901.

In the General Assembly read three times, and ratified this the 13th day of March, A. D. 1901.

## CHAPTER 645.

### An act to prevent the depredation of domestic fowls.

*The General Assembly of North Carolina do enact:*

Unlawful for fowls to run at large in certain counties after notice given.

SECTION 1. That it shall be unlawful for any person in the counties of Cleveland, Cabarrus, Currituck, Bladen, Pasquotank, Alamance, Graham, Guilford, and Turnersburg Township, in Iredell County, Edgecombe, Mecklenburg, Wayne and Surry counties, where the stock law prevails, to permit any turkeys, geese, chickens, ducks or other domestic fowls to run at large after being notified as in section 2 of this act, on any lands that may be cultivated in any kind of grain or feedstuff, or used for gardens or for ornamental purposes.

Penalty for allowing fowls to run at large in counties named after due notice.

SEC. 2. That any person so permitting his fowls to run at large, after being notified to keep them up, shall be guilty of a misdemeanor and upon conviction shall be fined not exceeding five dollars or imprisoned not exceeding five days; or if it shall appear to any Justice of the Peace that after two days' notice, any person persists in allowing his fowls to run at large and fails or refuses to keep them up, then said Justice of the Peace may order any Sheriff, Constable or other officer to kill said fowls, or said Justice of the Peace may, in his discretion, depute the complaining party to kill fowls when so depredating.

Effective on and after April 1, 1901.

SEC. 3. That this act shall be in full force and effect from and after April 1, 1901.

In the General Assembly read three times, and ratified this the 13th day of March, A. D. 1901.



## CHAPTER 646.

**An act to examine and pay a school claim in Vance County.**

WHEREAS, It is represented that the Township School Trustees of Townesville Township, Vance County, for the school year 1899-1900, divided said township into three school districts for the white race, none of which required or employed more than one teacher, and appointed committees therefor; that the committee of district number three (3), before the final apportionment of school money, engaged Miss Gertrude Blackwell as teacher for four months at an agreed salary of twenty-five dollars per month, which engagement she performed; that the school money for such township amounted to nearly five hundred dollars, of which not less than two hundred dollars was apportioned to each of school districts numbers one and two, and only seventy-five dollars to district number three, so that Miss Blackwell receiving pay for only three months of her service;

*The General Assembly of North Carolina do enact:*

SECTION 1. That upon the foregoing facts being made to appear to the County Board of School Directors of Vance County, or such officers as may succeed to their duties, they shall order the payment to Miss Gertrude Blackwell of such sum not exceeding twenty-five dollars as shall remain unpaid for the services rendered by her as such teacher, and deduct the same from the amount now to the credit of Townesville Township, or to which it shall hereafter become entitled.

County Board of School Directors authorized to order payment to Miss Gertrude Blackwell, of claim not exceeding twenty-five dollars.

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 13th day of March, A. D. 1901.

## CHAPTER 647.

**An act to regulate stock law in Johnston County.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That the County Commissioners of Johnston County are hereby vested with full power and authority to regulate the stock law in said county as hereinafter provided.

Power to regulate stock law vested in commissioners.

SEC. 2. That said Commissioners, upon a written application of a majority of the land owners to be included therein, are hereby fully empowered and authorized to declare the stock law to be in force, and to put the same into full force and effect in

Commissioners can declare stock law in force on petition of majority of land-owners.

the whole county or in any township, or in any territory having well defined boundaries within the county.

Laws governing stock law territory and powers of commissioners.

SEC. 3. That when the county or any township or territory aforesaid shall be so declared subject to the stock law and its regulations it shall be subject to all the laws heretofore enacted not inconsistent herewith touching and regulating those matters peculiar to stock law territory; and the said Commissioners shall have the same control and supervision to levy taxes and provide for collection of the same, in and over territory by the subject to stock law regulations as over territory when stock law has been established by a vote of the people.

Penalty for violating laws.

SEC. 4. That any person allowing stock to run at large with territory declared to be subject to stock law regulations as in this chapter provided shall be subject to all the pains and penalties prescribed for violations in territory having stock law and shall be guilty of a misdemeanor.

Conflicting laws repealed.

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

Applies to Johnston County only.

SEC. 6. That this act shall be in effect from and after its ratification, and shall apply only to Johnston County.

In the General Assembly read three times, and ratified this 13th day of March, A. D. 1901.

## CHAPTER 648.

**An act in relation to the sessions of the Court for the trial of impeachment.**

*The General Assembly of North Carolina do enact:*

Court of Impeachment empowered to hold sessions after the adjournment of the General Assembly.

SECTION 1. That the Court for the trial of Impeachment, as prescribed by Article four, sections two and three, of the Constitution, when organized and sitting for the trial of an impeachment, shall have power to adjourn from time to time and to hold sessions after the adjournment of the General Assembly, during a recess of the General Assembly.

Pay of officers of court.

SEC. 2. That the president shall receive six dollars per diem and the other officers and members of the said Court for the trial of Impeachment, while sitting for the trial of an impeachment shall receive a per diem of four dollars.

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

In the General Assembly read three times, and ratified this 13th day of March, A. D. 1901.

## CHAPTER 649.

**An act to prevent live stock running at large in a certain portion of Duplin County.**

*Be General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any live stock to run at large in that portion of Warsaw and Kenansville Township embraced within the following boundaries, to-wit: Beginning at a point where the Warsaw road intersects the Magnolia and Kenansville road, near J. A. Powell's house, and runs down said road to a line between the lands of J. A. Powell and wife to Jones' Cross-Roads, thence with Wilmington and Goldsboro road to W. R. Cooper's Mill, to the township line dividing Kenansville and Warsaw Townships, thence the dividing line between Warsaw and Kenansville Townships to Faison's Township line, thence the dividing line between Faison's and Warsaw Townships to the county line between Sampson and Duplin counties, thence the county line between Sampson and Duplin to the township line dividing Warsaw and Magnolia Townships, thence the dividing line between Magnolia and Warsaw Townships to the Kenansville line, thence the Kenansville line to the beginning.

Unlawful for live stock to run at large in a certain portion of Duplin County.

Boundaries of stock law territory.

Sec. 2. That R. J. Williams, H. S. Boyette and Thomas B. Pierce are hereby appointed Fence Commissioners with power to contract for the erection of a substantial fence upon or near the boundaries above described with gates at every crossing of a 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 Duplin County.

Fence Commissioners named. Powers.

Term of office.

Vacancies, how filled.

Sec. 3. It shall be the duty of the Fence Commissioners to make report annually to the June meeting of the Board of Commissioners of Duplin County, the condition of said fence and gates, the cost of building, and of its repairs the preceding year, and their estimate of its cost the following year and any indebtedness on its account, or any money remaining in their hands; and it shall be the duty of the said Board of County Commissioners to levy such tax upon all real property within said territory as the said Fence Commissioners may deem necessary for the erection of said fence: *Provided*, that the same shall not exceed in any one year one-half of one per centum upon the one hundred dollars valuation. That said tax shall be collected by the Sheriff of Duplin County at the same time and under the same regulations as he collects the State taxes, and he shall pay over the same, less the usual commission, to the chairman of the Fence Commissioners.

Fence Commissioners to make annual report.

County Commissioners to levy tax.

Duty of Fence Commissioners.

SEC. 4. It shall be the duty of the said Fence Commissioners to keep the fence and gates enclosing said territory at all times in good and sufficient repair, and 4½ feet high, and upon failure to do so they shall be deemed guilty of a misdemeanor and be subject to indictment in the Superior Court of Duplin County and upon conviction shall be fined in the discretion of the Court.

Penalty for failure of duty.

Notice to be given.

SEC. 5. That upon the completion of the fence enclosing the territory as 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 Kenansville, said county, and from and after ten days after such advertisement this act shall go into operation.

Powers of commissioners.

SEC. 6. It being the duty of the said Fence Commissioners to keep the fence and gates enclosing said territory in order, they shall have power to do so by contracting for material, employing laborers for that purpose, under their supervision or by letting the same to contract after ten days' notice at public bidding.

Fence Commissioners to elect chairman.

Bond.

SEC. 7. The Fence Commissioners provided for by this act shall elect a chairman, who shall execute a justified bond in the sum of \$1,000.00 payable to the State, conditioned to faithfully apply all moneys received by him to the construction and repairs of the said fence and gates, and upon default therein, it shall be the duty of the Board of Commissioners of Duplin County, upon notice to remove said defaulting Fence Commissioners and to appoint his successor and in their name sue for recovery of the funds due by him and pay the same to his successor.

Removal from office.

Successor, how appointed.

Penalty for injuring or destroying fence.

SEC. 8. It shall be unlawful to injure or destroy said fence or gates or for any person to leave the gates open, and every person so offending shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 4 hereof.

Penalty for allowing stock to run at large within territory.

SEC. 9. Any person who shall knowingly permit his live stock to run at large within said territory after this act goes into effect, shall be fined not exceeding \$50, and imprisoned not exceeding thirty days at the discretion of the Court.

Term live stock defined.

SEC. 10. The term live stock used in this act shall include and mean horses, colts, mules, hogs, neat cattle, goats, sheep, geese and other animals.

Live stock, how impounded.

SEC. 11. If any live stock shall be found running at large in said described 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 or other

Sale of impounded stock and disposal of proceeds.

animal 50 cents a day, and for any other stock 20 cents a day for the feed and care of the same while impounded, after the payment of \$1.00 and the costs to the Justice, and the balance to the owner of the stock. Fees for impounding.

SEC. 12. That the Board of Elections of Duplin County shall call an election for Warsaw Township in the manner prescribed by law upon the petitioning of one-fourth of the qualified voters of said Warsaw Township, said election to be held on the ..... day of ..... 19.., and the question of "Stock Law" or "No Stock Law" shall be submitted to all the qualified voters of Warsaw Township; if at said election a majority of said qualified voters shall vote for stock law, then this act shall take effect thirty days from and after the result of said election submitted to the said qualified voters of Warsaw Township. Election, how called.

In the General Assembly read three times, and ratified this the 13th day of March, A. D. 1901. How held.

#### CHAPTER 650.

**An act supplemental to the laws governing the management and control of the Board of Agriculture and the North Carolina College of Agriculture and Mechanic Arts.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That section 3 of chapter 370 of the Public Laws of 1899 is hereby repealed, and the management and control of the North Carolina College of Agriculture and Mechanic Arts shall be vested in the Board of Agriculture and the said board shall have and exercise all the powers and be subject to all the duties granted to and imposed upon the Board of Trustees of the said college in said act. Section 3 of Chapter 370 of the Public Laws of 1899, relative to the management and control of the Board of Agriculture and the North Carolina College of Agriculture and Mechanic Arts, amended so as to place the control of said college in the hands of said Board of Agriculture.

SEC. 2. The Board of Agriculture shall use for the purpose of said college and for the benefit of education in agriculture and mechanic arts, as well as in furtherance of the powers and duties conferred upon said board by existing laws any funds, buildings, lands, laboratories and other property which may be in their possession, as in their judgment shall be thought proper. Discretionary powers of board as to use of funds, lands, laboratories, etc., for college.

SEC. 3. It shall be the duty of the Governor to appoint a Board of Visitors, to consist of eleven members, besides the Commissioner of Agriculture and the president of the college, who shall be *ex officio* members of the board, whose duty it shall be to meet at least once in each year, and not more than twice, in the city of Raleigh, to visit and inspect the College of Agriculture and Mechanic Arts, and make such recommendations to the Board of Agriculture for the conduct of said college as they may deem Board of Visitors, how composed, powers, duties and terms of office.



wise and beneficial. This Board of Visitors shall elect a chairman, and shall meet at such time, within the limits herein prescribed, as said chairman shall designate. They shall serve without compensation, but their actual expenses of traveling to and from home and their board shall be paid. The terms of service of four of these visitors shall be two years, of four others four years, and of the remaining three six years, and successors of these visitors respectively shall be appointed by the Governor, at the expiration of their term, for a term of six years.

Conflicting laws repealed.

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

Effective on and after June 1, 1901.

SEC. 5. This act shall be in force from and after June first, nineteen hundred and one.

In the General Assembly read three times, and ratified this the 13th day of March, A. D. 1901.

#### CHAPTER 651.

#### **An act to pay Mrs. Maria Cole six dollars due from direct land tax fund.**

*The General Assembly of North Carolina do enact:*

State Treasurer to pay Mrs. Maria Cole six dollars, due from direct land tax fund.

SECTION 1. That the State Treasurer is hereby directed to pay Mrs. Maria Cole the sum of six dollars, due her deceased husband, Leroy Cole, said amount being the direct land tax paid by him to the United States in 1866, and refunded to the State by chapter 404, of the Public Laws of 1895.

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 13th day of March, A. D. 1901.

#### CHAPTER 652.

#### **An act to provide for a more efficient system of supervision for the public schools of the State.**

*The General Assembly of North Carolina do enact:*

Chapter 164, Laws of 1899, relative to supervisors of public schools, amended.

SECTION 1. That chapter one hundred and sixty-four, Laws of 1899, be amended as follows: Insert in line fifteen of section twenty-two, after the word "office" the words "or the State Superintendent of Public Instruction while attending to the duties of his office."

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

In the General Assembly read three times, and ratified this the 13th day of March, A. D. 1901.



## CHAPTER 653.

**An act to establish a dispensary at Lucama, North Carolina.**

*The General Assembly of North Carolina do enact:*

- SECTION 1. That it shall be unlawful for any person whatever to sell, directly or indirectly, any spirituous, vinous, malt or other intoxicating liquors within the corporate limits of the town of Lucama, in Wilson County, State of North Carolina, except as hereinafter provided for in this act. Unlawful to sell intoxicating liquors in Lucama.  
Exception.
- SEC. 2. That W. R. Davis, I. N. Williamson and McRae Boyett be and they are hereby appointed Dispensary Commissioners under this act, who shall be known as Dispensary Commissioners, and who shall hold their office respectively for one, two and three years, each of whom shall continue in office until the election of his successor; that at the expiration of the term of any Dispensary Commissioner the two Dispensary Commissioners whose terms have not expired shall nominate an elector of the town of Lucama to fill the office made vacant by the expiration of the term of said Dispensary Commissioner, and upon approval of such nomination by the Town Commissioners, he shall become a Dispensary Commissioner for the term of three years. Should the Town Commissioners reject the nomination of 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. The said Dispensary Commissioners before entering upon the discharge of their duties shall take and subscribe an oath faithfully to discharge and perform the duties of their office, which oath shall be filed with the Clerk of the Board of Town Commissioners. If from any cause the Dispensary Commissioners shall fail for thirty days to nominate a Commissioner to succeed one whose term has expired, then it shall be the duty of the Town Commissioners to elect a citizen and elector of the town of Lucama to fill the office then vacant. Dispensary Commissioners named.  
Terms of office.  
Vacancies, how filled.
- SEC. 3. That it shall be the duty of the Dispensary Commissioners appointed under this act to provide a suitable place for the sale of spirituous, vinous, malt and fermented liquors within the corporate limits of the town of Lucama, 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 Lucama. Oath of office.  
Town Commissioners to elect on failure of Dispensary Board to do so.  
Place for sale of liquors to be provided.  
Manager to have control of place of sale.
- SEC. 4. That said manager shall be chosen by said Dispensary Commissioners and shall have charge of the management of said Manager, how chosen, duties, etc.

dispensary under the control of said Dispensary Commissioners, and he shall be subject to dismissal for any cause which said Dispensary Commissioners shall in their discretion deem sufficient. He shall give bond in a sum to be fixed by the Dispensary Commissioners, not less than five hundred dollars, for the faithful discharge of his duties, and for the payment of all moneys received by him to the Dispensary Commissioners, he shall be paid a salary, to be fixed by the Dispensary Commissioners, not exceeding the sum of fifty dollars per month, which compensation shall not be dependent upon the amount of sales made by him. It shall be the duty of the manager to keep a register, on which shall be recorded the names of persons to whom any liquor is sold, the quantity sold, the price paid, and the date of the sale.

Stock of liquors.

Bills, by whom paid.

Sales for cash and disposal of receipts.

Rules and regulations.

SEC. 5. The manager shall at all times, under the supervision of the Dispensary Commissioners, keep a stock of spirituous, vinous, malt and fermented liquors on hand, and all bills incurred for the establishment of the dispensary, and the maintenance of the same, and for the purpose of stock from time to time shall be paid by the Dispensary Commissioners. The said manager shall sell only for cash and shall turn over all moneys received by him to the Dispensary Commissioners as often as shall be required of him.

SEC. 6. That the said Dispensary Commissioners shall from time to time make such rules and regulations for the operation of said dispensary as may be necessary: the quantity to be sold to any one person shall be determined by them, but in no event shall wine or liquors be sold in quantities less than one-half pint, and none shall be drunk in the building or on the premises where the dispensary is established, nor shall any liquors be sold to any person known to be an habitual drunkard, to minors, or to persons intoxicated or under the influence of liquor. That the dispensary shall be opened at sunrise and shall be closed at sunset, and it shall be closed on Sundays, on election days, and on such other days as makes the sale of liquor unlawful in this State.

Price of liquors, how fixed.

Maximum profit.

Liquors to be sold in sealed packages.

Manager to make monthly report.

SEC. 7. The price at which spirituous, vinous, malt and fermented liquors shall be sold shall be fixed by the Dispensary Commissioners: *Provided*, the same shall not be sold at a profit exceeding eighty per centum of first cost.

SEC. 8. That said manager shall sell to no person or persons any liquors of any kinds except in sealed packages, and that no broken packages shall be kept in said dispensary. That the said manager shall make a monthly report to the Dispensary Commissioners showing the amount of sales for the preceding month and stock on hand at last day of the month.

- SEC. 9. That said Dispensary Commissioners shall cause an analysis and inspection to be made of the stock on hand from time to time and no liquors shall be sold in said dispensary that are not pure and unadulterated; that if any 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 of liquors, etc.
- SEC. 10. That no liquors shall be sold in said dispensary to any person or persons for the purpose of selling again, and any person or persons buying any liquors at or from said dispensary for the purpose of selling again shall be guilty of a misdemeanor. No sales to be made to retailers.  
Penalty for retailing.
- SEC. 11. That the manager of said dispensary shall not allow any person to loiter in said dispensary or upon the premises on which the same is situated, and for a failure to comply with this section he shall be discharged, and if any person shall refuse to leave the dispensary or the premises on which it is situated he or she shall be punished upon conviction in the Mayor's Court as shall be prescribed by the ordinances of the town. No loitering permitted in or around dispensary.  
Penalty for refusal to leave premises after order of manager.
- SEC. 12. That the Commissioners of the town of Lucama shall from time to time pass such ordinances as may be necessary to carry out this act. Town Commissioners to pass necessary ordinances.
- SEC. 13. That the said Dispensary Commissioners may borrow such sums of money as they may deem necessary to establish the dispensary as provided for in this act, and to provide for the payment of the same out of the proceeds arising from the sale of liquors upon such terms as they may deem best. Dispensary Commissioners empowered to borrow money and to provide for payment of same.
- SEC. 14. That the Dispensary Commissioners shall make an annual report to the Town Commissioners showing in detail the amount of money expended in the purchase of liquors, to whom paid, the expenses of said dispensary, the salary of the manager, the salary of the Dispensary Commissioners, and all the moneys expended on account of the dispensary, and money received on account thereof. Annual report of Dispensary Commissioners, contents.
- SEC. 15. That the Dispensary Commissioners shall pay to the Sheriff of Wilson County a sum equal to the tax levy by the county and State for retail dealers of spirituous liquors, for which the Sheriff of Wilson County shall issue to the "manager of the Lucama Dispensary" a license to sell liquors under this act, without first requiring from the Commissioners of Wilson County an order to issue said license. License tax for dispensary.
- SEC. 16. That the Dispensary Commissioners shall be paid for their services such salary per annum as may be fixed by the Town Commissioners of Lucama: *Provided*, that such salary shall not exceed twenty-five dollars, nor be less than ten dollars. Salary of Dispensary Commissioners.

Disposal of proceeds.

SEC. 17. That the profits arising from the sale of liquor in said dispensary shall be paid to the Treasurer of Wilson County by said Dispensary Commissioners, and shall be by the said Treasurer placed to the credit of district schools number 3, of Cross-Roads Township, in which the town of Lucama is situated, and shall be expended by the School Committee for said district number 3 for the support and maintenance of the schools in said district.

Conflicting laws repealed.

SEC. 18. That all laws and clauses of laws in conflict with this law be and the same are hereby repealed and that section three thousand one hundred and eleven of The Code is hereby repealed as to its application to this act.

Effective January 1, 1902.

SEC. 19. That this act shall be in force from and after the first day of January, Anno Domini nineteen hundred and two.

In the General Assembly read three times, and ratified this the 13th day of March, A. D. 1901.

#### CHAPTER 654.

**An act to amend section two thousand nine hundred and thirty-nine of The Code passed by the General Assembly, and ratified on the ninth day of March, A. D. 1901.**

*The General Assembly of North Carolina do enact:*

Original act passed this session, amended.

SECTION 1. That in section one of said act the word "proceeding" be changed to "preceding."

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 13th day of March, A. D. 1901.

#### CHAPTER 655.

**An act to amend section 2015 of The Code relating to the time of meeting of the supervisors of public roads.**

*The General Assembly of North Carolina do enact:*

Section 2015, of The Code, relative to supervisors of the public roads, amended.

SECTION 1. That section 2015 of The Code be amended by striking out in line four thereof the word "February" and inserting in lieu thereof the word "April," and by striking out in line five the word "August" and inserting in lieu thereof the word "November."

To apply only to Caswell County.

SEC. 2. That this act shall apply only to Caswell 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 the 13th day of March, A. D. 1901.

## CHAPTER 656.

**An act to establish a stock law in certain sections of Jones County.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any owner or manager of any mule, horse, swine, sheep, geese, goat, or cattle of any kind, to permit the same to run at large upon the lands of any other within the district herein described.

Unlawful to allow stock to run at large in stock law territory in Jones County.

SEC. 2. That this act shall apply to the following territory, to-wit: Beginning on the west side of the Wilmington and New Bern Railroad, at or near Blackledge's Run, where the present stock law crosses the railroad and running along on the west side of the W. and N. R. R. to the Trent Road at the five-mile post from New Bern, and then along the west side of the Trent Road to where the railroad crosses the said Trent Road, near Rocky Run, and then along the west side of the railroad to where the railroad crosses the Trent Road at DeBruhl's Store, near the eight-mile post; and then along the west side of the Trent Road to the ten-mile fork, and thence along the northwest side of the Trenton Road to Beaver Dam near and above the residence of J. B. Banks, and thence a southwardly direction along the Beaver Dam Swamp and the cleared land of the said J. B. Banks to the Trent River. crossing the Trent River enters the lands of F. G. Simmons, and runs in the most available direct course to the northwest side of the Quaker Bridge Road, northwest of F. G. Simmons' gin house; and thence along the northwest side of the Quaker Bridge Road to where the cleared land and the White Oak Pocosin meets, then crossing the Quaker Bridge Road runs in a southeast direction, and the most available and practicable route, around the cleared lands of John Parker, Becton Simmons and others, so as to enter into what is known as the White Oak Road above the residence of E. F. Sanderson, and thence along the northwest side of the said road to the public road, near Mrs. R. C. Oldfield's, known as the White Oak River Road, and then along on the northwest side of the said White Oak River Road running up to a point opposite a cross fence, known as the Oldfield division across fence line, thence crossing the White Oak River Road and running with the division line fence of Mrs. R. C. Oldfield's to the woods on the White Oak River Swamp, and thence running along and down the north side of the White Oak River and Swamp parallel with the White Oak River Swamp. the most available and practicable course to the southeast side of the Wilmington and New Bern Railroad, to the division line of Lewis Bynum and the J. E. Hay lands, thence

Boundaries of stock law territory.



in a northeastwardly direction along the line of the said Lewis Bynum and the late J. E. Hay to the northeast side of the public road leading from Maysville to Stella, thence along the northeast side of said public road to a stake, the division line between the Maysville Land Company's lands and the Hay lands, thence along the surveyed line of the Maysville Land Company and J. E. Hay's lands, northwardly to the northeast corner of the Land Company's land, thence southwestwardly 1,437 feet with the Land Company's north line, to the right of way of the Wilmington and New Bern Railroad, thence northwardly on the east side of said railroad to a point opposite F. H. Fay's cleared land on the east side of the said railroad, thence eastwardly to the terminus of said cleared land, thence northwardly along the eastern side of the cleared lands of F. H. Fay, W. W. Freeman, J. N. Foscue and E. L. Haughton, thence the most available and practicable northwestwardly and direct line to a point on the Beaufort Road, between the residence of J. J. Hines and Clay Hill Branch to the Beaufort Road, thence on the southern side of the said Beaufort Road, running eastwardly and along and parallel with the various courses of the said road to a point opposite the northeastern terminus of the cleared land of J. H. Bell, on what is known as the Joseph R. Bell plantation and then crossing the said public road and running northwestwardly to Trent River at or near the mouth of Raccoon Creek, the northwestern terminus.

Fence Commissioners, names of, duties, term of office, how elected.

SEC. 3. That J. H. Bell, Jno. C. Parker, Lewis Bynum, Henry O. Foscue and Edgar B. Elliott shall be, and they are hereby appointed Fence Commissioners with power to contract for the erection and maintenance of a good and substantial fence upon the line mentioned in section 2, lying in the county of Jones, with gates at every crossing of the public road: that they shall hold their office for two years, and hereafter the said Fence Commissioners shall be elected by the Board of Commissioners of Jones County and the said Board of Commissioners of Jones County shall have power to fill vacancies in the said Fence Commissioners.

Vacancies, how filled.

Annual report of Fence Commissioners, what to contain.

SEC. 4. That it shall be the duty of the Fence Commissioners to report annually to the August meeting of the Board of County Commissioners of Jones County, the condition of the said fence and the gates, the cost of building and its repairing, the preceding year and their estimate of its cost the following year, and any indebtedness on its account, and it shall be the duty of the said Board of Commissioners to levy a tax on the real estate within the said boundaries in the county of Jones according to the taxable value thereof to raise such sums as Fence Commissioners shall report as necessary, these taxes shall be collected by the

Tax to be levied for expenses of erecting and maintaining fence, etc.



Sheriff of Jones County at the same time and in the same manner and under the same regulations as he now collects the State taxes and he shall pay over the same, less the usual commission to the treasurer of the Fence Commissioners: *Provided*, that real estate in incorporated towns within the territory described shall not be subject to such tax.

SEC. 5. That it shall be the duty of the said Board of Fence Commissioners to meet in the town of Pollocksville on or before the first Monday in July, 1901. They shall organize and elect one of their number as chairman and one of their number as treasurer of the said board, who shall also act as secretary. The said treasurer shall execute a justified bond in the sum of \$1,000.00, payable to the State of North Carolina on behalf of said Commissioners, conditioned for faithful application and expenditure of all moneys received by him to the construction and repair of said fence and gates; and upon default therein, it shall be the duty of the Board of Commissioners of Jones County to remove the said defaulting treasurer, and to allow the Fence Commissioners to elect his successor, and they shall also sue his bond, and pay over the proceeds to said Fence Commissioners' newly elected treasurer.

Fence Commissioners to organize, when and where.

Treasurer, how elected, bond, duties, etc.

Defaulting treasurer to be removed; successor, how elected.

SEC. 6. That it shall be the duty of the said Fence Commissioners to keep the fence and gates in good order; that they shall have power to do so by contracting for material and employing hands under their supervision or by letting the same out on contract, or by the purchase of existing fences along the line; they shall have power and authority to do any and all acts necessary to the proper carrying out of this law.

Duties of Fence Commissioners.

SEC. 7. It shall be unlawful to injure or destroy said fence and gates, or for any person to leave the same open, except by resolution of said Fence Commissioners, any person so offending shall be guilty of a misdemeanor.

Unlawful to injure or destroy fence, etc.

SEC. 8. Any person who shall knowingly and wilfully permit his live stock to run at large off his land within the said territory shall be guilty of a misdemeanor and upon conviction thereof shall be fined, not exceeding \$30.00, or imprisoned not exceeding 20 days.

Penalty for allowing live stock to run at large.

SEC. 9. If any live stock shall be found running at large in said district it shall be lawful for any person to take up and impound the same and after five days' notice, any Justice of the Peace shall offer the same for sale for cash at public auction either at the town of Pollocksville or Maysville, and of the proceeds the person impounding the stock shall receive for a horse, mule or jennet 50 cents a day, and for any other live stock 25 cents a day, for the feed and care of the same while impounded,

Live stock at large in district to be impounded, notice before sale.

Fees for impounding.

after the payment of \$1.00 to the Justice of the Peace, the balance shall be paid to the owner of the stock.

Fence Commissioners authorized to borrow money for erection of fence, etc.

SEC. 10. That the said Board of Fence Commissioners shall have power and are hereby authorized at their discretion to borrow such sums of money as may be necessary, if in their judgment it is advantageous to do so, for the purpose of constructing any part, or the whole of the fence or gates, and they shall have the right to pledge the tax list for the following year or two years for the repayment of such sums so borrowed: *Provided*, that no greater rate of interest than 6 per cent shall be paid for the borrowed money.

Question of stock law to be submitted to voters.

SEC. 11. That before this act shall take effect, the Board of County Commissioners of Jones County shall order an election to be held at one or more places within the district described in section 2 of this act, or the first Tuesday in November, 1901, at which election those entitled to vote shall cast a ballot written or printed thereon the words "Stock Law," if the voter is favorable to this act, and if he is opposed to the operation of this act, he shall cast a ballot written or printed thereon the words "No Stock Law," and if a majority of the votes cast be for stock law, this act shall be in force and effect with all of its provisions from and after January 1, 1902, but if the majority of the votes cast be for "No Stock Law," then this act shall be of no force and effect. At said election all qualified voters residing in the district described in section 2 of this act shall be entitled to vote.

Chapter 60, Laws of 1893, relating to stock law in Craven County, amended.

SEC. 12. That chapter 60 of the Laws of the State of North Carolina passed at its session of 1893 shall be amended as follows, to-wit: That the Commissioners named in section 3 of chapter 60 are hereby empowered to extend the stock law territory outlined in said chapter from Blackledge Run to Deep Gully along the western side of the Wilmington and New Bern Railroad, and the western side of the county road leading from New Bern to Pollocksville, and the Craven County Fence Commissioners are hereby empowered to make this extension upon the same terms and conditions as are mentioned in chapter 60 of the Laws of 1893.

Penalty for violation of act.

SEC. 13. That any person or persons violating any of the provisions of this act shall be guilty of a misdemeanor and fined or imprisoned at the discretion of the Court.

SEC. 14. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 13th day of March, A. D. 1901.

## CHAPTER 657.

**An act to require the Board of Directors of the State's Prison of North Carolina and the Board of Directors of the Central Hospital for the Insane to construct and extend sewers.**

WHEREAS, The sewers from the State's Prison of North Carolina new empty into Rocky Branch, a very small stream incapable of conveying the feces and other filthy matter off into any stream of a sufficient flow of water so as to prevent the same from being a menace to the health of the people of Raleigh and of Raleigh Township; and, Preamble.

WHEREAS, The sewers of the Central Hospital for the Insane also empty into a small stream of not sufficient capacity and flow to take the filth away, and it also constitutes a menace to the health of the residents of the city of Raleigh and Raleigh Township; now, herefore,

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Directors of the State's Prison of North Carolina shall without delay construct, lay and use exclusively sewer pipes of sufficient size to carry off the sewerage matter from the said State's Prison building to some point on Walnut Creek, not less than 1,000 yards below the reservoirs of the Raleigh Water Company; and they are hereby authorized and directed to employ and use such convicts from said State's Prison as shall be necessary to construct and lay said sewer pipes; and for the exclusive purpose of defraying the full expenses of this work incurred by the said State's Prison of North Carolina the sum of fifteen hundred (\$1,500) dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated. Sewer from State's Prison to be constructed by Board of Directors, when and how.  
  
Directors may use convicts for work.  
  
Appropriation for expenses.

SEC. 2. That the Board of Directors of the Central Hospital for the Insane shall, without delay, construct and lay exclusively sewer pipes of sufficient size and capacity to carry off the sewerage matter from said Central Hospital building to some point on Walnut Creek not less than 1,000 yards below the reservoirs of the Raleigh Water Company; and they are hereby authorized and directed to perform said work of constructing and laying said sewer pipes by means of convict labor, all such convicts as shall be necessary to perform the same to be furnished by the Board of Directors of the State's Prison of North Carolina upon the written request of the Board of Directors of the Central Hospital for the Insane, the number of such convicts furnished and the time when they shall be so furnished to be in the reasonable Sewer to be constructed from Central Hospital for the Insane, by Board of Directors, when and how.  
  
Directors may employ convict labor.

Appropriation for expenses.

Funds appropriated by this act, how and when to be drawn.

Provisions for dividing expense if joint sewer is constructed for both institutions.

discretion of the Board of Directors of the said State's Prison, but they shall not exercise such discretion to the unreasonable delay of the work aforesaid; and for the exclusive purpose of defraying the full expense of constructing and laying said sewer pipes incurred by the said Central Hospital for the Insane the sum of twelve hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated.

SEC. 3. Such funds as are appropriated by this act shall be payable upon the warrant of the State Auditor, which shall be drawn by the State Auditor upon the certificate of the Board of Directors of the institution to which the money is to be paid to the effect that the work has been completed.

SEC. 4. That the sewer herein provided for leading from the State's Prison of North Carolina to Walnut Creek and that herein provided for, leading from the Central Hospital for the Insane to Walnut Creek, shall be consolidated into one joint sewer for the use of the said two institutions from the point on Rocky Branch where one of the sewers from the said Central Hospital now empties, or near said point, to the said designated point on Walnut Creek mentioned in section one of this act, and the expense of laying and constructing such joint sewer shall be equally borne by the two said institutions, one-half each.

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 13th day of March, A. D. 1901.

## CHAPTER 658.

### An act to amend Chapter 158, Laws of 1883.

*The General Assembly of North Carolina do enact:*

Chapter 158, Laws of 1883, relative to stock law in part of Perquimans County, amended.

SECTION 1. That the words "one hundred" in third line of section 1 of chapter 158 of the Laws of 1883 be stricken out and the words "four hundred and fifty" be inserted in lieu thereof, and that the words "along said creek" in line four of said section be stricken out and the words "through the lands of Joseph H. and Matthew Towe" be inserted in lieu thereof.

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

In the General Assembly read three times, and ratified this the 13th day of March, A. D. 1901.

## CHAPTER 659.

**An act to amend Chapter 363, Public Laws of 1899, relating to the public roads of Raleigh Township, Wake County.***The General Assembly of North Carolina do enact:*

SECTION 1. That the Supervisor of Roads of Raleigh Township, and the force under him, shall be under the control and direction of the Board of County Commissioners of Wake County, who shall have power to direct the said Supervisor and the force under him.

Chapter 363, Public Laws of 1899, relating to public roads of Raleigh Township, Wake County, 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 13th day of March, A. D. 1901.

## CHAPTER 660.

**An act to amend section 953 of The Code.***The General Assembly of North Carolina do enact:*

SECTION 1. That section 953 of The Code be amended by striking out "first Monday in October" and inserting in lieu thereof "fourth Monday in August."

Section 953 of The Code, relative to times of meeting of the Supreme Court, amended.

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

Conflicting laws repealed.

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

In the General Assembly read three times, and ratified this the 13th day of March, A. D. 1901.

## CHAPTER 661.

**An act to pay J. G. Bowles, a public school teacher in Surry, sixteen dollars and twenty-eight cents (\$16.28).***The General Assembly of North Carolina do enact:*

SECTION 1. That the Treasurer of Surry County be and he is hereby authorized and directed to pay J. G. Bowles, a public school teacher in District No. 16, sixteen dollars and twenty-eight cents for services rendered during the year 1898.

J. G. Bowles, public school teacher in Surry County, to be paid \$16.28.

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

In the General Assembly read three times, and ratified this the 14th day of March, A. D. 1901.

## CHAPTER 662.

**An act to encourage the establishment of libraries in the public schools of the rural districts.***The General Assembly of North Carolina do enact:*

Chapter 512, Laws of 1897, amended, relative to establishment of public libraries.

SECTION 1. That chapter 512, Laws of 1897, be amended by striking out in lines 3 and 4 of section one the words "having more than 1,000 inhabitants" and that the following sections be added after section 5 of said act.

Provision for appropriating \$10 from school funds of any district for founding a public school library.

SEC. 6. Whenever the patrons and friends of any free public school shall raise by private subscription and tender to the County Superintendent of Schools, for the establishment of a library to be connected with 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 the books for such libraries as may be established under the provisions of this act.

Manager of library, by whom appointed.

Selection of books.

Appropriation from State for public school library, how secured.

SEC. 7. 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 County Superintendent of Schools the sum of ten dollars for the purchase of books for said library. Upon receipt of this money the County Superintendent of Schools shall turn over to the person appointed to select books, the amounts secured by private subscription, by appropriation from the County Board of Education, and by appropriations from the State Board of Education.

Relative to purchase of books and vouchers for same.

SEC. 8. The person appointed to select books shall purchase such books as he or she may deem best suited for such purpose, and shall file with the County Superintendent of Schools vouchers for the whole amount received: *Provided*, that no vouchers shall be valid except for books and transportation charges.

Rules and regulations of libraries to be prescribed by State Superintendent of Public Instruction.

SEC. 9. 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, and shall make provisions for having all books, when not in circulation, kept under lock and key.

Exchange of libraries.

SEC. 10. 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. 11. The sum of \$5,000 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.

State appropriation.

SEC. 12. Not more than six (6) schools in any county shall be entitled to the benefits of this act, and no school district in any incorporated town shall receive any moneys under its provisions, the school receiving this benefit shall be decided by the County Boards.

What schools entitled to benefits of act.

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

In the General Assembly read three times, and ratified this the 13th day of March, A. D. 1901.

#### CHAPTER 663.

**An act forbidding persons hunting on the lands of another without written permission of the owner in Roxobel Township, Bertie County.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person to hunt on the lands of another in Roxobel Township, Bertie County, without the written consent of the owner of such land: *Provided*, this act shall not apply to fox hunting.

Unlawful to hunt on lands of another in Roxobel Township, Bertie County, without written permission of owner; proviso, act not to apply to fox hunting. Penalty for violation of act.

SEC. 2. Any person violating this act shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding ten dollars.

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

In the General Assembly read three times, and ratified this the 13th day of March, A. D. 1901.

#### CHAPTER 664.

**An act to repeal Chapter four hundred and ninety-one (491), Laws of 1893, and to amend Chapter one hundred and six (106), Laws of 1885.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter four hundred and ninety-one (491), Laws of 1893, be and the same is repealed, and that section three of chapter one hundred and six (106), the Laws of 1885, be amended by striking out "fifty cents" in line five and insert "twenty-five cents."

Chapter 491, Laws of 1893, repealed, and Chapter 106, Laws of 1885, amended, relating to stock law in Edgecombe County.

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

In the General Assembly read three times, and ratified this the 13th day of March, A. D. 1901.

## CHAPTER 665.

**An act authorizing the Governor of the State to fill vacancies in the Board of Directors of the charitable or penal department of institutions of the State occurring when the Senate is not in session.**

*The General Assembly of North Carolina do enact:*

Vacancies on  
Boards of Direc-  
tors of certain  
State institutions  
to be filled by  
Governor, when.

SECTION 1. That every vacancy which shall occur in any Board of Directors, of any penal or charitable department or institution of the State, when the General Assembly shall not be in session, shall be filled by the appointment of the Governor.

Conflicting laws  
repealed.

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 14th day of March, A. D. 1901.

## CHAPTER 666.

**An act to prevent the cutting of timber trees pending an action to try title thereto.**

*The General Assembly of North Carolina do enact:*

In actions to try  
titles to timber  
lands on prima  
facie title shown,  
Court not to  
grant order for  
cutting timber  
until final deter-  
mination of title.

SECTION 1. That in all actions to try title to timber lands and in all actions for trespass thereon for cutting timber trees, whenever the Court shall find as a fact that there is a *bona fide* contention on both sides based upon evidence constituting a *prima facie* title, no order shall be made pending such action, permitting either party to cut said timber trees, except by consent, until the title to said land or timber trees shall be finally determined in such action.

Court to grant  
order, when.

SEC. 2. That whenever in any such action, the Judge shall find as a fact that the contention of either party thereto is not in good faith and is not based upon evidence constituting a *prima facie* title, then upon motion of the other party thereto who may satisfy the Court of the *bona fides* of his contention and who may produce evidence showing a *prima facie* title, the Court may allow such party to cut the said timber trees by giving bond as now required by law.

Right of appeal  
not affected by  
act.

SEC. 3. That nothing in this act shall effect the right of appeal as now allowed by law, and whenever any party to such action may be enjoined, a sufficient bond shall be required to cover

all damages that may accrue to the party enjoined by reason of the injunction as now required by law.

Bond to cover damages required.

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

Conflicting laws repealed.

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

In the General Assembly read three times, and ratified this the 13th day of March, A. D. 1901.

#### CHAPTER 667.

#### **An act supplemental to an act to regulate the State Printing, ratified February 27, 1901.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That in any contract or contracts which the Governor, the Council of State, the Commissioner of Labor and Printing, and the Attorney-General shall make for the printing, binding and delivery of the Public and Private Laws, journals and documents of the General Assembly, they may fix and determine the time or times for the delivery of the same, or any part thereof, according to their judgment and discretion.

Time for delivery of public and private laws, etc., by printers, how fixed.

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

Conflicting laws repealed.

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

In the General Assembly read three times, and ratified this the 14th day of March, A. D. 1901.

#### CHAPTER 668.

#### **An act to amend section 1136 of The Code in regard to the service of criminal process issued by Justices of the Peace.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That section 1136 of The Code of North Carolina be amended by adding thereto the following: "The Justice of the Peace or a chief officer of a city or town shall direct his warrant to the Sheriff or other lawful officers of his county, and such warrant when endorsed as herein prescribed shall authorize and compel the Sheriff or other officer of any county in the State, in which such endorsement is made to execute the same.

Section 1136 of The Code, relative to service of criminal process issued by Justices of the Peace, 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 14th day of March, A. D. 1901.

## CHAPTER 669.

**An act to establish stock law in certain portions of McDowell County.***The General Assembly of North Carolina do enact:*

Unlawful to allow stock to run at large in stock-law territory.

Boundaries of stock-law territory.

SECTION 1. That from and after the first day of April, nineteen hundred and one, no person shall allow his or her live stock to run at large in that portion of McDowell County embraced in the following territory or boundary, viz.: Beginning at a stake in the stock law line on the south side of Catawba River, McDowell County, at or near the corner of line between Silas Proctor, Austin Conley and Mrs. M. A. Corpening's and crossing the said river running with the line fence of Mrs. M. A. Corpening and Austin Conley to the end of the said Mrs. M. A. Corpening's fence, thence with the said M. A. Corpening's outside fence to Maj. J. W. Wilson's outside fence, thence with said Wilson's outside fence to the outside fence of T. B. Young, thence with or near his outside fence to the Pyatt Hollow, thence through the said hollow to the Pyatt old house, thence with the cross fence between H. A. Gibbs and M. F. Tate's to Buck Creek, thence up said creek to the cross fence between Mrs. D. E. Butts and H. A. Gibbs on the west side of said creek, thence with said fence to Mrs. D. E. Butts' outside fence, thence west across the ridge to W. E. Pattent's outside fence and with said Pattent's fence crossing Clear Creek to a point near the White Oak Springs, thence the nearest course to the Hoover field, thence across the ridge to the Brooks place, thence to J. B. Biddex's outside fence and with said fence striking the upper fence to the old parsonage place, thence to the most direct route or course to the stock law boundary fence of Old Fort Township, near John Godfrey's residence.

Certain portions Chapter 20, Vol. 2 of The Code, to apply to territory.

SEC. 2. That chapter twenty, volume two, of The Code so far as it applies to stock law territories, shall apply to territory herein described.

Fence Commissioners, when and by whom appointed, duties of.

SEC. 3. That the Board of Commissioners of McDowell County shall at their first meeting after the passage of this act, or at any meeting thereafter appoint three Fence Commissioners, whose duty it shall be to cause said territory to be immediately fenced in as required by law.

Vacancies, how filled.

SEC. 4. That said Fence Commissioners shall from time to time fill such vacancies as occur by death, resignation or otherwise to their body.

Same powers and duties as Fence Commissioners in other counties.

SEC. 5. That said Fence Commissioners shall do and perform all such acts and things as shall be necessary to comply with act, as such Commissioners of any other fence law territory in North Carolina have a right to do and perform.

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

In the General Assembly read three times, and ratified this the 14th day of March, A. D. 1901.

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## CHAPTER 670.

### An act to amend section one, Acts of 1889, Chapter 380.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section thirteen hundred and twenty-one of The Code as amended by Acts of 1889, chapter 380, be amended as follows: By adding to the end of section one, Acts 1899, chapter 380, the following: "*Provided*, that in making such assessment upon land owners who are not members of the said corporation it shall be unlawful to charge in said assessment any charges or per diem pay for the officers of said canal company against the owner of said land, and any such attempt to charge the salaries or per diem of officers of said canal company in said assessment shall render the same void."

Section 1321 as amended by Chapter 380, Laws of 1899, relative to damage to lands, 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 14th day of March, A. D. 1901.

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## CHAPTER 671.

### An act supplemental to sundry acts passed at this session of the General Assembly in regard to Johnston County.

*The General Assembly of North Carolina do enact:*

SECTION 1. That in each and every public or private act or resolution passed by the General Assembly at this session wherein the word "Johnson" occurs, as the name of a county, the same be stricken out, and the word "Johnston" inserted in place thereof.

Word "Johnson" to be stricken out and "Johnston" to be inserted in all acts of 1901 where it occurs.

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 14th day of March, A. D. 1901.

## CHAPTER 672.

**An act to prevent fast riding and driving over certain bridges across the Dismal Swamp Canal in Camden County.***The General Assembly of North Carolina do enact:*

Misdemeanor to ride or drive faster than a walk over Dismal Swamp Canal bridges.

SECTION 1. That any person or persons who shall ride or drive any horse or horses, mule or mules, or other animal or animals faster than a walk over the Dismal Swamp Canal Bridge at South Mills and the Dismal Swamp Canal Bridge at New Canal Bridge in Camden County shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than five dollars nor more than fifty dollars, or be imprisoned not to exceed thirty days.

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 14th day of March, A. D. 1901.

## CHAPTER 673.

**An act to amend section one hundred and seven, Public Laws of 1891.***The General Assembly of North Carolina do enact:*

Section 1, Chapter 107, Public Laws 1891, amended.

SECTION 1. That section one, chapter one hundred and seven, Public Laws of 1891, be and the same is hereby amended by adding at the end of said section one the following: "*Provided, that nothing in this section shall apply to citizens of Camden 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 the 11th day of March, A. D. 1901.

## CHAPTER 674.

**An act to change the time of holding the Superior Court of Halifax County.***The General Assembly of North Carolina do enact:*

Chapter 288, Public Laws 1895, amended.

SECTION 1. That chapter two hundred and eighty-eight of the Public Laws of 1895 be amended by striking out the word "twelfth" in the fourth line of section one thereof, and inserting in lieu thereof the word "fifteenth."

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

In the General Assembly read three times, and ratified this the 14th day of March, A. D. 1901.



## CHAPTER 675.

**An act to regulate the manufacture and sale of spirituous, vinous and malt liquors in Clayton Township, Johnston County.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful to manufacture whiskey from grain or malt, or from any other substance in Clayton Township, Johnston County. No license from the United States Government shall be construed as permitting the establishment of a government whiskey distillery in said township. Any person violating this section shall be guilty of a misdemeanor and upon conviction shall be fined not less than one hundred dollars, nor more than two thousand dollars, and imprisoned not less than one month or more than two years, and the distillery apparatus and all the liquors made and the sum of \$500.00 shall be forfeited to the Clayton Dispensary.

Unlawful to manufacture liquor.  
Applicable to Clayton Township, Johnston County.

A misdemeanor.  
Penalty.

Proceeds to go to dispensary.

SEC. 2. No person shall manufacture or produce brandy in said township except from fruit raised on his or her own land and only from the fruit aforesaid during the months of July, August and September and October. Any person violating this section of this act shall be guilty of a misdemeanor, and upon conviction shall be punished by fine or imprisonment at the discretion of the Court. All brandy made in violation of this section shall be forfeited to the Clayton Dispensary, and every person convicted shall pay a penalty of \$100.00 to the Clayton Dispensary for each and every offence.

Manufacture of brandy prohibited during certain months.

A misdemeanor.  
Penalty.

SEC. 3. No whiskey, brandy, or any other kind of spirituous, vinous, malt or intoxicating liquors or wine shall be sold in Clayton Township, except at the Clayton Dispensary, and any person, corporation or firm, except said Clayton Dispensary, who shall sell spirituous, vinous, malt or intoxicating liquors or wines in Clayton Township shall be guilty of a misdemeanor and upon conviction shall be fined, or imprisoned in the discretion of the Court; and in addition to imprisonment or fine, shall forfeit and pay to the Clayton Dispensary one hundred dollars for each and every sale.

Intoxicating beverages not to be sold.

A misdemeanor.  
Penalty.

SEC. 4. No witness shall be permitted to refuse to answer any question upon the trial of any indictment for violating any section of this act upon the ground that the answer to said question would tend to criminate him or her, but the witness shall 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 offense committed by him or her prior to the time of his or her examination, and which offence was disclosed by said examina-

Evidence in such trials.

tion. For all violations of this act committed by any witness and disclosed by said witness under the compulsion of this section, said witness shall be forever absolved and pardoned.

How this act to be made more effective.

Money appropriated.

SEC. 5. The town of Clayton and the Commissioners of the Clayton Dispensary, either or both, are hereby authorized to appropriate from their respective funds, such sums of money as may be necessary to suppress the illegal whiskey traffic in said township, and any moneys appropriated by the Dispensary Commissioners shall be charged up in the running expenses of said dispensary. The said Commissioners of the said town and dispensary are authorized to have a sufficient number of copies of this act printed and posted at various points in said township as they think proper and necessary to give public notice of this act.

Retail license prohibited.

SEC. 6. It shall not be lawful for the Commissioners of Johnston County to grant license to retail spirituous, vinous, or malt liquors in Clayton Township to any person or corporation except to the Clayton Dispensary.

Disposition of all penalties.

SEC. 7. All penalties provided for in this act may be recovered by civil action instituted in the appropriate court in Johnston County, and brought in the names of the Commissioners of the Clayton Dispensary.

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

In the General Assembly read three times, and ratified this the 13th day of March, A. D. 1901.

## CHAPTER 676.

### An act to protect wild game.

*The General Assembly of North Carolina do enact:*

Unlawful to kill or trap certain game.

Applicable to Pamlico County.

A misdemeanor and penalty for violating.

SECTION 1. It shall be unlawful for any person, not the owner of the premises, to kill, trap, or in any other way harm deer, coon, opossum, squirrel, quail and wild turkey, in the county of Pamlico, from the 1st day of March to the 1st day of September in each and every year.

SEC. 2. Any person violating this act shall be guilty of a misdemeanor and on conviction shall be fined not to exceed twenty dollars at the discretion of the Court.

SEC. 3. This act shall be in force after its passage.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

## CHAPTER 677.

**An act to create the office of "Chief of Fire Department" and decrease the fire waste of the State.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That there is hereby created in the cities and incorporated towns of the State where not already established by their charters the office of "Chief of Fire Department." It shall be the duty of said "Chief of Fire Department" to do and perform the duties prescribed in chapter 58, Public Laws of 1899, and acts amendatory thereof, and such other duties as are prescribed in the charters and ordinances of the cities and towns of the State.

Office of Chief of Fire Department created.

Duties.

SEC. 2. That where it is not fixed in the charters of said cities and towns, it shall be the duty of the Boards of Aldermen and Commissioners in each city and town to elect such officer, and to fix the term of office, prescribe the duties and obligations and compensation of "Chief of Fire Department," and change the duties and compensation from time to time, not inconsistent with the duties as prescribed in chapter 58, Public Laws 1899, and acts amendatory thereof.

Town Commissioners to elect, fix term of office, prescribe duties and compensation, etc.

SEC. 3. That where said duties are not prescribed by the charters or Board of Control of incorporated cities and towns, it shall be the duty of said "Chief of Fire Department," in addition to the duties prescribed in chapter 58, Public Laws of 1899, to preserve and care for the fire apparatus, to have charge of the fighting and putting out of all fires, to make annual reports to their city or town governments, to seek out and have corrected all places and conditions dangerous to the safety of the city from fire, to look after buildings being erected with a view to their safety from fires and to do and perform such other duties as may be prescribed by the governing boards of the several cities and towns.

Additional duties of "Chief."

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

In the General Assembly read three times, and ratified this the 14th day of March, A. D. 1901.

## CHAPTER 678.

**An act relating to warehousemen, authorizing them to give bonds and issue warehouse receipts secured thereby, and prescribing and regulating their powers and duties.**

*The General Assembly of North Carolina do enact:*

Corporation authorized by charter to engage in warehouse business may become warehouseman.

SECTION 1. That any corporation organized under the laws of this State and whose charter authorized it to engage in the business of a warehouseman within this State may become a public warehouseman and authorized to keep and maintain public warehouses for the storage of cotton, goods, wares and other merchandise as hereinafter prescribed and upon giving the bond hereinafter required.

To give bond.

SEC. 2. Every such corporation so organized under the preceding section to become a public warehouse, shall give bond in a reliable bond or surety company to the Clerk of the Court of the county wherein is situated the warehouse of the said public warehouseman, in an amount not less than twenty-five thousand dollars, to be approved, filed with and recorded by the Clerk of the said Court, for the faithful performance of the duties of a public warehouseman.

Amount.

Conditions.

Injured persons may sue on bond.

SEC. 3. Whenever such warehouseman fails to perform its duty or violates any of the provisions of this act, any person injured by such failure or violation may bring an action in his name and to his own use in any court of competent jurisdiction on the bond of said warehouseman, and in case he should fail in said action, he shall be liable to the defendant for any cost which the defendant may recover in the action.

Liability for costs.

Insurance of stored property.

SEC. 4. Every such warehouseman shall, when requested thereto in writing by a party placing property with it on storage, cause such property to be insured; every such warehouseman shall, except as hereinafter provided, give to each person depositing property with it for storage a receipt therefor, which shall be negotiable in form and shall describe the property distinctly stating the brand or distinguishing marks upon it, and if such property is grain, the quantity and inspected grade thereof. The receipts shall also state the rate of charges for storing the property and amount and rate of any other charge thereon, and also the amount of the bond and name of the company in which the bond is taken, given to the said Clerk of the Court as hereinabove provided: *Provided, however,* that every such warehouseman shall upon request of any person depositing property with it for storage, give to such person its non-negotiable receipt therefor, which receipt shall have the words "Non-negotiable" plainly

Storage receipts.

Non-negotiable receipts.

written, printed or stamped on the face thereof: *And provided*, that the assignment of said non-negotiable receipt shall not be effective until recorded on the books of the warehousemen issuing them.

SEC. 5. The title to cotton goods, merchandise and chattels stored in public warehouses shall pass to a purchaser or pledged by the endorsement and delivery to him of the warehouseman's receipt therefor, signed by the person to whom such receipt was originally given or by the endorsee of such receipt.

Title to goods stored, how passed.

SEC. 6. When grain or other property is stored in public warehouses in such a manner that different lots or parcels are mixed together, or that the identity can not be accurately preserved, the warehouseman's receipt for any such portion of grain or property shall be deemed a valid title to so much thereof as is designated in receipt without regard to separation or identification.

Where identity to property stored can not be preserved, receipt a valid title to amount designated thereby.

SEC. 7. Every such warehouseman shall keep a book in which shall be entered an account of all its transactions relating to warehousing, storing and insuring cotton, goods, wares and merchandise, and to the issuing of receipts therefor, which books shall be opened to the inspection of any person actually interested in the property to which such entry relates.

Warehouseman to keep book of accounts.

What to contain. Open to inspection of interested parties.

SEC. 8. Every such public warehouseman which shall have in its possession any property by virtue of any agreement on warehouse receipt for the same, for which a claim for storage is at least one year overdue, may proceed to sell the same at public auction, and out of the proceeds may retain all charges for storage of such goods, wares and merchandise, and any advances that may have been made thereon by him, or them, and the expense of advertising and sale thereof, but no sale shall be made until after the giving of printed or written notice of such sale to the person or persons in whose name the said goods, wares and merchandise were stored, requiring him or them, naming them, to pay the arrears or amount due for such storage, and in case of default in so doing, the goods, wares and merchandise shall be sold to pay the same, at a time and place to be specified in such notice.

Power to sell property after claim for storage one year over due.

Disposal of proceeds.

Notice.

SEC. 9. The notice required in the last preceding section, shall be served by delivering it to the person or persons in whose name such goods, wares and merchandise were stored, or by leaving it at his usual place of abode, if within this State, at least thirty days before the time of sale, and a return of the service shall be made by some officer authorized to serve civil process, or by some other person with an affidavit of the truth of the return, if the party storing such goods can not with reasonable diligence be found within this State, then such notice shall be given by publication once each week for two successive

Notice, how served.

Return of service.

Notice by publication.

weeks, the last publication to be at least ten days before the time of such sale, in a newspaper published in the city or town where such warehouse is located. In the event that the party storing such goods shall have parted with the same, and the purchaser shall have notified the warehouseman with his address, such notice shall be given to such person in lieu of the person storing the goods.

Surplus of proceeds of sale, how recorded and disposed of.

SEC. 10. Such warehouseman shall make an entry in a book kept for that purpose of the balance or surplus of the proceeds of sale, if any, and such balance or sale, if any, shall be paid over to such person or persons entitled thereto on demand. If such balance or surplus is not called for or claimed by such party or owner of said property within six months after such sale, such balance or surplus shall be paid by said warehouseman to the Clerk of the Court of the county in which said warehouse is located, and he shall pay the same to the parties entitled thereto if called for or claimed by the original owner within ten years after the sale thereof, and such warehouseman shall at the same time file with said Clerk an affidavit in which shall be stated the name and place of residence so far as the same are known.

Punishment for being party to unlawful selling, pledging, lending or disposing of property stored.

SEC. 11. Whosoever unlawfully sells, pledges, lends, or in any other way disposes of or permits or is a party to the unlawful selling, pledging, lending or other disposition of any goods, wares, merchandise, or anything deposited in a public warehouse without the authority of the party who deposited the same, shall be punished by a fine not to exceed \$2,000 and by imprisonment in the State Penitentiary for not more than three years, but no officer, manager or agent of such public warehouse shall be liable to the penalties provided in this section, unless with the intent to injure or defraud any person, he so sells, pledges, lends, or in any other way disposes of the same, or is a party to the selling, pledging, lending or other disposition of any goods, wares, merchandise, article or thing so deposited.

Powers in regard to perishable or dangerous property stored.

SEC. 12. Whenever a public warehouseman has in its possession any property of a perishable nature, or which will deteriorate greatly in value by keeping, or upon which the charges for storage will be likely to exceed the value thereof, or which by its odor, leakage, inflammability or explosive nature is likely to injure other goods, such property having been stored upon non-negotiable receipts, and when said warehouseman has notified the person in whose name the property was received to remove said property, but if such person has refused or omitted to remove said property and to pay the storage and proper charges thereon, said public warehouseman may in the exercise of a reasonable discretion sell the same at public or private sale without adver-



tising, and the proceeds, if there are any, after deducting the amount of said storage and charges, and expense of sale, shall be paid or credited to the person in whose name the property was stored, and if said person can not be found on reasonable inquiry, the sale may be made without any notice and the proceeds of such sale after deducting the amount of storage or expense of sale, shall be paid to the Clerk of the Court of the county wherein said warehouse is situated, who shall pay the same to the person entitled thereto, if called for or claimed by the rightful owner within five years of the receipt thereof by said Clerk.

SEC. 13. Whenever a public warehouseman under the provisions of the preceding section has made a reasonable effort to sell perishable and worthless property, and has been unable to do so, because of its being of little or no value, it may then proceed to dispose of such property in any lawful manner, and it shall not be liable in any way for property so disposed of.

When unable to sell perishable and worthless property, warehouseman may dispose of it in any lawful manner without liability.

SEC. 14. Whenever a public warehouseman under the provisions of the two preceding sections has sold or otherwise disposed of property and the proceeds of such sale or disposition have not equaled the amount necessary to pay the storage charges, expenses of sale, and other charges against said property, then the person in whose name said property was stored shall be liable to said public warehouseman for an amount which added to the proceeds of such sale will be sufficient to pay all of the proper charges upon said property; or in case such property was valueless and there were no proceeds realized from its disposition, the person in whose name said property was stored shall be liable to said public warehouseman for all proper charges against said property.

When property sold fails to bring storage expenses and other charges, party in whose name stored liable for balance.

SEC. 15. All acts or parts of acts inconsistent or in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 16. This act shall be in force and effect from and after its ratification.

In the General Assembly read three times, and ratified this the 14th day of March, A. D. 1901.

## CHAPTER 679.

**An act to amend Chapter 164, Public Laws of 1899, being entitled "An act to establish the North Carolina Corporation Commission."***The General Assembly of North Carolina do enact:*

Section 2, Chapter 164, Public Laws 1899, amended by adding "Street Railways."

Section 22, amended.

SECTION 1. That section 2, chapter 164, Public Laws of 1899, be amended by adding after the word "railroads" in the second line thereof the words "street railways."

SEC. 2. That section 22 of said chapter be amended by adding after the word "trains" and before the word "in," in the 36th line thereof, the words "and other transportation lines under the supervision of the commission," and in the same line thereof between the words "State" and "when" the word "and," and after the word "business" in the last line of said section the words "they may take with them experts or other agents, whose service they may deem temporarily of importance."

Section 27, amended.

Supreme Court Reports and Laws to be supplied.

SEC. 3. That section 27 be and is hereby amended by adding at the end of said section the following: "The office of the Corporation Commission shall be supplied with such Supreme Court Reports, Public and Private Laws of the State, necessary for a complete set as may be on hand.

Section 30, amended.

Sessions may be held at places other than Raleigh.

SEC. 4. That section 30 of said chapter be and is hereby amended by adding after the word "times," in the fifth line thereof, the following: "*Provided, however,* special sessions in the judgment of the commission may be held at other places in the State when the convenience of all parties is best subserved and expense is saved."

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 14th day of March, A. D. 1901.

## CHAPTER 680.

**An act to amend Chapter 488 of the Laws of 1899.***The General Assembly of North Carolina do enact:*

Section 1, Chapter 488, Public Laws 1899, re-enacting Chapter 17, of The Code, etc., for certain counties, amended by adding Brunswick County.

SECTION 1. That section 4 of chapter 488 of the Public Laws of 1899 be amended by adding at the end of said section, after the words "New Hanover," the word "Brunswick."

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 14th day of March, A. D. 1901.

## CHAPTER 681.

**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, may absent himself from his office on the second, third and fourth Mondays in July, 1901: *Provided, however, he shall keep a competent deputy in his office on said days.*

May be absent from office second, third and fourth Mondays in July next by leaving 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 the 14th day of March, A. D. 1901.

## CHAPTER 682.

**An act to regulate employment of labor for certain counties.***The General Assembly of North Carolina do enact:*

SECTION 1. Any person, firm or corporation who shall knowingly hire, employ, harbor or detain in his own service any servant, employee, or wage hand of any other person, firm or corporation, who shall have contracted in writing, or orally, for a fixed period of time to serve his employer, and who shall have left the service of his employer, in violation of his contract, the person, firm or corporation so offending shall be guilty of a misdemeanor, and fined or imprisoned, or both, at the discretion of the Court, and shall be civilly liable in damages to the party so aggrieved.

Misdemeanor to hire, employ, harbor or detain employee of another, who has contracted for a fixed period of time.

Penalty.

SEC. 2. That this act shall apply to the following counties: Beaufort, Edgecombe, Person and Pitt. Washington and Warren, Vance, Pender, Halifax, Guilford, Granville, Hertford and Caswell.

Counties in which act applies.

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 14th day of March, A. D. 1901.

## CHAPTER 683.

**An act to pay Mrs. J. H. Withers a certain school claim out of school funds of Harnett County.***The General Assembly of North Carolina do enact:*

Board of Education authorized to pay \$25.00.

SECTION 1. That the Board of Education of Harnett County be and they are hereby authorized to pay to Mrs. J. H. Withers the sum of twenty-five (\$25.00) out of any moneys belonging to the county if in their discretion they find it just and due and unpaid, the said sum to be taken from the general school fund of the county of Harnett.

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

In the General Assembly read three times, and ratified this the 14th day of March, A. D. 1901.

## CHAPTER 684.

**An act to provide for payment of the Managers for the House of Representatives during the impeachment trial.***The General Assembly of North Carolina do enact:*

Pay fixed at \$4.00 per day.

SECTION 1. That the managers appointed by the House of Representatives to manage the impeachment trial of David M. Furches, Chief Justice of the Supreme Court, and Robert M. Douglas, Justice of the Supreme Court, be paid four dollars per day each for every day that they may attend upon said trial after the adjournment of the House of Representatives, to be paid by the State Treasurer upon the warrant of the Auditor.

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

In the General Assembly read three times, and ratified this the 14th day of March, A. D. 1901.

## CHAPTER 685.

**An act to change the boundary lines of Snow Creek and Danbury Townships in Stokes County.***The General Assembly of North Carolina do enact:*

New boundary defined.

SECTION 1. That from the ratification of this act the Danbury Township line shall be extended up the waters of Snow Creek to Piedmont or Sandy Ridge Road, said road leading out from Sandy Ridge, by J. E. Sisk's and J. Wesley Morefield's, turning

west with said road to a road north of and running by Pleas Morefield's, taking the said Pleas Morefield's in said boundary, thence to the Danbury Township line.

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 14th day of March, A. D. 1901.

#### CHAPTER 686.

##### **An act to amend Chapter 272 of the Public Laws of 1893.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That section 1, chapter 272 of the Public Laws of eighteen hundred and ninety-three, be amended by adding the following, viz.: "But nothing in the provisions of this act shall be construed to invalidate any entry heretofore made, and grants for territory covered by said entries shall be issued, whenever payment is made for same."

Relative to territory over two miles from mainland or any island.

Entries made prior to act not invalidated, and grants to issue on payment.

SEC. 2. That all laws or 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 the 14th day of March, A. D. 1901.

#### CHAPTER 687.

##### **An act supplemental to an act entitled "An act to establish a stock law in certain parts of Wayne County."**

*The General Assembly of North Carolina do enact:*

SECTION 1. That the operation of an act entitled "An act to establish a stock law in certain parts of Wayne County," ratified on the fourth day of March, 1901, relating to New Hope Township, be suspended until the first day of January, 1902.

Operation of act ratified March 4, 1901, suspended till January 1, 1902.

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 14th day of March, A. D. 1901.

## CHAPTER 688.

**An act to allow persons whose land has been sold for taxes and bought in by the State to redeem the same.***The General Assembly of North Carolina do enact:*

Secretary of State authorized to allow persons whose lands have been sold for taxes, and bought in by the State, to redeem same on payment of sum mentioned in certificate and 20 per cent per annum from date of purchase.

Secretary of State authorized to enter a release when such lands are paid for, and surrender deeds to owner.

Release and surrender of Secretary effectual to pass title.  
Proviso.

Conflicting laws repealed.

SECTION 1. That the Secretary of State be and he is hereby authorized and empowered to allow persons whose land has been heretofore sold for taxes and bought in by the State and not thereafter conveyed by the State, to redeem the same by paying to the Secretary of State the sum mentioned in the certificate of sale to the State, with interest thereon at the rate of twenty (20) per centum per annum from the date of said purchase by the State, together with all taxes due the State on the said land that have accrued subsequent to the time of said purchase by the State; and that the Secretary of State be and he is hereby empowered to enter a release on the records in the office of the Register of Deeds wherein such tax deed to the State may be recorded, and to surrender to the owner of said lands the deeds held by the State against the same; and that the release and surrender so made by the Secretary of State shall be effectual to pass the title to the owner of said lands out of the State: *Provided*, that any person desiring to avail himself of the benefits of this act must exercise the option prior to the first day of January, 1902.

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

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

In the General Assembly read three times, and ratified this the 14th day of March, A. D. 1901.

## CHAPTER 689.

**An act to amend Chapter 54 of the Public Laws of 1891.***The General Assembly of North Carolina do enact:*

Chapter 54, Public Laws 1891, amended.

Clerk to leave competent deputy when absent from office.

SECTION 1. That chapter fifty-four of the Public Laws of 1891 be and the same is hereby amended by adding at the end of section one thereof the following: "*Provided*, that when said Clerk shall absent himself, on the days named, he shall leave his office open in charge of a deputy competent and sworn to perform the duties of said office in the absence of said Clerk."

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 14th day of March, A. D. 1901.



## CHAPTER 690.

**An act to encourage the building of pulp mills and paper mills and tanneries in the counties of Haywood and Swain.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That every corporation, company or firm who may expend one hundred thousand dollars in establishing a factory to convert wood into wood pulp for making paper and other products of pulp shall not be subject to any criminal prosecution for the pollution of any watercourse upon which such factory or factories are located, and the measure of damages to the owner or owners of lands over which the water flows from such factory or factories shall be confined to actual damages, to be ascertained as provided by law.

\$100,000 pulp mills exempt from criminal prosecution for pollution of water.

None except actual damages may be recovered by land-owner.

SEC. 2. That whenever any action shall be instituted in any of the counties mentioned in the title of this act for the purpose of recovering damages alleged to have been sustained in consequence of the pollution [pollution] of any such watercourse, it shall be lawful for the said corporation, company or person to file before the Clerk of the Superior Court of the county in which such action is pending a justified bond with surety or sureties, to be

Proceeding to stop restraining order when action instituted for damages.

approved by said Clerk, of such sum as may be adjudged sufficient by said Clerk to indemnify the party or parties claiming damages as aforesaid, and upon the filing of such bonds no process in the nature of a restraining order or injunction shall issue restraining or enjoining the said corporation, company or person from the operation of such factory or factories, and any injunction or restraining order theretofore

Bond.

issued shall be *ipso facto* dissolved: *Provided*, that said bond or bonds shall be payable to the plaintiff or plaintiffs in the action, conditioned for the payment by the defendants to him or them of all such costs and damages as shall be recovered against the defendant or defendants in the action: *And provided further*, that the plaintiff or plaintiffs, if dissatisfied, may upon five days written notice to defendant or defendants of his or their intention so to do, apply to said Clerk at any time, not oftener than once in twelve months, to increase the bond or bonds and require additional security, and the Clerk shall have power so to do; and upon compliance by the defendants with the orders of the Court in filing any and all bonds and giving security as aforesaid, no injunction or restraining order shall issue in any such action after judgment: *And provided further*, that no process in the nature of a restraining order shall be issued in any event in any such action until three days after service by the Sheriff or other proper officer of the summons and a copy of the complaint in such action upon the defendants therein.

To whom payable and conditions.

Bond, how increased.

Provisions relative to restraining orders.

Act applies to Haywood and Swain counties only.

Place for erection of pulp mills restricted.

Not applicable to Jackson County.

SEC. 3. That this act shall apply only to the counties of Haywood and Swain: *Provided*, that no factory to convert wood into pulp for making paper and other products of pulp, as mentioned in this act, shall be erected above the mouth of Jonathan's Creek in the county of Haywood, and to be erected only on the Pigeon River below the mouth of said Jonathan's Creek in said county of Haywood, or above the confluence of the Tuckasee River, with the Tennessee River in the county of Swain, and to be erected only on the Tennessee River below the confluence of said Tuckasee and Tennessee River in said county of Swain: *Provided further*, that the provisions of this act shall not apply to the county of Jackson.

SEC. 1. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 14th day of March, A. D. 1901.

## CHAPTER 691.

### An act for the relief of B. B. Bobbitt.

*The General Assembly of North Carolina do enact:*

School Directors of Anson County authorized to examine and order paid school claim to B. B. Bobbitt for \$80.00, if found just.

SECTION 1. That the County Board of School Directors of the county of Anson are hereby directed to examine into the justness of a claim of B. B. Bobbitt for the sum of eighty dollars (\$80.00) against the school fund of said county, and if they shall find that the sum of eighty dollars is justly and equitably due the said B. B. Bobbitt they are authorized and empowered to issue an order to the Treasurer of the school fund of said county to pay to the said B. B. Bobbitt the sum of \$80.00 out of the public school money due District No. 2, White Store Township, said county, for the white race.

Treasurer to pay order when issued.

SEC. 2. That if said order be issued by the said Board of School Directors it shall be the duty of the treasurer of the public school fund of said county to pay the same out of the public school money due District No. 2, White Store Township, said county, for the white race.

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

In the General Assembly read three times, and ratified this the 14th day of March, A. D. 1901.

## CHAPTER 692.

**An act to incorporate Peru school-house in Anson County.***The General Assembly of North Carolina do enact:*

SECTION 1. That the public school-house for white children in white School District No. 4, of Morven Township, in Anson County be and the same is hereby incorporated by and under the name and style of "Peru School-House," for the purposes herein-after named, and for no other.

Peru school-house incorporated.

SEC. 2. That it shall be unlawful for any person or persons to manufacture or make, or cause to be manufactured or made, or to buy or sell, give away, or to barter for or exchange any alcoholic, malt or intoxicating liquor or liquors, in any quantity whatsoever, to any other person or persons within the corporate limits of said "Peru School-House," which corporate limits are hereby declared to extend for a distance of two miles in every direction from said school-house.

Unlawful to manufacture and sell intoxicating liquors in two miles thereof.

SEC. 3. That all persons violating section two of this act 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, or both, at the discretion of the Court.

Violation of act 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 the 14th day of March, A. D. 1901.

## CHAPTER 693.

**An act to pay Mrs. Evelina T. Briggs for rent of armory.***The General Assembly of North Carolina do enact:*

SECTION 1. That the Auditor of State is authorized and commanded to issue his warrant on the Treasurer of State in favor of Mrs. Evelina T. Briggs, of the city of Raleigh, for the sum of eighty-seven dollars and fifty cents (\$87.50) in full of rent for the use of the third story of the Briggs Building for an armory by the Governor's Guards during the year 1898.

Auditor directed to issue warrant on Treasurer in favor of Mrs. E. T. Briggs for \$87.50 for rent of armory.

SEC. 2. The Treasurer of State is authorized and commanded to pay the warrant as provided for in section one of this act out of any moneys in the Treasury not otherwise appropriated.

Treasurer directed to pay warrant.

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

In the General Assembly read three times, and ratified this the 14th day of March, A. D. 1901.

## CHAPTER 694.

**An act supplemental to an act to provide an additional Spring Term of the Superior Court for the county of Greene in the year 1901.***The General Assembly of North Carolina do enact:*

Time changed for  
holding addi-  
tional Spring  
Term of Greene  
County Court.

SECTION 1. That the word eleventh (11th) in line three of section one of an act entitled "An act to provide an additional spring term of the Superior Court for the county of Greene in the year 1901 (ratified on the 9th day of March, 1901)" be and the same is hereby stricken out, and the word "tenth" (10th) 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 the 14th day of March, A. D. 1901.

## CHAPTER 695.

**An act for the relief of M. H. P. Clark.**

Preamble.

WHEREAS, M. H. P. Clark, now a resident of the city of Wilmington, North Carolina, was in eighteen hundred and ninety-four the owner of a bond of the State of North Carolina of the denomination of fifty dollars (\$50.00), numbering three hundred and forty-nine (349), with coupons for the accruing interest thereto attached; and,

WHEREAS, The same was at some time during the year eighteen hundred and ninety-four (1894) lost or accidentally destroyed; now, therefore,

*The General Assembly of North Carolina do enact:*

State Treasurer to  
pay M. H. P.  
Clark \$50.00 with  
interest, in pay-  
ment of State  
Bond No. 349.

SECTION 1. That the State Treasurer be and he is hereby authorized to pay to M. H. P. Clark the sum of fifty dollars with interest from the first day of July, eighteen hundred and ninety-four, at four (4) per centum until paid, in full payment of said bond numbering three hundred and forty-nine (349), due and payable in nineteen hundred and ten (1910), and the State Auditor is hereby authorized and instructed to audit said claim as above provided and draw his warrant on the State Treasurer for the same in favor of the said M. H. P. Clark: *Provided*, that before paying the said sum of fifty dollars and the interest thereon the State Treasurer shall require the said M. H. P. Clark to give to the State Treasurer a bond in the sum of one hundred and fifty dollars with undoubted security conditioned to indemnify the State of North Carolina against any future loss or damage

Said Clark to first  
give indemnity  
bond to State  
Treasurer.

on account of the payment of said bond and interest thereon in the event it shall be found and presented for payment by said State Treasurer.

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

In the General Assembly read three times, and ratified this the 14th day of March, A. D. 1901.

#### CHAPTER 696.

#### **An act to make Thomas Woodall a citizen of Banner Township, Johnston County.**

WHEREAS, The boundary line between Banner and Elevation Townships in Johnston County runs through the farm of and near the residence of Thomas Woodall, leaving him in the latter township; and, Preamble.

WHEREAS, For the purposes of attending elections and listing taxes Banner precinct is much more convenient to said Thomas Woodall, and he has expressed his desire to be a citizen of that township; therefore,

*The General Assembly of North Carolina do enact:*

SECTION 1. That the said Thomas Woodall be and he is hereby declared a citizen of Banner Township in Johnston County and the successive occupants of said residence shall be deemed citizens of said township for all purposes. Thomas Woodall declared a citizen of Banner Township, Johnston 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 the 14th day of March, A. D. 1901.

#### CHAPTER 697.

#### **An act for the relief of Wm. H. Newman, an ex-Confederate soldier, late of Company G, 27th North Carolina Regiment.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That the name of Wm. Henry Newman, of Orange County, North Carolina, late a private in Company G, 27th North Carolina State Troops, be placed upon the Pension roll as a pensioner of the second class. Wm. Henry Newman made second-class pensioner.

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 14th day of March, A. D. 1901.

## CHAPTER 698.

An act to allow non-residents having money in the State of North Carolina in the hands of trustees to have the same paid over to trustees in the State of their residence, and to allow ancillary personal representatives in North Carolina to pay over moneys in their hands to foreign personal representatives, when all debts due to residents of North Carolina shall have been paid, and to apply to Bertie County only.

*The General Assembly of North Carolina do enact:*

Provisions for transfer of property in hands of resident trustee to trustee in State where non-resident cestui que trust lives.

When court may not grant petition for removal.

Order for transfer not made without consent of heirs-at-law.

On death of non-resident having property in this State, resident personal representative to pay and deliver property to non-resident representative after payment of debts.

SECTION 1. When any *cestui que trust* residing in another State or Territory, or in the District of Columbia, is entitled to any personal estate in this State, or personal property substituted for realty by decree of Court, or to any money arising from the sale of real estate, whether the same be in the hands of his trustee, receiver, commissioner, or other person holding for the *cestui que trust*, the trustee of such *cestui que trust* duly appointed at the place where such *cestui que trust* resides, may apply to have such estate removed to the residence of the *cestui que trust* by petition filed in the Superior Court of the county in which the property or some portion thereof is situated: *Provided*, that whenever in the judgment of the Court the removal of the trust subject will defeat or conflict with the provisions of the deed, will, or other instrument creating the trust, the Court may refuse to grant the prayer of the petitioner: *And provided further*, that no order transferring such property shall be made without the consent of any persons who would be the heirs-at-law or distributees of such *cestui que trust* if such heirs-at-law or distributees shall be residents of this State.

SEC. 2. Where any person shall die domiciled outside of this State, but seized and possessed of or entitled to receive property real or personal in this State, and a personal representative shall qualify upon his estate in the State where he was domiciled at the time of his death, and a personal representative of such decedent shall also qualify in this State the Superior Court of the county in which such personal representative qualified in this State, on the petition of such foreign personal representative may order the personal representative in this State to pay over and deliver to such foreign personal representative such property real or personal as may be in the hands of the North Carolina personal representative belonging to such decedent: *Provided*, that it shall be made to appear to the satisfaction of such Court that all debts due by such decedents to residents of North Carolina have been satisfied.



SEC. 3. The petitioner in any proceeding under this act must show to the Court a copy of his appointment as such trustee or personal representative and bond duly authenticated and must prove to the Court that the bond is sufficient as well in the ability of the sureties as in the sum mentioned therein to secure the faithful administration of all of the estate prayed to be transferred.

Non-resident petitioner to exhibit copy of appointment and bond.  
Proof of sufficiency of bond.

SEC. 4. All such persons shall be made party defendants to any proceeding under this act who are specified in section 184 of The Code of North Carolina, 1883.

Who parties defendant.

SEC. 5. Any petition filed under this act shall be proceeded on as prescribed in other cases of special proceedings; and every necessary decree made, to the end that the foreign trustee or personal representative may obtain possession of all of the estate which the Court shall order to be removed.

Proceedings on petitions, decrees, etc.

SEC. 6. When any trustee or other person holding property for another in this State or when any resident personal representative shall pay over, transfer or deliver any estate in his hands or vested in him, under any order or decree made in pursuance of this act, he shall be discharged from all responsibility therefor.

When property transferred, resident trustee or representative discharged.

SEC. 7. No order or decree directing the transfer of any property under this act shall be made until notice of the application for such order of transfer shall have been published once a week for four successive weeks in some newspaper published in the county where the Court sits to which application has been made, and if there shall be no newspaper published in such county such notice shall be posted for thirty days at the court-house door of said county.

Publication of notice of application.

SEC. 8. This act shall apply to Bertie County only.

Application to Bertie County only.

SEC. 9. This act shall be in force from ratification.

In the General Assembly read three times, and ratified this the 14th day of March, A. D. 1901.

## CHAPTER 699.

### **An act to prevent kidnapping, and to secure to parents the custody of their children.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That any person who shall forcibly or fraudulently kidnap any person shall be guilty of a crime, and upon conviction may be punished in the discretion of the Court not exceeding twenty years in the State's Prison.

Forceful or fraudulent kidnapping a crime.  
Penalty.

SEC. 2. If any person shall entice, persuade and procure any

Misdemeanor to induce minor to unlawfully leave service of parent or person in *loco parentis*, or to unlawfully detain or harbor such minor after notice.

Misdemeanor for minor to unlawfully leave.

minor to unlawfully leave the service of his or her father or any person standing in *loco parentis*, or, if any person shall knowingly and unlawfully harbor and detain, in his own service, after notice from such parent or person standing in *loco parentis*, any minor who shall unlawfully leave the service of his or her father or other person standing in *loco parentis*, that in either case such person 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 the 14th day of March, A. D. 1901.

## CHAPTER 700.

### An act to protect bottlers of milk, beer, soft drinks, mineral waters, liquids and beverages.

*The General Assembly of North Carolina do enact:*

Unlawful to sell or dispose of, deface or destroy proprietary bottles, kegs, barrels, crates, etc.

SECTION 1. It shall be unlawful for any person or persons, firm or corporation, to sell, dispose of, or wilfully deface or destroy, any bottle, siphon, can, keg, barrel or crate, the property of any other person or persons, firm or corporation, which are not sold and disposed of with their contents in the ordinary course of trade, but which are used by the owners thereof solely as vehicles and vessels in which to deliver to the public, from time to time, milk, beer, soft drinks, mineral waters, liquids and beverages: *Provided however*, that such bottles, siphons, cans, kegs, barrels and crates be branded, stamped, etched, blown or impressed with the name, mark or device of the owner or owners of the same.

Proviso.

Unlawful to use such vessels, etc., without consent of owner.

SEC. 2. It shall be unlawful for any person or persons, firm or corporation, without the consent of the owner or owners thereof, to use any such bottle, siphon, can, keg, barrel or crate, as set out in section 1 of this act, for the purpose of or as a vessel and vehicle for disposing of, distributing, selling or delivering milk, beer, soft drinks, mineral waters, liquids and beverages other than such as are placed therein by or with the consent or under the direction of the owner or owners of such bottles, siphons, cans, kegs, barrels or crates.

Violation a misdemeanor.

SEC. 3. Any person or persons, firm or corporation violating any of the provisions of this act 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, at the discretion of the Court.

Penalty.

SEC. 4. This act shall apply only to the counties of New Hanover, Mecklenburg and Granville counties.

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

In the General Assembly read three times, and ratified this 14th day of March, A. D. 1901.

#### CHAPTER 701.

##### **An act to provide for the appointment of two additional members of the Dispensary Board of Cumberland County.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That Herbert Lutterloh and D. A. McMillian be and they are hereby appointed as additional members of Dispensary Board of Cumberland County with all the rights, powers, privileges and emoluments of the present members.

Herbert Lutterloh and D. A. McMillian additional members Cumberland County Dispensary Board.

SEC. 2. That the term of office of the said additional members shall commence at once and continue until the provisions of the act prohibiting the sale and manufacture of liquor in Cumberland County be in full force and effect.

Term of office.

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 the 14th day of March, A. D. 1901.

#### CHAPTER 702.

##### **An act to protect the passage of fish.**

*The General Assembly of North Carolina do enact:*

SECTION 1. It shall be unlawful for any person to water or raft logs in that portion of Upper Goose Creek in Pamlico County from Delamar's mill to and including Muddy Gut, from the 20th day of March to the 10th day of May each and every day.

When unlawful to raft logs in Upper Goose Creek.

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, not to exceed twenty-five dollars.

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 the 14th day of March, A. D. 1901.

## CHAPTER 703.

**An act to empower the Commissioners of Scotland County to condemn lands for locations or sites for court-house, jail or county home for aged and infirm for said county.**

*The General Assembly of North Carolina do enact:*

If Scotland County Commissioners and owner of lands selected for court-house, jail and county home, fail to agree, or owner is minor, non compos, etc., Commissioners may condemn land.

SECTION 1. That in case the Board of Commissioners of Scotland County and the owner of such land as may be selected by said Board of Commissioners as sites or locations for court-house, jail and county home for aged and infirm shall be unable to agree for the purchase of such land, or in case the owner of such land shall be an infant, idiot, lunatic, corporation, non-resident, or person whose residence is unknown, it shall be lawful for said Board of Commissioners to acquire a title for the county of Scotland to such land by condemning the same in the following manner.

Notice and procedure for condemnation of such land, assessment of damages, etc.

SEC. 2. The Board of Commissioners of said county shall serve a written notice upon the owner of such land if such owner is a resident of this State, setting forth a description of such land as may have been selected by the said Board of Commissioners, stating whether the same has been selected for the site or location of the court-house, jail or county home for the aged and infirm, stating the time when the said land will be valued and the names of the Commissioners appointed to value the same. In case the owner of such land shall be an infant, idiot or lunatic with general guardian, the said notice shall be served upon such guardian. In case the owner of such land shall be an infant, idiot, or lunatic without general guardian, then, and in such case the Clerk of the Superior Court of Scotland County shall, upon the application of said Board of Commissioners, appoint a special guardian to represent said infant, idiot, or lunatic. The person so appointed special guardian shall be a person of intelligence, good moral character, and a freeholder in the county of Scotland, and said notice shall be served upon such special guardian. In case the owner of such lands shall be a non-resident, whose residence is known, then and in such case said notice shall be served by mailing a copy of such notice addressed to him at such place of residence and by publication of a copy of such notice for thirty days in some newspaper published in Scotland County. In case the owner of such land is a non-resident, and his residence is unknown, such notice shall be served by publishing the same in some newspaper published in Scotland County for thirty days. In case the owner of such land is a corporation, such notice shall be served by delivering a copy of the same to any local

agent within this State. If a non-resident corporation, the said notice shall be served as in cases of non-resident persons.

SEC. 3. That for the purpose of ascertaining the value of the land selected by the Board of Commissioners for Scotland County the Clerk of the Superior Court of said county on petition of the County Commissioners shall appoint three persons residents of Scotland County, who shall be freeholders, persons of intelligence, and good moral character, as Commissioners to value and appraise said land. Such persons so selected as Commissioners to value and appraise said land, shall be notified in writing of their appointment as Commissioners and such notice shall state the time and place when they shall meet to value and appraise said land, a description of the land to be valued and appraised and whether the same is to be used as a location or site for the court-house, jail or county home for the aged and infirm. The said Commissioners shall meet at the time and place indicated in the notice served upon them, and after being duly sworn to value and appraise the said land justly and fairly to the best of their knowledge and belief, they shall first enquire whether owner of said land to be valued and appraised by them has been notified in the manner stated in this act. If such land owner has not been so notified they shall adjourn to a future day and cause such notice to be served upon the land owner. If they find the land owner has been notified as prescribed in this act, they shall then view the said land and value and appraise the same at what they believe its actual cash value to be. The owner of such land or the Board of County Commissioners may be present in person, may have an attorney to represent them and may give evidence to said Commissioners and have witnesses examined in either behalf if either desire it. But no evidence shall be heard by said Commissioners until after the person to testify has been duly sworn by one of the Commissioners to speak the truth. The said Commissioners shall have the right and power to adjourn from day to day until they shall have completed the valuation and appraisal of said land. The said Commissioners shall make a written report signed by them of their proceedings in making such valuation and appraisal of said land and the amount at which land is valued and appraised to the said Board of County Commissioners at its next regular meeting succeeding such valuation and appraisal by said Commissioners. The said Board of County Commissioners shall cause a report of the said Commissioners to be recorded in their minutes and if there is no appeal from the same in the record of deeds kept in the office of the Register of Deeds of Scotland County and shall cause a certified copy of the entire proceedings including the report of

Proceedings to determine and appraise the value of land selected.

Written report of proceedings to be made to County Commissioners and recorded.

Certified copy of entire proceedings to be delivered to Clerk Superior Court and docketed and judgment rendered.

- the said Commissioners, to be delivered to the Clerk of the Superior Court of said county to be by him docketed as a record of a special proceeding, and the said Clerk of the Superior Court shall thereupon render judgment against said county of Scotland for the amount of said valuation and appraisal, and the cost incidental to the same and adjudging the condemnation of the land described for the purpose set forth in the notice and report, which judgment he shall docket as other judgments are docketed by him. Either the said Board of Commissioners or the owner of such land may appeal to the Superior Court from such valuation and appraisal: *Provided*, written notice of such appeal shall be served upon the other party before the adjournment of the meeting of the said Board of Commissioners to which said Commissioners are required to report, and in case either of said parties appeal from such valuation and appraisal the Clerk of the Board of County Commissioners shall deliver a certified copy of all proceedings had in the matter, including the report of the said Commissioners, to the Clerk of the Superior Court of said county, which the said Clerk of the Court shall docket upon the civil issue docket of the Superior Court of said county and the same shall stand for trial at the next succeeding term of the Superior Court upon an issue to be made up as to what is the actual cash value of the land selected by the Board of Commissioners of Scotland County for the location or site of the court-house, jail or county home for the aged and infirm as the case may be.
- Appeal.**  
**Notice of appeal.**
- Procedure on appeal.**
- After report, County Commissioners authorized to take possession of land.**
- Appeal does not prevent.**
- Cost of appraisal, how paid.**
- When title complete.**
- SEC. 4. That after said Commissioners shall have made their report of their valuation and appraisal of said land to the said Board of County Commissioners, it shall be lawful for said Board of County Commissioners to take possession of the said land for county purposes and an appeal by either party as above provided shall not prevent the said Board of County Commissioners from taking possession of said land and using the same for the purpose desired.
- SEC. 5. That the cost of the valuation and appraisal of said land shall be paid by the said county of Scotland.
- SEC. 6. That the title to said land obtained by Scotland County by condemning the same under this act, shall be complete and in fee-simple, whenever the value of the same as ascertained under this act shall be paid in cash.
- SEC. 7. This act shall be in force from and after its ratification.
- In the General Assembly read three times, and ratified this the 14th day of March, A. D. 1901.



## CHAPTER 704.

**An act to provide a short form for agricultural liens and chattel mortgages and to prescribe the fees for registration of same.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That for the purpose of creating a valid agricultural lien under section seventeen hundred and ninety-nine (1799) and amendments thereto for supplies to be advanced and also to constitute a valid chattel mortgage as additional security thereto, and to secure a pre-existing debt, the following form shall be deemed sufficient and for those purposes legally effective:

Form of agricultural lien and conveyance of chattels.

"NORTH CAROLINA, ..... COUNTY.

"WHEREAS, ..... has agreed to make advances of supplies to ..... not to exceed ..... dollars, to enable said ..... to cultivate the lands hereinafter described during the year 19..; and,

"WHEREAS, Said ..... indebted to said ..... dollars; now, therefore, to secure payment for aforesaid indebtedness, the pre-existing debt as well as for advances, the said ..... do .... hereby sell and convey to said ..... all the crops of every description that may be grown during the year 19.. on the lands of ..... in ..... Township, ..... County, North Carolina, adjoining the lands of ..... and others, and for further securing all of such indebtedness said ..... hereby conveys the following personal property, to-wit: ..... But on this special trust: That if all of said indebtedness shall be paid in full on or before the ..... day of ....., 19.., then this conveyance shall be of no further effect, but if default shall be made in the payment of said indebtedness or any part thereof, then this conveyance shall remain in full force and effect and be a lien on all the property conveyed, which lien may be closed as provided in section eighteen hundred (1800) of The Code, or otherwise according to law, and the said ..... may sell said crops and other property after ten days' notice posted at the court-house door and three other public places in said county, and apply the proceeds of such sale to the discharge of said indebtedness and all costs and expenses of such sale and pay any surplus to said ....., and the said ..... hereby represents that all of said crops and other property are his own right

and free from all incumbrances. Witness ..... hand and seal,  
this ..... day of ..... 19...

"..... (Seal.)

"..... (Seal.)"

"Witness: ....."

....., owner of the lands described in the foregoing instrument, do in consideration of the advances to be made to ..... by ..... release said crops of ..... landlord's lien in favor of said ..... to the extent of all advances herein agreed to be made. .... (Seal.)"

"NORTH CAROLINA, ..... COUNTY.

Form of probate  
and certificate for  
registration.

"The execution of the foregoing instrument was this day ..... before me by the ..... Let the instrument with this certificate be registered. Witness my hand and ..... seal, this ..... day of ..... 19... .. (Seal.)"

"NORTH CAROLINA, ..... COUNTY.

Form of certificate  
of registration.

"The foregoing certificate of ..... of ..... County is adjudged to be correct. Let the same with this certificate and the instrument be recorded, this ..... day of .... ..... 19...

"Clerk Superior Court."

"Filed for registration at .... o'clock .... m., ..... 19... and registered at .... o'clock .. m., ..... 19... in book ..... No.... page .... ..

"Register of Deeds."

Fees for probate and registration.

SEC. 2. That the fees for probate and registration of liens executed according to this act shall be as follows: To the Clerk for probating ten (10) cents, and to the Register of Deeds for registering said instrument with the certificate thirty cents. the fees shall be the same whether the instrument conveys a lien on crops alone or a lien on crops and a conveyance of chattels also: *Provided*, the above fees shall not necessarily apply to other forms of lien or mortgage.

Proviso

Person executing lien failing to cultivate lands, relieves party to whom executed from obligations. Debts secured become due. Lien-holder may enforce same.

SEC. 3. If any person after executing a lien as aforesaid for advances shall fail to cultivate the lands described therein the person to whom said lien was executed shall be relieved of any future obligations to furnish supplies, and the debts secured shall become due and collectible at once, and the holder of the lien may proceed to enforce the same, take possession of the personal property and the crops and cultivate and harvest the same. It shall not be necessary to incorporate such power in the instrument, but this section shall be sufficient authority: *Provided*,

Proviso as to sale.

the sale of any property under the powers contained in this act may be made at any place in the county after ten days' notice posted at the court-house door and at three (3) other public places in the county.

SEC. 4. The Commissioners of every county to which this act may apply shall forthwith have record books made with aforesaid forms printed therein and the costs of all such books shall be paid by the County Commissioners.

Record books for recording such liens.

SEC. 5. The Secretary of State is hereby directed immediately after the ratification of this act, to send a certified copy of the same to the Register of Deeds of each of the counties to which this act shall apply, and it shall be the duty of the Register of Deeds to have notice of the same published in some newspaper published in the county, to be paid for by the county.

Secretary of State to send certified copy.

Register of Deeds to publish notice.

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 Johnston County.

Applicable to Johnston County only.

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 14th day of March, A. D. 1901.

## CHAPTER 705.

**An act to restore sections eight and nine of Chapter two hundred and ninety-nine, Laws of eighteen hundred and ninety-three, relating to insurance.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That all contracts of insurance, the application for which is taken within this State, shall be deemed to have been made within this State and subject to the laws thereof

Insurance contracts made when application taken in this State, deemed made therein.

SEC. 2. All statements or descriptions in any application for a policy of insurance, or is [in] the policy itself, shall be deemed and held representations and not warranties; nor shall any representation, unless material or fraudulent, prevent a recovery on the policy.

Force and effect of statements or descriptions in 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 14th day of March, A. D. 1901.

## CHAPTER 706.

**An act to amend Chapter fifty-four of the Public Laws of eighteen hundred and ninety-nine.***The General Assembly of North Carolina do enact:*

Chapter 54, Section 45, Public Laws 1899, amended.

Section 46, amended.

General agent to be appointed.

Certified copy of charter to be deposited.

To render to Insurance Commissioner a statement as to its organization.

An attorney to be appointed for the purpose of serving process upon.

SECTION 1. Amend section forty-five of chapter fifty-four, Public Laws of eighteen hundred and ninety-nine, by adding in line twenty after the word "State" the words "licensed in this State." Amend section forty-six of the said chapter by striking out in lines two, three, four, and five the words "appoint and keep a general agent resident in North Carolina upon whom all service of process and notice may be made, and it shall exhibit to the Secretary of State a full statement of its assets and liabilities," and insert in lieu thereof the words "be licensed by the Insurance Commissioner of the State, which the Commissioner is authorized to do when he is satisfied that such company or corporation is safe and solvent, and has complied with the laws of this State applicable to such companies. No such company or corporation shall be admitted and authorized to do business until:

"First. It shall deposit with the Insurance Commissioner a certified copy of its charter, or deed of settlement and a statement of its financial condition and business, in such form and detail as he may require, signed and sworn to by its president and secretary or other proper officer, and shall pay for the filing of such statement the sum of twenty dollars.

"Second. It shall satisfy the Insurance Commissioner that it is fully and legally organized under the laws of its State or government to do the business it proposes to transact; that it has, if a stock company, a fully paid up and unimpaired [capital], exclusive of stockholders' obligations of any description, of an amount not less than one hundred thousand dollars (\$100,000), and is solvent to an extent of not less than fifty thousand dollars (\$50,000), and that its capital and assets are well invested and immediately available for the payment of losses in this State.

"Third. It shall, by a duly executed instrument filed in his office, constitute and appoint the Insurance Commissioner, or his successor, its true and lawful attorney, upon whom all lawful processes in any action or legal proceeding, against it may be served, and therein shall agree that any lawful process against it which may be served upon its attorney, shall be of the same force and validity as if served on the company, and the authority thereof shall continue in force irrevocable so long as any liability of the company remains outstanding in this commonwealth. The service of such process shall be made by leaving the same in

the hands or office of the Insurance Commissioner. Copies of such instrument, certified by the Insurance Commissioner, shall be deemed sufficient evidence thereof, and service upon such attorney shall be deemed sufficient service upon the principal.

"Fourth. It shall appoint as its agent or agents in the State Agents, some resident or residents thereof.

"Fifth. It shall obtain from the Insurance Commissioner a certificate that it has complied with the laws of the State, and is authorized to make contracts of insurance." In line six of said section strike out the word "secretary" and insert in lieu thereof the word "commissioner;" and in line eight of said section strike out the words "cause an examination to be made," and insert in lieu thereof the words "make or cause to be made an examination;" and in lines eleven and twelve strike out the word "examination," and insert in lieu thereof the word "licensure," and in line thirteen after the word "corporation," insert the words "has been admitted to do business in the State and is then licensed by the Insurance Commissioner and;" and in line fourteen strike out the words "one hundred" and insert in lieu thereof the word "fifty;" and in line sixteen of said section strike out the word "jurisdiction," and insert in lieu thereof the word "justification;" and at the end of said section forty-six add the words "and such certificate shall be full evidence of its authority to give such bonds or undertakings, and it shall be estopped from denying its corporate power to execute such instrument or assume such liability. There shall be no charge for the seal to said certificate." Add at the end of section forty-nine of chapter fifty-four, Public Laws of eighteen hundred and ninety-nine, the words "If any surety company against which judgment shall have been recovered shall fail to discharge the same within sixty (60) days from the time said judgment was rendered, and become final, it shall forfeit its rights to do business in this State and the Insurance Commissioner shall cancel its license." Amend section fifty of said chapter by adding in line one after the word "the" and before the word "license" the word "annual," and in same line strike out the words "In section two of this act," and insert in lieu thereof the words "for such bonding and fidelity companies." Amend section fifty-three of the said chapter fifty-four, Public Laws of eighteen hundred and ninety-nine, by adding at the end of said section the words "Any receiver, assignee, trustee, committee, guardian, executor or administrator, or other fiduciary required by law to give a bond as such may include as part of his lawful expenses, such sums paid to such companies for such suretyship not exceeding one-half of one per cent per annum on the account of such bonds as the Clerk, Judge or Court may allow."

To obtain from Insurance Commissioner a certificate of compliance.

Section 53 of Chapter 54, amended.

Section 87, Chapter 54, amended.

What to be inserted.

SEC. 2. Strike out in said chapter fifty-four, Public Laws of eighteen hundred and ninety-nine, section eighty-seven, and insert in lieu thereof, "Nothing in the general insurance laws of this State shall be construed to extend to benevolent associations, that only levy an assessment upon their members to create a fund to pay to the family of the deceased member and make no profit therefrom, and that have been incorporated under the laws of this State and do not solicit business through agents except such laws as apply to 'fraternal orders.' That before Bond, Investment, Dividend, Guarantee, Registry, Title Guarantee, De-benture, or such other like company (not strictly an insurance company as defined in this act) shall be authorized to do business in this State, it shall be licensed by the Insurance Commissioner of the State, which the said Commissioner is authorized to do when he is satisfied that such company or corporation is safe and solvent, and has complied with the laws of this State applicable to fidelity companies and governing their admission and supervision by the Insurance Department: *Provided*, that if such company is chartered and organized in this State and has its home office within the State, it may, if a stock company, commence business with a capital stock of \$25,000.00: *Provided*, it is solvent to an extent of not less than \$15,000.00. All such companies when domestic shall pay a license of \$25.00 per annum, and where their head office is located in some other State or country \$100.00 per annum, the license of such companies as well as those of their agents shall be issued and paid for as provided for the license of insurance companies.

Section 88, Chapter 54, amended.

What to be inserted.

SEC. 3. Amend section eighty-eight of said law by striking out in line twenty the words "the provisions of this act," and insert in lieu thereof the words "the laws applicable to fraternal orders." Amend section eighty-nine of said act by striking out in lines five and six the words "this act," and inserting in lieu thereof the words "the laws of the State governing 'fraternal orders.'" and in line six of said section after the word "all" and before the word "insurance" insert the word "general," and in line eight of said section strike out the word "it" and insert in lieu thereof the words "fraternal orders," and in said line strike out the word "expressly," and in lines six and seven of section ninety of the said chapter, strike out the words "which annual report shall be in lieu of all other reports required by any other law," and in lines fourteen and fifteen strike out the words "beneficiary societies" and insert in lieu thereof the word "orders," and in line two, section ninety-two, of said chapter, after the word "act" insert the words "chartered and organized in this State or."



SEC. 4. 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 the 14th day of March, A. D. 1901.

## CHAPTER 707.

### An act for the better government 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 sections one (1) and two (2) of chapter three hundred and eleven (311), and section one (1) of chapter five hundred and forty (540), Public Laws of North Carolina, session 1899, be and the same are hereby so amended as to provide that the Governor shall, by and with the consent of the Senate, appoint the successors to the directors of the North Carolina Institution for the Education of the Deaf and Dumb and the Blind, from time to time, as their terms of office shall expire, and as vacancies occur by reason of resignation or otherwise. In case of vacancies when the Senate is not in session the appointees to fill such vacancies shall hold office until confirmed or rejected by the Senate. Sections 1 and 2, Chapter 311, and Section 1, Chapter 540, Public Laws 1899, amended.  
Governor to appoint directors.

SEC. 2. That section two thousand two hundred and thirty-four (2234) of The Code be so amended as to permit the Board of Directors to elect the officers and teachers named in chapter two (2) of The Code on the second Monday in May, instead of the second Monday in June: *Provided*, the said Board of Directors may elect all officers, agents and teachers on the second Monday in May, nineteen hundred and one (1901), and thereafter, as their respective terms of office shall expire: *Provided further*, that the terms of office of the principal and steward shall begin June first, and the terms of all other officers and teachers shall begin September first, and for the terms named in chapter two (2) of The Code. Section 2234 of Code, amended. Board of Directors to elect officers and teachers, when.  
Proviso for date of election.  
Proviso for beginning of terms of office.

SEC. 3. That the farm of 100 acres, now held by the said Institution, west of the city of Raleigh, shall be held in fee simple by the Board of Directors of said Institution, to be improved, or used as the best interests of the said Institution, in their judgment, may require or demand. Provisions as to title to farm west of Raleigh, and use thereof.

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

In the General Assembly read three times, and ratified this the 14th day of March, A. D. 1901.

## CHAPTER 708.

**An act authorizing Commissioners of Buncombe County to fix salary of the Chairman of the Board of Commissioners.**

Preamble.

WHEREAS, The business of the county of Buncombe is in such condition and the careful management thereof is of such great importance to the people of the county as to require the diligent attention of the chairman of the Board of Commissioners of said county; now, therefore,

*The General Assembly of North Carolina do enact:*

Other members of  
Buncombe  
County Commis-  
sioners to fix  
salary of chair-  
man.

SECTION 1. That the members of said Board of Commissioners acting separate from the Chairman thereof are hereby empowered and authorized to fix the salary of said Chairman at an amount that will be reasonable and just compensation for his services: *Provided*, that the said compensation shall not exceed the sum of three dollars per day for the days on which he is engaged in the service of the county.

Maximum  
amount.

Account, how  
audited.

SEC. 2. That the accounts of such chairman shall be audited and verified as other claims.

Conflicting laws  
repealed.

SEC. 3. That all laws and clauses of laws inconsistent 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 14th day of March, A. D. 1901.

## CHAPTER 709.

**An act to prohibit the sale of intoxicating liquors within three miles of Nebo Methodist Church, in McDowell County.**

*The General Assembly of North Carolina do enact:*

Unlawful to dis-  
pose of intoxic-  
ants within  
three miles of  
Nebo Church,  
McDowell  
County.

SECTION 1. That it shall be unlawful for any person or persons to sell or give away any spirituous, vinous or malt liquors within three miles of Nebo Methodist Church in McDowell County, North Carolina.

Violation a mis-  
demeanor.

SEC. 2. That any person or persons so offending shall be guilty of a misdemeanor and on conviction be fined not less than ten dollars or imprisoned not less than thirty days or fined and imprisoned at the discretion of the Court.

Penalty.

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

In the General Assembly read three times, and ratified this the 14th day of March, A. D. 1901.

## CHAPTER 710.

**An act to regulate insurance of public buildings and other State property in North Carolina.***The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be the duty of the Insurance Commissioner of the State to inspect and pass upon all policies of insurance issued upon the public buildings or other property belonging to the State as regards the form of contract, rate, description and such other things as may be necessary to have such policies in proper form. He shall keep a record in his department, showing the number and date of policy, the name of company, the amount insured, the amount of premium, date of expiration and the property insured and its location.

Insurance Commissioner to pass upon policies for insurance of State public buildings, etc.

Record.  
Contents.

SEC. 2. That before any board, public officer or other person charged with the custody or safe keeping of any public building or other property of the State of North Carolina shall pay any sum of money as premium for a policy of insurance thereon, they shall send to the Insurance Commissioner of the State such policy and account therefor to be examined and approved by him.

No premium to be paid till Insurance Commissioner examines policy and account for premium.

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

In the General Assembly read three times, and ratified this the 14th day of March, A. D. 1901.

## CHAPTER 711.

**An act supplemental to an act prohibiting the manufacture and sale of spirituous liquors in Pender County.***The General Assembly of North Carolina do enact:*

SECTION 1. That the provisions of an act ratified on the 4th day of March, laws of one thousand nine hundred and one, prohibiting the manufacture and sale of spirituous liquors in Pender County, be and the same are hereby suspended until the first day of May, one thousand nine hundred and one, and shall be in force and effect from and after that date.

Operation suspended till May 1, 1901.

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 14th day of March, A. D. 1901.

## CHAPTER 712.

**An act to amend Chapter 1, Public Laws of 1899.***The General Assembly of North Carolina do enact:*

Section 5, Chapter 1, Public Laws 1899, relative to appointment of Insane Hospital Directors, amended.

SECTION 1. That all after the word "terms" in line fourteen of section five of chapter one of Public Laws of 1899 be stricken out.

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 the 14th day of March, A. D. 1901.

## CHAPTER 713.

**An act for the relief of Lucy J. Ingram, public school teacher of Randolph County.**

Randolph County Treasurer to pay Lucy J. Ingram, public school teacher, \$50.00.

SECTION 1. That the County Treasurer of Randolph County be and he is hereby authorized and directed to pay Lucy J. Ingram the sum of fifty dollars (\$50.00) for service for teaching a public school at Science Hill in Cedar Grove Township in Randolph County in the years 1899 and 1900. Said amount shall be paid out of any school funds in the hands of said Treasurer, or that may hereafter come into his hands.

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

In the General Assembly read three times, and ratified this the 14th day of March, A. D. 1901.

## CHAPTER 714.

**An act to restore the old boundary line between Ashe and Wilkes counties.***The General Assembly of North Carolina do enact:*

Boundary line between Wilkes and Ashe counties restored, and boundary defined.

SECTION 1. That the boundary line between the counties of Ashe and Wilkes shall be restored to the top of the Blue Ridge as follows: Beginning at the Alleghany County line on top of the Blue Ridge, thence in a southwesterly direction with the main height of the Blue Ridge to the Watauga County line.

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 14th day of March, A. D. 1901.

## CHAPTER 715.

**An act relating to fees of witnesses and officers in certain cases.***The General Assembly of North Carolina do enact:*

SECTION 1. No witness shall receive pay for attendance in a criminal action before a grand jury, unless such witness shall have been summoned by direction in writing of the foreman of the grand jury or of the Solicitor, addressed to the Clerk of the Court, commanding him to summon such witness, stating the name or names of the parties against whom his or her testimony may be needed, or shall have been bound or recognized by some Justice of the Peace to appear before the grand jury, and in all such cases, when "Not a true bill" shall be found the witness shall receive one-half fees only to be paid by the county.

When witnesses shall receive pay for attendance before grand juries.

SEC. 2. Whenever in a criminal action or proceeding before a grand jury, a true bill is not found, the county shall pay the Clerks, Sheriffs, Constables or officers who served any process in such criminal action or proceeding one-half their lawful fees only.

When grand jury finds "Not a true bill," clerks, sheriffs, etc., to be paid half fees by county.

SEC. 3. This act shall only apply to the counties of Johnston, Granville, Northampton, Richmond, Wilkes, Madison, Pitt, Greene, Davie, Macon, Stokes, Duplin, Orange, Rowan, Surry, Pamlico, Mecklenburg, Henderson, Onslow and McDowell.

Application of act restricted to certain counties.

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

Conflicting laws repealed.

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

In the General Assembly read three times, and ratified this the 14th day of March, A. D. 1901.

## CHAPTER 716.

**An act supplemental to an act entitled an act to prohibit the manufacture of spirituous and malt liquors, and to prohibit the sale of all intoxicating liquors in Cumberland County, ratified March 9, 1901.***The General Assembly of North Carolina do enact:*

SECTION 1. That an act entitled "An act to prohibit the manufacture of spirituous and malt liquors, and to prohibit the sale of all intoxicating liquors in Cumberland County," ratified March 9, 1901," be and the same is hereby amended as follows: By adding after the word "sell" and before the word "wine" in section one the following words "on the premises where the fruit, grapes or berries are raised."

Bill prohibiting manufacture or sale of intoxicating liquors in Cumberland County, 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 14th day of March, A. D. 1901.

## CHAPTER 717.

**An act to discharge drunken Solicitors.***The General Assembly of North Carolina do enact:*

Solicitor in court,  
or in town, during  
session thereof,  
intoxicated, judge  
to discharge and  
appoint another  
for the term.

SECTION 1. That when any State Solicitor, authorized by election or appointment to act as prosecuting attorney for, or in behalf of the State of North Carolina, in any of the courts of said State, shall appear at such Court, in term time, drunk or intoxicated; or when it shall be brought to the knowledge of the Judge presiding at such Court, that the Solicitor, whose duty it is to represent the State at such Court, is in the town, in which such Court is being held, drunk or intoxicated, at any time; it shall be one the duty of such Judge, and he is hereby directed to immediately discharge such Solicitor, from the duties of such Court, for the term then being held, and appoint some competent attorney to act as State Solicitor for said term of said Court.

Compensation of  
appointee.

SEC. 2. That said appointee shall be allowed all fees and compensation, belonging to the Solicitor of said 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 the 14th day of March, A. D. 1901.

## CHAPTER 718.

**An act to amend Chapter 354, Public Laws of 1889.***The General Assembly of North Carolina do enact:*

Chapter 354, Public  
Laws 1889,  
relative to return-  
ing prisoner to  
county from  
which sent,  
amended.

SECTION 1. That section one, chapter 354 of the Public Laws of 1889, be and the same is hereby amended by adding at the end of said section the following words: "*Provided*, that when the county to which such prisoner has been sent has paid the prison expenses and has made demand therefor upon the county liable as above provided and such demand be not complied with within ten days, the Sheriff or jailer shall at once return such prisoner to the county from which such prisoner was sent, and deliver him to the Sheriff or jailer 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 the 14th day of March, A. D. 1901.



## CHAPTER 719.

**An act relating to the Clerk of the Superior Court of Bertie County.***The General Assembly of North Carolina do enact:*

SECTION 1. That whenever the Clerk of the Superior Court is named an executor in any will and in said will is also named as testamentary guardian of legatees and devisees named therein, and such devisees and legatees marry before arriving at the age of twenty-one years, it shall be lawful for such Clerk and guardian to settle with and pay over to such person or devisees, legatees [legacies] and other property given them in said will.

When Clerk Superior Court named executor and testamentary guardian, and legatee marries, clerk may settle with legatee.

SEC. 2. Before such statement is made the Clerk shall present his account to the Judge of the Superior Court, who shall audit the same and upon his approval of the account the Clerk shall settle with such persons and take their receipt in full, which shall be a complete discharge.

Account to be presented to and audited by Judge.

SEC. 3. That said Clerk and guardian shall make such settlement, if at all, before his term of office expires.

When to make such settlement.

SEC. 4. This act shall apply to Bertie County only and to those cases where the will has been probated and recorded prior to the first day of January, 1899.

Act applies to Bertie County only, and cases where will probated prior to January 1, 1899.

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 14th day of March, A. D. 1901.

## CHAPTER 720.

**An act for the relief of W. E. Edwards of Ashe County.***The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Township Trustees of Laurel Springs Township, Ashe County, are hereby authorized to issue an order on the Treasurer of Ashe County in favor of W. E. Edwards for \$4.00 balance due him for teaching a public school in said township for the white race in the year 1898, and the Treasurer of Ashe County is authorized to pay said voucher when so ordered out of any funds due the schools of said township and the district in which said school was taught.

Ashe County Treasurer to pay W. E. Edwards balance due him for teaching public 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 the 14th day of March, A. D. 1901.

## CHAPTER 721.

**An act to amend Chapter 43 of the Public Laws of 1893.***The General Assembly of North Carolina do enact:*

Section 1, Chapter  
43, Public Laws  
1893, relative to  
killing certain  
wild animals,  
amended.  
Buncombe  
stricken out.

SECTION 1. That section one of chapter 43 of the Public Laws of 1893, be and the same is hereby amended by striking out the word "Buncombe" so that the said act shall not apply to the county of Buncombe.

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 14th day of March, A. D. 1901.

## CHAPTER 722.

**An act to amend section 1816 of The Code.***The General Assembly of North Carolina do enact:*

Section 1816, Code,  
amended.

Proviso.

SECTION 1. That section eighteen hundred and sixteen of The Code of North Carolina be amended by adding at the end of said section the following words: "*Provided*, that if the Register of Deeds in person or by a duly appointed deputy shall make reasonable inquiry he shall not be liable for such penalty."

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

In the General Assembly read three times, and ratified this the 14th day of March, A. D. 1901.

## CHAPTER 723.

**An act to amend Chapter 230 of the Public Laws, session 1897.***The General Assembly of North Carolina do enact:*

Chapter 230, Sec-  
tion 1, Public  
Laws 1897,  
amended.

SECTION 1. That section 1, chapter 230, of the Public Laws of 1897, be amended by adding at the end of the said section the following: "Upon the recommendation of the faculty of the said institution, the Board of Directors shall have power to confer such degrees for the completion of prescribed courses as are usually conferred by colleges."

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

In the General Assembly read three times, and ratified this the 14th day of March, A. D. 1901.

## CHAPTER 724.

**An act to prevent the felling of timber in any stream in Jackson or  
Sandy Ridge townships, Union County.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That any person who shall wilfully fell or in any way put timbers or trees into any stream in Jackson or Sandy Ridge townships, Union County, and permit the same to remain therein longer than two days shall be guilty of a misdemeanor, and upon conviction, shall be fined not exceeding ten dollars, or imprisoned not exceeding twenty days.

Misdemeanor to put timber in any stream in Jackson or Sandy Ridge townships, Union County.

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 14th day of March, A. D. 1901.

## CHAPTER 725.

**An act to provide for the sale of a certain tract of land belonging to the  
State's Prison.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That power is hereby given to the Board of Directors of the State's Prison, by and with the advice and approval of his Excellency the Governor, to sell and convey all or any part of a certain tract of land bought by the management of the State's Prison, and deeded to the State of North Carolina, by W. A. Myatt and wife, said deed dated 3d day of May, 1889, and said land situated on the Holleman Road, near the city of Raleigh, and known as the Pest House Tract, containing seventy-eight acres, more or less, and heretofore worked by authorities of the State's Prison for clay for the manufacture of brick.

Board of Directors in conjunction with Governor may sell certain tract of land.

Land described.

SEC. 2. That the said Board of Directors of the State's Prison, with the advice and approval of his Excellency the Governor, shall have the right to sell said land in such lots or parcels as they may deem best, either by public or private sale, and convey to the purchaser or purchasers all the State's right, title and interest in the same.

Mode prescribed for selling same.

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

In the General Assembly read three times, and ratified this the 14th day of March, A. D. 1901.

## CHAPTER 726.

**An act to provide for reasonable commutation of persons confined in the Penitentiary.***The General Assembly of North Carolina do enact:*

Directors authorized to control money granted for good behavior.

SECTION 1. That the Directors of the Penitentiary be and they are hereby authorized to make rules and regulations for a reasonable commutation in money to be given convicts as a reward for good conduct during the term of their imprisonment.

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 11th day of March, A. D. 1901.

## CHAPTER 727.

**An act to amend Chapter 377, Public Laws 1895.***The General Assembly of North Carolina do enact:*

Section 1, Chapter 377, Public Laws 1895, relative to purchase of Fair Grounds by Mecklenburg County and Charlotte, amended.

SECTION 1. That section 1, chapter 377 of the Public Laws of North Carolina, session 1895, be and the same is hereby amended by striking out the words "less than forty-five nor" in lines four and five of said section.

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 15th day of March, A. D. 1901.

## CHAPTER 728.

**An act to allow Mecklenburg County to appropriate money to pay for a bridge at Mount Holly.***The General Assembly of North Carolina do enact:*

County Commissioners may appropriate for what purpose; amount.

SECTION 1. That the Board of Commissioners of Mecklenburg County is hereby authorized and empowered to appropriate such a sum of money, not exceeding one thousand (\$1,000) dollars, as it may deem proper toward paying off and discharging any outstanding indebtedness contracted in the construction of the public bridge across the Catawba River at the town of Mount Holly, which bridge is between Mecklenburg and Gaston counties.

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

In the General Assembly read three times, and ratified this the 14th day of March, A. D. 1901.

## CHAPTER 729.

An act to amend Chapter five hundred and eighty-one of the Laws of eighteen hundred and ninety-nine, relating to the public roads in certain counties: Alamance, Durham, Forsyth, Gaston, New Hanover, Orange and Warren.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter five hundred and eighty-one, Laws of eighteen hundred and ninety-nine, be and the same are hereby amended as follows: In section one, lines five and six, for the words "eighteen hundred and ninety-nine and at each regular annual meeting thereafter," substitute the words "of each and every year." In section two, lines two and three, and also in lines seven and eight, for the words "eighteen hundred and ninety-nine," substitute the words "nineteen hundred and one." In section two, line two, after the word "at" insert the words "or before." In section two, line eleven from the end, for the word "supervisor" substitute the words "or more supervisors." In section three, line four, after the word "guards" insert the words "or other employes." For sections four to twenty inclusive substitute the following:

Chapter 581, Public Laws 1899, amended.

Section 1 affected.

Section 2 affected.

Section 3 affected.

SEC. 4. That all able-bodied male persons of the county, between the ages of twenty-one and forty-five years, except residents of incorporated cities and towns, shall work on the public roads of said county for four days (of nine hours each) in each and every year at such time and place, and in such manner as may be designated by the Road Superintendent or Township Supervisors: *Provided*, that the said Superintendent or the 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 reasonable promptness: *Provided further*, that any person may, in lieu of working four days on the public road, pay on or before the first day of May, 1901, and on or before the first day of April of each year thereafter, to the County Treas-

Section 4 eradicated and the following substituted.

Proviso (1).

Proviso (2).

Proviso (3).

urer, Road Superintendent, or Supervisor, as the Board of County Commissioners may order, the sum of two dollars; and it shall be the duty of said Treasurer, Road Superintendent, or 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. 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: *Provided further*, 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 districts within each township to be fixed by the County Commissioners: *Provided further*, that any person coming of road age or becoming a resident of any township or road district, after the first of 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.

Person failing to do the work, what to be done.

SEC. 5. That any person who shall, after being duly notified as provided in section four of this act, fail to appear and work as required to do (after having failed to pay the sum of two dollars), or any person who shall appear as notified, and fail or refuse to perform good and reasonable labor as required by the said Superintendent or Supervisor, shall be guilty of a misdemeanor, and upon conviction 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.

Implements and tools.

SEC. 6. That proper implements and tools for use in working the public roads of the county, as provided in section four of this act, may be supplied by the 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 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.

Proviso.



SEC. 7. 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 lists of persons liable for road duty in each district, and those who have paid in lieu thereof. A list of such persons liable to road duty in each township, who have at any time during the year failed to work on the public road, after having been duly notified, or to pay as provided for in section four of this act, shall be within fifteen days, 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.

Duty of County Treasurer to furnish list of persons to Road Superintendent.

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 who would otherwise be sentenced in said county to the State's Prison for a term of less than ten years, shall be worked on the public roads of the county: *Provided*, that in case the number of such prisoners in 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 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 Justices of the Peace and the principal officer of any municipal or any other inferior Court, it shall be the duty

All criminals under sentence and persons in jail to be amenable to road work.

Proviso.

of said Judge or Justice of the Peace, or said principal officer, to assign such persons convicted in his Court to said Road Superintendent or Road Supervisor in any township making provision for the same, for 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 of serious physical disability, certified to by the county physician, persons convicted in said Superior, Criminal or inferior Courts in the county may be sentenced to the Penitentiary or to the county jail.

Persons from other counties may be compelled to work the roads under certain conditions.

SEC. 9. That when the Commissioners of any county shall have made provisions for the expense of supporting and guarding, while at work on the public roads 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 other inferior Courts presiding in any other county or counties which do not otherwise provide for the working of their own convicts on 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.

Proviso.

Classification of roadways.

SEC. 10. For the purposes of this act the roads or ways of the county are hereby classified as follows:

Thoroughfares.

(a) The thoroughfares include the more important public roads, which usually lead through two or more townships or counties and are extensively used by the travelling 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.

Branch.

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

Cartways.

(c) Cartways, which have no general public function, are pri-

vate ways opened up to allow one or more persons on foot, on horseback, or with any vehicle, to pass to and from his or her property through land belonging to other parties in order to reach the public road.

Information and advice 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 specifications for road building provided in this act; and it shall further prescribe the general regulations for the management of prisoners working on the public roads.

Location and general improvement.

SEC. 11. That the thoroughfares or highways as defined above to be improved or constructed in accordance with the provisions of this act, prior to the inauguration of any such permanent improvements on the road or highway to be so improved or constructed, shall be first carefully surveyed and located by an engineer or surveyor, trained and experienced in such work, aided by the County Road Superintendent or Supervisor and such assistants as it may be necessary for him to employ, the same to be paid out of the road fund of the county, for services and expenses, as may be agreed upon by the County Commissioners. All such public roads or highways where changed or hereafter located or re-located or widened, shall be given a grade nowhere greater than three feet in one hundred feet, in counties situated in Eastern North Carolina; five feet in one hundred feet, for counties situated in middle or Piedmont North Carolina; and six feet in one hundred feet in counties situated in the mountain region of the State; and they shall have a width of not less than twenty feet, clear of ditches, trees, logs and other obstruction: *Provided*, that where, in the opinion of an experienced and competent engineer, insurmountable obstructions make the grades just described impracticable, the grade may be increased to the extent of one foot in one hundred in either of the regions named in this section, for distances of less than fifty feet in one place: *Provided further*, that where the roadway must be located on the steep slope of a mountain, its width shall not be less than sixteen feet between ditches, or where blasted out in hard rock the width of such roadway shall not be less than thirteen feet: *Provided further*, that these thoroughfares or highways shall have a right of way of forty-five feet wide, but the width of the 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 pipe or other forms of covered drains or culverts. These thoroughfares or highways as

Engineers and supervisors to construct roads.

Proviso.

Proviso.

Proviso.

Sewerage.

**Railways.**

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 for a few yards 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.

**Branch roads,  
provisions for.**

SEC. 12. The neighborhood or branch roads, as defined in section ten of this act, shall have a right of way of thirty feet; but the width and grade of the roadway, and the specifications under which these roads shall be 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 part thereof, shall be at the discretion of the said Superintendent or Supervisor in charge of said roads.

**Cartways, how  
constructed and  
kept.**

SEC. 13. Cartways, defined in section ten of this act, are to be kept in repair by parties using the same. Any party desiring a cartway opened up over 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 person's 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 petition and the objections, if any, of the owner or owners or their representatives, and if sufficient reason be shown, shall order the Constable or other officer to summon a jury of five freeholders, to view the premises, and lay off a cartway not less than fourteen feet wide, and assess the damages, if any, the owner of such land may sustain thereby, which, with the expense of making the way, shall be paid by the petitioner; and the way shall be kept open for the free passage of all persons, on foot or horseback, carts and wagons. Cartways, laid

off according to the provisions of this section, may be changed or discontinued upon application by any person concerned, under the same rules of proceeding as they may be first laid off, and upon such terms as to the Board of County Commissioners shall seem equitable and just. And any person through whose land a cartway may pass, may erect gates or bars across the same; and if any person shall leave open, break down or otherwise injure such gates or bars, he shall forfeit and pay, for every such offence, ten dollars to the person erecting the same or 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 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.

SEC. 14. That for the purpose of carrying out the provisions 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 and carried away, any gravel, sand, clay or stone which may be necessary to construct, improve or repair said road, and to enter on any lands adjoining or lying near the road in order to make such drains or ditches through the same as he may deem necessary for the betterment of the road, doing as little injury to said lands and the timber or improvements thereon as the nature of the case and the public good will permit, and the drains and the ditches so made shall be conducted to the nearest ditch, drain, 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 offence, 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 or Supervisor at any regular meeting of the County Commissioners within thirty days after the

Eminent domain  
to be exercised by  
certain officers.



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 land owner or his agent shall have the right of appeal as provided for in section thirteen of this act.

Proviso.

Discretionary powers given to repair or widen roads.

SEC. 15. 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 Commissioners, within not less than fifteen nor more than sixty days after the completion of said road, shall order said jury of three disinterested freeholders to be summoned by the Sheriff or Constable or other officer, as provided by law, who shall give said land owners 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 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 or officer to forward by United States mail a written notice of the purpose, time and place of such meeting of said jury, to the last known 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: *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.

How to proceed.

Proviso.

Proviso.



SEC. 16. 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.

Dissatisfaction by land-owner with award of jury, what to be done.

SEC. 17. 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 seat; and at important road crossings and forks 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 distances to the same. That if any person or persons shall wilfully alter, deface or otherwise injure any such post or guide-board, 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 offence was committed.

Mile posts.

Injury to mile posts or guide boards, how punished.

SEC. 18. 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 the same to the

Injury to roads, how punished.

A misdemeanor.

Disposition of fines.

Board of County Commissioners may reduce number of working days, etc.

Proviso.

Taxes to be regulated by commissioners.

Special tax need not be levied under certain conditions.

County Treasurer to be treasurer of road fund.

road fund of the county or township interested, at the discretion of the Board of County Commissioners.

SEC. 19. (a) The Board of Commissioners in any county coming under the provisions of this act, in which the tax for road purposes in the county or any township thereof at the time is not less than fifteen cents on the one hundred dollars worth of property, may, at its discretion, at its regular meeting in January, or at any regular meeting, on or prior to the first Monday in June, reduce the number of days of labor required for road purposes in any such county or township thereof in section four of this act, such reduction not to exceed one day during any year, reducing also in each case the money to be paid in lieu of such labor at the rate of fifty cents for each day: *Provided*, that for each such reduction in the labor requirement the said Board of Commissioners shall, at its regular meeting in June next following each such reduction, increase the tax levy for road purposes provided for in section one of this act by the amount of two and one-third (2 1/3) cents on each one hundred dollars worth of property and seven (7) cents on the poll.

(b) The Board of Commissioners of any county coming under the provisions of this act in which the moneys expended for road improvement in the county or any township thereof exceeds an amount equivalent to the tax levy of fifteen cents on the one hundred dollars worth of property, may, at the discretion of said board, reduce the money requirement in lieu of the four days' labor on the roads provided for in section four of this act in such county or township thereof to one dollar for each year.

(c) In any county coming under the provisions of this act which appropriates annually for road purposes moneys derived from the sale of bonds, or from other taxes, not less in amount than the income from a tax levy of fifteen cents on the one hundred dollars worth of property in such county, the Commissioners in said county shall not, while continuing such appropriation, be required to levy the special road tax provided for in section one of this act.

SEC. 20. 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 approved by the Board of County Commissioners. The County Treasurer shall keep a separate account of the road fund of the county and of each of the several townships therein, and of his disbursements of the same, and he shall make a written report thereof to the Board of County Commissioners, at their regular meetings on the first Monday 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: *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 or if borrowed for any township, out of the road fund of the 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.

Duties of.

In section twenty-one, line three, strike out the words "land owners," and substitute therefor the words "qualified voters." Section twenty-two is hereby repealed and the following substituted therefor: "Section 22. This act shall apply to the counties of Alamance, Buncombe, Catawba (as specified below), Durham, Forsyth, (excepting sections four, five, six and seven). Gaston, Granville (as specified below), Lincoln, New Hanover, Orange, Person (as specified below), Rockingham, Warren, Wilson (Wilson Township only)." In section twenty-three strike out the words "Lincoln, Orange (excepting Chapel Hill Township), and Catawba," and insert the words "Robeson and Iredell." For section twenty-four, which is hereby repealed, substitute the following: "As applied to Alamance County this act shall require only three days labor on public roads during any one year, or the sum of one dollar and twenty-five cents to be paid in lieu of the same. This law shall apply to Catawba County or any township thereof when adopted by the Board of County Commissioners for said county or such township; and the Board of Commissioners immediately upon the adoption of this law are hereby authorized and empowered to elect the necessary officers and proceed at once with the road work herein provided for. As

Proviso.

Amendments.

Exceptions as to counties.

As applied to Alamance County this act shall require only three days labor on public roads during any one year, or the sum of one dollar and twenty-five cents to be paid in lieu of the same. This law shall apply to Catawba County or any township thereof when adopted by the Board of County Commissioners for said county or such township; and the Board of Commissioners immediately upon the adoption of this law are hereby authorized and empowered to elect the necessary officers and proceed at once with the road work herein provided for. As

applied to Catawba and Person counties, this act shall be in force only when it is not in conflict with an act for working the public roads of these counties passed by the General Assembly of nineteen hundred and one. As applied to Warren County, the proviso at the end of section twenty shall not be in force, nor shall the amendments made in this act be in force when in conflict with the special road law for River and Judkins Townships in said county, passed by the General Assembly of nineteen hundred and one (1901).” Section twenty-five is hereby repealed and the following substituted therefor: “As applied to Granville County, this law as herein amended shall be in force except wherein it may be in conflict with the first ten sections of ‘An act to authorize the Commissioners of Granville County to issue bonds to macadamize and improve the public roads thereof,’” passed by the General Assembly of nineteen hundred and one (1901), and section eleven of this act just named is hereby amended by inserting after “1899” the words “as amended by the General Assembly of nineteen hundred and one.” In section twenty-seven strike out the words “Buncombe, Iredell and Robeson.” In section twenty-eight strike out the proviso.

Conflicting laws repealed.

SEC. 2. That all laws and parts 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 the 14th day of March, A. D. 1901.

#### CHAPTER 730.

##### **An act to appoint additional Justices of the Peace in Yadkin County.**

*The General Assembly of North Carolina do enact:*

Names and localities of those appointed.

SECTION 1. That the following named persons be and they are hereby appointed Justices of the Peace for their respective townships in Yadkin County for a term of two years, beginning April 1, 1901: Boonville Township, J. H. Fleming; Knobb's Township, J. F. Cook; Buck Shoals Township, W. D. C. Roughton; Liberty Township, N. S. C. May; Forbush Township, Thomas W. Hollan; Little Yadkin Township, Thomas Puryear; East Bend Township, W. N. Horn.

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

In the General Assembly read three times, and ratified this the 14th day of March, A. D. 1901.

## CHAPTER 731.

**An act to appoint the members of the County Board of Education in the various counties of the State.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That the following named persons are hereby appointed members of the County Board of Education in and for their respective counties, to-wit:

## COUNTY BOARDS OF EDUCATION.

- Alamance*—J. O. Atkinson, J. I. White, A. T. Robinson.  
*Alexander*—T. F. Murdock, J. L. Gwaltney, W. E. White.  
*Alleghany*—J. T. Fender, Henry Wagoner, C. T. Taylor.  
*Anson*—W. C. Hardison, L. L. Little, J. W. Kiker.  
*Ashe*—Allen Jones, Thomas J. Hauch, J. E. Weaver.  
*Beaufort*—E. W. Ayers, Alex. Hudnell, H. D. Satterwaite.  
*Bertie*—Dr. H. V. Dunston, P. T. Perry, John L. Harrington.  
*Bladen*—S. N. Ferguson, W. I. Shaw, A. McA. Council.  
*Brunswick*—G. H. Bellamy, A. C. Meares, Peter Rouark.  
*Buncombe*—M. J. Bearden, Dr. Geo. W. Whitson, J. H. Sams.  
*Burke*—J. A. Lackey, E. A. Tilley, W. H. Pool.  
*Cabarrus*—J. P. Cook, D. J. Little, W. F. Smith.  
*Caldwell*—P. G. Moore, M. L. Greer, I. W. Moore.  
*Camden*—G. H. Riggs, E. J. Sawyer, J. H. Morrissett.  
*Carteret*—Dr. C. N. Mason, Z. J. Howland, B. B. Arrington.  
*Caswell*—L. A. Gwynn, N. L. Mitchell, C. B. Flintoff.  
*Catawba*—P. A. Hoyle, S. T. Wilfong, J. H. Sherrill.  
*Chatham*—J. M. Griffin, J. M. Edwards, Ostia Perry.  
*Cherokee*—J. M. Richardson, P. E. Nelson, M. L. Mauney.  
*Chowan*—A. T. Bush, J. E. Coffield, R. H. Welch.  
*Clay*—G. H. Haigler, G. S. McClure, W. J. Winchester.  
*Cleveland*—H. P. Allison, T. D. Falls, D. S. Lovelace.  
*Columbus*—J. E. L. Winecoff, H. H. Holton, J. A. Smith.  
*Craven*—Daniel Lane, R. A. Nunn, John S. Morton.  
*Cumberland*—S. H. Strange, H. H. Bolton, J. H. Smith.  
*Currituck*—E. R. Johnson, E. D. Bowden, J. T. Summerell.  
*Dare County*—J. L. Hooper, J. P. Midgett, A. V. Evans.  
*Davidson*—W. J. Owen, J. C. Skeen, Rev. W. H. Rich.  
*Davie*—W. A. Clement, N. A. Peebles, Isaac Roberts.  
*Duplin*—W. H. Grady, O. N. Middleton, W. B. Sutherland.  
*Durham*—J. N. Umstead, P. C. Graham, Geo. E. Pope.  
*Edgecombe*—J. R. Gaskill, J. T. Howard, W. T. Braswell.  
*Forsyth*—E. W. Hauser, J. W. Pinnix, John F. Griffith.  
*Franklin*—John H. Uzzle, Jno. C. Winston, S. N. Williams.  
*Gaston*—Thos. Wilson, F. P. Hall, R. K. Davenport.

- Gates*—T. W. Costen, J. S. Felton, Franklin Matthews.  
*Graham*—W. H. Garrison, H. P. Hyde, J. C. Edwards.  
*Granville*—F. W. Hancock, J. A. Webb, G. B. Royster.  
*Greene*—L. V. Morrill, L. J. H. Mewborne, W. A. Darden.  
*Guilford*—J. A. Holt, W. T. Whitsett, W. F. Alderman.  
*Halifax*—H. P. Robinson, A. S. Harrison, A. McDowell.  
*Harnett*—T. W. Harrington, Jos. Williams, J. D. Ezzell.  
*Haywood*—J. N. Mease, J. R. Boyd, Sr., J. L. Morgan.  
*Henderson*—McD. Ray, J. W. Morgan, F. A. Brown.  
*Hertford*—J. H. Picot, J. D. Riddick, J. E. Vann.  
*Hyde*—T. H. B. Gibbs, S. S. Mann, W. P. Burrus.  
*Iredell*—J. H. Hill, M. W. White, M. A. Teimster.  
*Jackson*—R. L. Madison, M. Buchanan, W. T. Deitz.  
*Johnston*—W. F. Gerald, John Stephenson, J. W. Wood.  
*Jones*—T. A. Bell, F. M. Dixon, B. L. Brock.  
*Lenoir*—Dr. F. A. Whitaker, W. B. Nunn, W. O. Mosely.  
*Lincoln*—A. L. Quickle, R. B. Sullivan, D. C. K. Wilkinson.  
*Macon*—M. L. Kelly, Rev. J. D. Deal, T. C. Bryson.  
*Madison*—Jasper Ebbs, D. S. Ball, Jack Bailey.  
*Martin*—J. T. Waldo, J. A. Whitley, S. R. Biggs.  
*McDowell*—J. R. Denton, J. L. Bradley, John L. Wilson.  
*McKlenburg*—J. A. Bivens, John McDowell, M. A. Alexander.  
*Mitchell*—J. H. Green, J. W. Gudger, John Bailey.  
*Montgomery*—R. T. Pool, M. E. Shamburger, R. A. Bruton.  
*Moore*—Rev. C. M. McIntosh, M. A. McLeod, J. W. Graham.  
*Nash*—T. V. Avent, Thos. Westray, J. C. Beal.  
*New Hanover*—W. A. Johnston, Donald McRae, W. H. Sprunt.  
*Northampton*—C. G. Peebles, A. J. Conner, R. L. Reese.  
*Onslow*—Frederick W. Hargett, Chas. Gerock, Jno. Williams.  
*Orange*—J. P. Lockhart, S. T. Forrest, D. W. Burch.  
*Pamlico*—Paul Daniels, W. T. Mayo, B. F. McColter.  
*Pasquotank*—J. C. Commander, M. T. Sawyer, E. V. Davenport.  
*Pender*—J. B. Davis, J. T. Bland, A. C. Ward.  
*Perquimans*—C. H. Newby, J. H. Miller, L. B. Perry.  
*Person*—J. A. Beam, W. A. Warren, W. A. Bradsher.  
*Pitt*—A. G. Cox, G. B. King, B. M. Whitehurst.  
*Polk*—T. T. Ballinger, J. M. Putnam, J. P. Arledge.  
*Randolph*—W. N. Elden, J. W. Birkhead, W. T. Foushee.  
*Richmond*—Paul C. Whitlock, Dr. J. H. Williamson, Dr. A. J. Garrett.  
*Robeson*—L. R. Hamer, E. J. Britt, E. K. Proctor, Jr.  
*Rockingham*—H. P. Foard, G. W. Martin, D. W. Johnston.  
*Rowan*—Rev. V. R. Stickley, J. K. Goodman, P. A. Sloop.  
*Rutherford*—Rev. C. B. Justice, A. H. McDaniel, S. B. Grant.  
*Sampson*—W. J. Pugh, W. A. Bizzle, C. E. Daniel.



*Stanly*—D. N. Bennett, S. H. Hearne, Pierson Palmer.  
*Scotland*—W. G. Mackintosh, A. F. Patterson, W. H. Morrison.  
*Stokes*—S. B. Taylor, W. T. Mitchell, D. F. Fillatson.  
*Surry*—W. M. Candiff, S. C. Franklin, A. F. Freeman.  
*Swain*—J. S. Woodard, W. T. Conley, Dr. J. H. Teague.  
*Transylvania*—J. L. Bell, J. M. Hamlin, Wm. Maxwell.  
*Tyrrell*—Dr. D. W. Cohn, J. G. Brickhouse, D. F. Armstrong.  
*Union*—F. D. Ashcraft, A. W. Heath, J. W. Marsh.  
*Vance*—W. E. Gary, R. H. Southerland, Thos. Taylor.  
*Wake*—A. W. Moye, Thos. Johns, Rev. J. L. Foster.  
*Warren*—A. S. Webb, W. J. White, W. G. Coleman.  
*Washington*—Cicero Norman, Richard M. Peacock, W. H. Hardi-

son.

*Watauga*—T. P. Adams, W. M. Francum, L. G. Maxwell.  
*Wayne*—Jos. E. Robinson, W. F. English, Barnes Aycock.  
*Wilkes*—R. A. Spainhour, J. W. Dimmette, T. C. Land.  
*Wilson*—J. F. Bruton, Jesse A. Moore, R. T. Barnes.  
*Yadkin*—L. A. Speas, H. W. Douglas, F. D. Holcombe.  
*Yancey*—E. E. Watts, L. H. Hutchins, Penley Deyton.

SEC. 2. The Secretary of State shall, within ten days after the ratification of this act, send a copy 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 second Monday in April for the purpose of organizing said board.

Secretary of State to send names of members of County Boards of Education for their respective counties to Clerks of Superior Courts.

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

Said clerks to notify members to meet and organize, when.

In the General Assembly read three times, and ratified this the 15th day of March, A. D. 1901.

## CHAPTER 732.

### **An act relative to the report of the managers in the matter of the impeachment of David M. Furches and Robert M. Douglass.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Managers of the House of Representatives for the Court of Impeachment in which David M. Furches and Robert M. Douglass are on trial, be and they are hereby empowered and directed to make their report to the Governor of North Carolina instead of to the House of Representatives.

Managers may report to Governor.

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 15th day of March, A. D. 1901.

## CHAPTER 733.

**An act to protect owners of boilers, engines and other machinery.***The General Assembly of North Carolina do enact:*

Misdemeanor to tamper with boiler, engine or machinery connected therewith.

SECTION 1. That any person or persons who shall wilfully turn out water from boiler or turn bolts of engine or boiler or meddle or tamper with such boiler or engine, or any other machinery in connection with such boiler or engine, causing loss, damage, danger or delay to the owner in the prosecution of his work, shall be guilty of a misdemeanor and upon conviction of the same shall be fined, or imprisoned or both at the discretion of the Court.

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 15th day of March, A. D. 1901.

## CHAPTER 734.

**An act for relief and protection against mistakes and errors in the surveys and plots of land entries.***The General Assembly of North Carolina do enact:*

Mistakes in surveys not to defeat entries.

SECTION 1. That persons who have heretofore entered or may hereafter enter vacant lands in this State shall not be defeated in their just claims by mistakes or errors in the surveys and plots furnished by surveyors, but in every case where the purchase-money has been paid into the State Treasury within the time prescribed by law after entry and the survey or plot furnished shall be found to be defective or erroneous, the party having thus made entry, and paid the purchase price may obtain another warrant of survey from the entry-taker of the county where the land lies, and have his entry surveyed as is directed by existing laws, and on presenting a certificate of survey and two fair plots thereof to the Secretary of State within six months after said payment of the purchase-money, the party making such entry and paying such purchase price shall be entitled to receive, and it shall be the duty of the Secretary of State to issue to him the proper grant for the lands so entered.

Where money paid and defective plat furnished Secretary of State, procedure for new survey, correction and grant thereon.

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 15th day of March, A. D. 1901.

## CHAPTER 735.

**An act to prohibit the unlawful interference with gas or electric meters or steam valves.***The General Assembly of North Carolina do enact:*

SECTION 1. A person who wilfully, with intent to injure or defraud, commits any of the acts set forth in the following sub-sections shall be guilty of a misdemeanor:

SUB-SEC. 1. Connects a tube, pipe, wire or other instrument or contrivance with a pipe or wire used for the conducting or supplying illuminating gas, fuel, natural gas or electricity in such a manner as to supply such gas or electricity to any burner, orifice, lamp or motor where the same is or can be burned or used without passing through the meter or instrument provided for registering the quantity consumed; or,

SUB-SEC. 2. Obstructs, alters, injures or prevents the action of a meter or other instrument used to measure or register the quantity of illuminating fuel, natural gas or electricity consumed in a house or apartment, or at an orifice or burner, lamp or motor, or by a consumer or other person or persons other than an employee of the company owning any gas or electric meter, who wilfully shall detach or disconnect such meter, or make or report any test of, or examine for the purpose of testing any such meter so detached or disconnect; or,

SUB-SEC. 3. In any manner whatever changes, extends or alters any service or other pipe, wire or attachment of any kind, connecting or through which natural or artificial gas or electricity is furnished from the gas mains or pipes of any person, company or corporation, without first procuring from said person, company or corporation written permission to make such change, extension or alterations; or,

SUB-SEC. 4. Makes any connection or re-connection with the gas mains, service pipes or wires of any person, company or corporation furnishing to consumers natural or artificial gas or electricity, or turns on or off or in any manner interferes with any valve or stop-cock or other appliances belonging to such person, company or corporation, and connected with its service or other pipes or wires, or enlarges the orifice or mixes, or uses natural gas for heating purposes except through mixers, or electricity for any purpose without first procuring from such person, company or corporation a written permit to turn on or off such stop-cock or valve, or to make such connection or re-connections, or to enlarge the orifice of mixers or to use for heating purposes without mixers, or to interfere with the valves, stop-cocks, wires, or

Misdemeanor to wilfully or fraudulently commit acts named in this chapter.

Connecting contrivance with illuminating supply conduit so as to obtain illumination without passing through meter or register.

Obstructing, altering, injuring or presenting action of meter or register.

Detaching meter.

Changing, extending or altering conduits for illuminating material without permission.

Making connections, interfering with apparatus or using gas or electricity without written permit.

other appliances of such person, company or corporation as the case may be; or,

Retaining possession of appliances rented for furnishing gas, electricity or power, or disposing of them to others than the one entitled to possession.

SUB-SEC. 5. Retains possession of or refuses to deliver any mixer or mixers, meter or meters, lamp or lamps, or other appliances which may be or may have been leased or rented to them by any person, company or corporation for the purpose of furnishing gas, electricity or power through the same, or who sells, loans, or in any manner disposes of the same to any person or persons other than the said person, company or corporation entitled to the possession of the same; or,

Setting fire to escaping gas or tampering or interfering with appliances, machinery or property of gas companies, etc., without authority, etc.

SUB-SEC. 6. Sets on fire any gas escaping from wells, broken or leaking mains, pipes, valves or other appliances used by any person, company or corporation, in conveying gas to consumers, or interferes in any manner with the wells, pipes, mains, gate-boxes, valves, stop-cocks, wires, cables, conduits or any other appliances, machinery or property of any person, company or corporation engaged in furnishing gas to consumers unless employed by or acting under the authority and direction of such person, company or corporation; or,

Opening or re-connecting closed or disconnected steam valves,

SUB-SEC. 7. Opens or causes to be opened, or re-connects, or causes to be re-connected any valve lawfully closed or disconnected by a district steam corporation; or,

Causing steam to re-enter premises where it has been stopped.

SUB-SEC. 8. Turns on steam or causes it to be turned on, or to re-enter any premises when the same has been lawfully stopped from entering such premises.

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 15th day of March, A. D. 1901.

## CHAPTER 736.

**An act to consolidate the Webster and Dillsboro School Districts for the colored race.**

*The General Assembly of North Carolina do enact:*

Webster and Dillsboro Colored School Districts, Jackson County, consolidated, &c., Name.

School-house.

SECTION 1. That the school districts of Webster and Dillsboro Townships in Jackson County for the colored race, be and the same are hereby consolidated into one district to be known as the Webster District for the colored race, and that the school-house for said consolidated districts shall be the present school-house of the Webster District for the colored race.

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 15th day of March, A. D. 1901.

## CHAPTER 737.

## An act to make appropriations for the State Institutions.

*The General Assembly of North Carolina do enact:*

SECTION 1. That for the North Carolina School for the Deaf and Dumb, in addition to its standing appropriation of \$40,000, the sum of \$7,000 [is] appropriated for the purpose of erecting and installing a system of water-works and a fire-pump and fire-escapes, and equipping said school for better protection against loss by fire, one-half of said appropriation shall be paid in 1901 and one-half in 1902.

Appropriations.  
For North Carolina School for the Deaf and Dumb.

SEC. 2. That for the purpose of enlarging and improving the buildings of the Normal Department of the Cullowhee High School the sum of five thousand dollars is hereby appropriated in addition to the standing appropriation: *Provided*, the title to the property shall be conveyed to the Superintendent of Public Instruction and his successors in office before any of the appropriation shall be paid out. D. D. Davies, Thos. A. Cox and Walter E. Moore are appointed a committee to superintend the construction and enlargement of said buildings.

For the Cullowhee High School.

Title to property to be made to Superintendent of Public Instruction, etc.  
Committee on construction and enlargement.

SEC. 3. That the following appropriations be made to the North Carolina Institution for the Deaf and Dumb and Blind, to-wit:

For the North Carolina School for the Deaf, Dumb and Blind.

1. For support and maintenance, fifteen thousand dollars for each of the years 1901 and 1902 in addition to the standing appropriation of forty thousand dollars.

2. For the purchase of books for the library of said institution, fifty dollars annually as a permanent appropriation.

3. Ten thousand dollars annually for the payment of its deficit and to furnish the dining hall, renovate the plumbing and basement of the girls' building, pay for artesian wells and gymnasium equipment, erect electric light plant, equip the institution farm, pay for paving and macadamizing required by the city of Raleigh around the premises, re-cover the kitchen and laundry, and for repairs.

SEC. 4. That to provide additional teaching force, and to meet other necessary expenses in the maintenance of the University of North Carolina and the preservation and improvement of its property an annual appropriation of twelve thousand five hundred dollars is hereby made to said institution in addition to its standing appropriation.

For the University of North Carolina.

SEC. 5. That for the purpose of paying the indebtedness of the State Normal and Industrial College, amounting to \$25,000.00, caused chiefly by the recent epidemic of typhoid fever, and the

For the State Normal and Industrial College.



consequent temporary suspension of the college, to provide for the erection of a practice and observation school building and to provide additional dormitory and recitation room, better library equipment, and other necessary permanent improvements at said college, the sum of fifteen thousand dollars is hereby appropriated annually for four years in addition to its standing appropriation of \$25,000.00.

For the North  
Carolina College  
of Agriculture  
and Mechanic  
Arts.

SEC. 6. That the following appropriations be made for the North Carolina College of Agriculture and Mechanic Arts, in addition to its standing appropriation of \$10,000, to-wit:

1. Seventeen thousand four hundred and eighty-eight 26-100 dollars to pay indebtedness contracted by a former administration and three thousand and thirty-three and 36-100 dollars additional to pay indebtedness incurred by present administration. One-half of these appropriations are to be paid in 1901 and one-half in 1902.

2. Ten thousand dollars for each of the years 1901 and 1902 for the erection and equipment of a building for a textile department.

For the Colored  
Agricultural and  
Mechanical Col-  
lege at Greens-  
boro.

Proviso as to non-  
payment.

SEC. 7. That five thousand dollars be appropriated to the Colored Agricultural and Mechanical College of Greensboro for each of the years 1901 and 1902 in addition to its standing appropriation. This appropriation shall not be paid if the State Board of Education shall transfer to said school an equal amount of the appropriations for the Colored Normal Schools of the State.

For the State  
Hospital at  
Raleigh.

SEC. 8. That the following appropriations are made for the State Hospital at Raleigh:

1. Seventy-one thousand five hundred dollars per annum for maintenance and necessary improvements and repairs.

2. One thousand two hundred and fifty for each of the years 1901 and 1902 for building iron stairways and repairing old buildings.

3. Five thousand dollars (\$5,000.00) for each of the years 1901 and 1902 to pay its indebtedness.

For the State  
Hospital at Mor-  
ganton.

SEC. 9. That the following appropriations be made for the State Hospital at Morganton, to-wit: One hundred thousand dollars for each of the years 1901 and 1902 for maintenance and necessary improvements and repairs.

2. Ten thousand dollars for each of the years 1901 and 1902 to pay its present indebtedness.

3. Fifty-five thousand dollars for each of the years 1901 and 1902 to complete and equip the buildings already commenced and equip a new building or buildings for male patients.



SEC. 10. That the following appropriations be made for the State Hospital at Goldsboro, to-wit:

For the State Hospital at Goldsboro.

1. Forty-seven thousand five hundred dollars for the year 1901 and fifty thousand dollars for the year 1902 for maintenance and necessary improvements and repairs.

2. Twenty-five thousand dollars for each of the years 1901 and 1902 for the erection of new buildings to accommodate two hundred patients.

SEC. 11. None except indigent insane persons shall be received into or retained in any of the State Hospitals for the Insane for care or treatment unless upon payment of such sum as the Board of Directors of the Hospital may determine is sufficient to pay the expense of the maintenance of such person or persons, or so much thereof as the said Board of Directors may determine such person or persons to be able, to be paid in such manner as the said board may direct; any officer, servant or employee of the said State Hospitals for the Insane or any of them violating the provisions of this act shall be guilty of a misdemeanor.

None but indigent insane to be received into any State Hospital free of charge.

Violation of this section a misdemeanor.

SEC. 12. That chapter 684 of the Public Laws of 1899, and all laws and clauses of laws heretofore passed carrying appropriations to the institutions for the insane be and the same are hereby repealed.

Chapter 684, Public Laws 1899 and all laws appropriating money to Hospitals for Insane, repealed.

SEC. 13. That none of the foregoing appropriations shall be used for any purpose other than that for which it is specifically made, and the governing authorities of the institutions named in this act shall not commence any buildings or improvements, the completion of which would require a greater amount than is herein appropriated for the purpose, nor shall such authorities begin any building until the plan and estimate of its cost has been submitted to and approved by the Board of Directors of such institution.

Restrictions on use of appropriations and powers of authorities.

SEC. 14. That it shall be unlawful for the governing authorities of, or any person or persons authorized by law to enter into contracts on behalf of the institutions named in this act or any of them to incur any obligation or contract any debt except for the purposes and in the manner expressly authorized by law unless in cases of extreme emergency and only then when decided to be necessary and authorized by the Council of State.

Unlawful for authorities of institutions to make contracts or incur debts, except as authorized by law.

Exception in case of extreme emergency.

SEC. 15. The appropriations herein made shall be drawn out by the Auditor upon his warrant and be placed by the State Treasurer to the credit of the institutions for which they are made respectively.

Appropriations drawn out by Auditor and credited to institutions by Treasurer.

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

In the General Assembly read three times, and ratified this the 15th day of March, A. D. 1901.

## CHAPTER 738.

**An act to punish disorderly conduct in the presence of religious congregations.***The General Assembly of North Carolina do enact:*

Misdemeanor to be intoxicated, rude or disorderly at places of worship where people assembled for worship.

Penalty.

SECTION 1. Any person who shall be intoxicated or shall be guilty of any rude and disorderly conduct at any place where people are accustomed to meet for divine worship, and while the people are there assembled for such worship, whether such worship should have begun or not shall be guilty of a misdemeanor, and shall, upon conviction be fined or imprisoned in the discretion of the Court.

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

In the General Assembly read three times, and ratified this the 15th day of March, A. D. 1901.

## CHAPTER 739.

**An act for the free passage and to prohibit the catching of fish in the Ararat River, Surry County.***The General Assembly of North Carolina do enact:*

Chapter 180 and Chapter 359, Public Laws 1895, re-enacted.

SECTION 1. That chapter one hundred and eighty, and chapter three hundred and fifty-nine of the Public Laws of North Carolina, session of eighteen hundred and ninety-five, in reference to fish, be and the same are hereby re-enacted.

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 15th day of March, A. D. 1901.

## CHAPTER 740.

**An act to amend section 347 of The Code, relating to attachments.***The General Assembly of North Carolina do enact:*

Section 347 of Code, amended.

SECTION 1. That section 347 of The Code be amended by adding at the end of section 3 the following words, "or any injury to the person, caused by negligence or wrongful act."

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

In the General Assembly read three times, and ratified this the 15th day of March, A. D. 1901.

## CHAPTER 741.

**An act to condemn land for a water supply for the State Hospital at Morganton.***The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Directors of the State Hospital at Morganton is hereby authorized and empowered to acquire, by purchase or donation, such lands as are necessary for a sufficient and pure water supply for the said hospital, and if they cannot so acquire it they are hereby authorized and empowered to condemn any lands that may be necessary for such purposes in the manner now provided by law for the condemnation of lands for railroad purposes, under chapter 49, volume one, of The Code, and upon such condemnation and the payment of the damages assessed, such lands shall vest in the State Hospital at Morganton in fee-simple.

Board of Directors of State Hospital at Morganton, authorized to purchase or condemn land for water works.

Chapter 49, Vol. 1, of Code, applicable. Payment of damages.

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

In the General Assembly read three times, and ratified this the 15th day of March, A. D. 1901.

## CHAPTER 742.

**An act for the relief of certain sheriffs.***The General Assembly of North Carolina do enact:*

SECTION 1. That all sales of realty made under executions heretofore issued on judgments regularly obtained in Court of competent jurisdiction, be and the same is hereby validated, whether such sales were continued from day to day or for a longer period, not exceeding ten days: *Provided*, that such executions and sales are in all other respects regular: *Provided further*, that purchasers and their assigns shall have held continuous and adverse possession under a Sheriff's deed for three years: *Provided further*, that the rights of minors and married women shall in no wise be prejudiced hereby.

Certain sales of real estate under execution, validated.

Proviso as to regularity, possession and rights of minors and married women.

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 15th day of March, A. D. 1901.

## CHAPTER 743.

**An act to require city and street railway companies to use vestibule fronts and fenders on their cars.***The General Assembly of North Carolina do enact:*

Street passenger  
railway compa-  
nies required to  
use vestibule  
fronts to cars.

Dimensions.

Months in which  
required to use.

Proviso.

Exception in case  
of emergency.

Penalty for non-  
compliance.

Power of Corpora-  
tion Commission  
to exempt.

Street passenger  
railway compa-  
nies to use  
fenders.

Failure, penalty.

Power of Corpora-  
tion Commission  
to exempt.

SECTION 1. That all city and street passenger railway companies be and they are hereby required to use vestibule fronts, of frontage not less than four feet, on all passenger cars run, manipulated or transported by them on their lines during the latter half of the month of November and during the months of December, January, February and March of each year: *Provided*, that said companies shall not be required to close the sides of said vestibules: *And provided further*, that said companies may use cars without vestibule fronts in cases of temporary emergency in suitable weather, not to exceed four days in any one month within the period herein prescribed for use of vestibule fronts. Any city and street railway company refusing or failing to comply with the requirements of this section shall be subject to a fine of not less than ten dollars or more than one hundred dollars for each day. The North Carolina Corporation Commission is hereby authorized to make exemptions from the provisions of this section in such cases as in their judgment the enforcement of this section is unnecessary.

SEC. 2. That all city and street passenger railway companies be and are hereby required to use practical fenders in front of all passenger cars run, manipulated or transported by them, and any company refusing or failing to comply with said requirement shall be subject to a fine of not less than ten dollars or more than one hundred dollars for each day. The North Carolina Corporation Commission is hereby authorized to make exemptions from this provision of this section in such cases as in their judgment the enforcement of this section is unnecessary.

SEC. 3. That this act shall be in force from and after the first day of April, 1901.

In the General Assembly read three times, and ratified this the 15th day of March, A. D. 1901.

## CHAPTER 744.

**An act to regulate the employment of counsel by State institutions.***The General Assembly of North Carolina do enact:*

SECTION 1. That every chairman, president or other official head of any State institution, including the State's Prison, whenever he shall be in need of counsel for his institution, shall apply to the Attorney-General, who shall represent the institution in need of such counsel; and in case it shall be impracticable for the Attorney-General to render such service, then he shall so state to the Governor of the State, who shall, if in his opinion such counsel be necessary, employ such counsel as in his judgment should be employed.

Attorney-General to represent State institutions when practicable.

Counsel, when and by whom employed.

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

In the General Assembly read three times, and ratified this the 15th day of March, 1901.

## CHAPTER 745.

**An act to prohibit the manufacture and sale of spirituous, vinous or malt liquors in certain localities in the county of Johnston.***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 otherwise dispose of any spirituous, vinous or malt liquors in the following localities, to-wit: Smithfield Township, in the county of Johnston, Selma Township, in the county of Johnston, except where it is now permitted, Beulah Township, and within five (5) miles of the town of Kenly.

Unlawful to manufacture or dispose of intoxicating liquors in certain townships in Johnston County.

SEC. 2. Nothing in this act shall be construed to prevent any person from manufacturing and selling his fruits upon his own premises.

Exception as to home fruits.

SEC. 3. Nothing in this act shall be construed to interfere with the sale of liquors by the dispensaries or in the incorporated towns in the localities mentioned in section one (1) of this act.

Exception as to incorporated towns and dispensaries.

SEC. 4. Any person 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.

Violation a misdemeanor. Penalty.

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

Conflicting laws repealed.

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

In the General Assembly read three times, and ratified this the 15th day of March, A. D. 1901.

## CHAPTER 746.

**An act supplementary and amendatory of act entitled "An act to regulate the manufacture and sale of spirituous liquors in the county of Richmond."**

*The General Assembly of North Carolina do enact:*

Beaver Dam Township, within one mile of town of Hoffman, excepted from operations of this law.

SECTION 1. That section one of an act entitled "An act to be entitled an act to regulate the manufacture and sale of spirituous liquors in the county of Richmond," passed at this session of the General Assembly, be and the same is hereby amended by adding to said section one: "*Provided*, this act shall not prevent the manufacture of spirituous, vinous and malt liquors in that portion of Beaver Dam Township within one mile in every direction from the town of Hoffman and the sale of the same in unbroken packages of not less than ten gallons within said one mile of said town of Hoffman."

SEC. 2. That this act shall be in full force and effect from and after the 8th day of April, 1901.

In the General Assembly read three times, and ratified this the 15th day of March, A. D. 1901.

## CHAPTER 747.

**An act to establish a Pension Board for the county of Madison.**

*The General Assembly of North Carolina do enact:*

J. J. Redman, D. W. Angel and C. T. Garrett, Pension Board for Madison County. Term of office.

SECTION 1. That J. J. Redman, D. W. Angel and C. T. Garrett be and they are hereby appointed and constituted a Pension Board for the county of Madison for a term of two years, and their successors in office to be appointed by the next General Assembly of North Carolina.

Authority and regulations for government of.

SEC. 2. That said board shall have all the powers and authority and shall be governed by the same rules and regulations as is prescribed for Pension Boards in chapter 198, section four of the Acts of the General Assembly of 1889, and amendments thereto.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict herewith are hereby repealed.

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

In the General Assembly read three times, and ratified this the 15th day of March, A. D. 1901.



## CHAPTER 748.

**An act to amend section 2159 of The Code permitting caveators of wills  
[to prosecute in certain cases without giving bond.***The General Assembly of North Carolina do enact:*

SECTION 1. That section 2159 of The Code be amended by adding after the word "effect" in line six of the same the words "or shall file affidavits and satisfy the said Clerk of his inability to give such bond or secure such costs," and by adding after the word "choose" at the end of said section the words "that at the term of said Court to which such proceeding is transferred or as soon thereafter as motion to that effect shall be made by the propounder or propounders, and before trial the Judge shall require any of the persons so cited, either those who make themselves parties with the caveators, or whose interest appear to him antagonistic to that of the propounders of the will, and who shall appear to him to be able so to do, to file such bond within such time as he shall direct and before trial, and on failure to file said bond the Judge shall dismiss the proceeding."

Section 2159 of the Code, relative to caveators giving bond, amended.

SEC. 2. This act shall apply to pending suits. This act shall be in force from and after its ratification.

Applies to pending suits.

In the General Assembly read three times, and ratified this the 15th day of March, A. D. 1901.

## CHAPTER 749.

**An act to change the boundary of Steele Township in county of Richmond.***The General Assembly of North Carolina do enact:*

SECTION 1. That the boundary line between the townships of Steele's and Mineral Springs in Richmond County be and the same is hereby altered so that the line between the two townships shall begin where Black Jack Township corners in Big Mountain Creek, going thence up the various courses of Big Mountain Creek to the Montgomery County line, and that there shall be added to Steele's Township, Precinct No. 2, all that portion of Mineral Springs Township west of Big Mountain Creek.

Boundary between Steele's and Mineral Springs townships, Richmond County, altered and defined.

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 15th day of March, A. D. 1901.

## CHAPTER 750.

**An act to provide for the holding of town and city elections and special elections in counties and townships.***The General Assembly of North Carolina do enact:*

Providing regulations for holding town or city elections.  
 Proviso.  
 Polling places.

SECTION 1. That all elections held in any city or town in this State shall be held under the following rules and regulations, except as otherwise provided in the charter of such city or town:

SEC. 2. That there shall be at least one polling place in each ward in the town or city if the said town or city is divided into wards; and if not divided into wards, then there shall be as many polling places as may be established by the governing body of said town or city.

Registration of voters.

SEC. 3. That where there has been a registration of voters in any city or town, the Town Commissioners, Board of Aldermen, Board of Councilmen, or by whatever name said governing body may be designated in the charter of said town or city, may, in their discretion, order a new registration of voters; and unless said new registration shall be ordered the election shall be held under the existing registration, with such revision as is herein provided.

Notice of new registration.

SEC. 4. That in case any city or town shall order a new registration, the said governing body shall give thirty days' notice thereof by advertisement in some public journal, if there be one published in the town or city, or in lieu thereof, in three public places in said city or town.

Registrar.

SEC. 5. The governing body of any city or town, however designated, shall select at least thirty days before any city or town election one person for each election ward or election precinct, who shall act as registrar of voters for such ward or election precinct; said governing body shall make publication of the names of the persons so selected at the town or city hall, or at the usual place of holding the Mayor's Court, immediately after such appointment, and shall cause a notice to be served upon said persons by the Sheriff of the county or the Township Constable. If any registrar shall die or neglect to perform his duties, said governing body may appoint another in his place.

Publication of appointments.

Notice to registrar.  
 In case of death or neglect to perform duty, another to be appointed.  
 Registration books.

SEC. 6. Registrars appointed under this act shall be furnished with registration books, and after being sworn by some person authorized to administer oaths to faithfully discharge the duties of registrar as prescribed by law it shall be their duty to revise the registration books of their ward or precinct in such manner that said books shall show an accurate list of the electors previously registered in such ward or precinct and still residing

Oath of registrar.  
 Revision of registration books.

therein, without requiring such electors to be registered anew; and said registrars shall also, between the hours of nine o'clock a. m. and five o'clock p. m. on each day (Sunday excepted) for seven days preceding the day for closing the registration books, as hereinafter provided, keep open said books for the registration of any new electors residing in such ward or precinct, and entitled to register, whose names have never before been registered in such ward or precinct, or do not appear in the revised list; that said books shall be open until 9 o'clock p. m. of each Saturday during such registration period; that said books shall be closed for registration on the second Saturday before each election.

When registration books kept open.

Who may register.

When registration books closed on Saturdays.

When closed for registration.

SEC. 7. That on the second Saturday before the election said registration books shall be kept open at the polling place in the ward or precinct to the inspection of the electors of the ward or precinct, and any of said electors shall be allowed to object to the name of any person appearing on said books. In case of any such objection the registrar shall enter upon his books opposite the name of the person so objected the word "Challenged," and shall appoint a time and place on or before the Monday immediately preceding election day, when he, together with said judges of election, shall hear and decide said objection, giving personal notice to the voter so objected to; and if for any cause, personal notice can not be given, then it shall be sufficient to leave a copy thereof at his residence. If any person challenged or objected to shall be found not duly qualified, the registrar shall erase his name from the books. The Town Commissioners, Board of Aldermen, Board of Councilmen, or such board as may constitute the governing body, by whatever name called, of the town or city, shall on or before the first Monday of April immediately preceding such town or city election, appoint two judges of election, who shall be of different political parties where possible, and shall be men of good character, able to read and write, at each place of holding election in said city or town. The said judges of election shall attend at the places for which they are severally appointed on the day of election, and they, together with the registrar for such ward or precinct, who shall attend with the registration books for such ward or precinct, who shall attend with the registration books, after being sworn by some person authorized to administer oaths, to conduct the election fairly and impartially, according to the Constitution and laws of the State, shall open the polls and superintend the same until the close of election; they shall keep poll books in which shall be entered the name of every person who shall vote, and at the close of the election they shall certify the same over their proper

When books open for challenge.

Hearing and decision of challenges.

Notice to voter challenged.

If found not qualified, name to be erased.

Judges of election, qualifications.

To attend following places on day of election.

Oath of judges and registrar.  
To open and superintend the polls.  
Poll books.

	signatures and deposit them with the said governing body of said city or town.
Registration on day of election.	SEC. 8. No registration shall be allowed on the day of election, but if any person shall give satisfactory evidence to the registrar and judges of election that he has become of the age of twenty-one years on the day of election, or has for any other reason on that day become entitled to register and vote, he shall be allowed to register and vote.
Rules and regulations for hearing and determining challenges.	SEC. 9. When any person is challenged, the registrar and judges of election shall hear and determine the cause of challenge under the rules and regulations prescribed by the general law regulating elections for members of the General Assembly, and all qualified electors who shall have resided for ninety days immediately preceding an election within the limits of any ward of a city or town, and not otherwise, shall have the right to vote in such ward for Mayor and other city or town officers.
Qualifications of electors.	SEC. 10. The polls shall be open on the day of election from 8 o'clock a. m. till sunset, and no longer; and each person whose name may be registered shall be entitled to vote.
When polls open.	SEC. 11. Immediately after any election the registrar and judges of election shall deposit the registration books for the respective wards or precincts with the governing body of the town or city.
All registered entitled to vote.	SEC. 12. All ballots shall be printed upon white paper and shall be of the same size, without device, mutilation or ornamentation. The governing body of the city or town shall provide for each ward or election precinct in their respective cities or towns necessary ballot boxes in which to deposit the ballots; each of said boxes shall have an opening through the lid to admit a single folded ballot, and no more. Said ballot boxes shall be kept by the judges of election for the use of said election precincts respectively; and the said registrar and judges of election, before the voting begins, shall carefully examine the ballot boxes and see that there is nothing in them, and said boxes shall be sealed or securely fastened and not be opened until the polls are closed.
Registration books to be deposited with governing body.	SEC. 13. When the election shall be finished the registrar and judges of election shall open the boxes and count the ballots, reading aloud the names of the persons which shall appear on each ticket; and if there shall be two or more tickets rolled up together, or any ticket shall contain the names of more persons than the elector has the right to vote for, or shall have a device or ornament upon it, in either of these cases such tickets shall not be numbered in taking the ballots, but shall be void, and the said counting of votes shall be continued without adjournment
Ballots.	
Ballot boxes.	
Description.	
By whom kept.	
To be carefully examined before voting begins.	
Boxes to be sealed.	
When election finished ballots to be counted.	
What tickets void.	
Counting continued till completed.	

until completed, and the result thereof declared. The registrar and judges of election in each ward and voting precinct shall appoint one of their number to attend the meeting of the Board of City Canvassers as a member thereof, and shall deliver to the member who shall have been so appointed the original returns or statement of the result of the election in such ward or precinct, and the members of the several ward or precinct Boards of Elections who shall have been so appointed shall attend the meeting of the Board of City or Town Canvassers in which they shall have been appointed members thereof. The members of the several ward or precinct Boards of Election, after the original return or statement of the result of the election in the ward or precinct to which they respectively belong shall have been delivered as directed in the preceding section, shall constitute the Board of City Canvassers for such election in the city or town in which said ward or precinct shall be situated.

SEC. 14. A majority of the members of the several ward or precinct Boards of Election who shall have been appointed to attend the City or Town Board of Canvassers as members thereof shall constitute such board: *Provided, however,* in towns where there is only one voting precinct, the registrar and judges of election shall at the close of the election declare the result thereof.

SEC. 15. The Board of City or Town Canvassers shall meet on the next day after the election at 12 o'clock m. of that day, at the Mayor's office, and they shall each take the oath prescribed in the general law governing elections in this State for members of the Board of County Canvassers, to be administered to them as provided in the general law.

SEC. 16. The Board of City or Town Canvassers shall, at their said meeting, in the presence of such electors as choose to attend, open and canvass and judicially determine the returns and make abstracts, stating the number of legal ballots cast in each ward or precinct for each office, the name of each person voted for and the number of votes given to each person for each different office, and shall sign the same. Said board shall have power and authority to judicially pass upon all the votes relative to the election and judicially determine and declare the result of the same, and they shall have power and authority to send for papers and persons and examine the latter upon oath; and in case of a tie between two opposing candidates, the result shall be determined by lot.

SEC. 17. In all other respects all elections held in any town or city in this State shall be conducted as prescribed for the election of members of the General Assembly.

Result declared.

One member of election body to attend Board of Canvassers.

Appointed member to carry original returns

Appointed members of Election Boards members of Board of Canvassers, and after delivery of returns shall constitute Board of City Canvassers.

Majority shall constitute board.

Proviso as to towns with only one voting precinct.

When and where Board of Canvassers to meet—Oath.

Board to open, canvass and judicially determine returns.

Make abstracts, what to contain.

To judicially pass upon votes and declare the result.

May send for persons and papers and examine on oath.

In case of tie, result determined by lot.

Elections, how conducted in other respects.



Elections in townships except for officers, how held.

Revision of registration books.

Registration and election, how conducted.

Registrars and judges, how appointed.

When city and town elections held.

Fayetteville excepted.

Contrary provisions in charters repealed.

Vacancy in office of registrar election day, how filled.

Vacancy in office of judge, how filled.

Vacancies other than election day, how filled.

Certain towns and counties excepted.

Conflicting laws repealed.

Provisions excepting Wilmington and Charlotte.

Notice of special election.

SEC. 18. That in all elections held in any of the counties or townships of the State upon the question of local option, dispensary, issuing of bonds, subscription of bonds, or for the purpose of electing Tax Collectors, or upon the question of stock law, or for any other purpose than the election of county, township, State or Federal officers, the same shall be held under the existing registration, revised as herein provided, in such manner that said registration books shall show an accurate list of the electors previously registered in the several precincts or townships in which the election is to be held and still residing therein, without requiring such electors to be registered anew, and the registration and election in county and township elections, held for any of these purposes, shall be as herein provided for city and town elections, and the registrars and judges of election, for any such special election, shall be appointed as is provided for in elections for Sheriffs and other county officers.

SEC. 19. In all cities and towns an election shall be held on Tuesday after the first Monday of May, 1901, and biennially thereafter, except as to the city of Fayetteville in Cumberland County; as to that city elections there shall be held annually, for the election of such other officers as the charter of such town or city shall provide for, and any provisions to the contrary in any charter of any city or town is hereby expressly repealed.

SEC. 20. That if any vacancy shall occur on the day of election in the office of registrar, the same shall be filled by the judges of election, and if any vacancy shall occur on said day in the office of judge the same shall be filled by the registrar; vacancies occurring at any other time shall be filled by the governing body of such county, city or town, as the case may be.

SEC. 21. *Provided*, that this act shall not apply to the towns of Rocky Mount and Shelby: *Provided further*, that this act shall not apply to the counties of Wilson, Lenoir, Stokes, Surry, Edgecombe, Bertie, Randolph, Robeson, Pitt, Gaston, Mitchell, Wayne, Cabarrus, Vance, Columbus, Nash and Davidson.

SEC. 22. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 23. That the city of Wilmington is exempted from the operation of this act until the first day of June, 1901, and this act shall not apply to the city of Charlotte.

SEC. 24. That no special election shall be held for any purpose in any county, township, city or town unless at least thirty days' notice shall have been given of the same by advertisement in some newspaper published in said county, city or town, or by advertisement posted at the court-house of the county and four other public places in such county, city or town.



SEC. 25. That the Secretary of State shall have printed and distributed such number of copies of this act as in his judgment may be necessary. Secretary of State to have printed copies of this act.

SEC. 26. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 15th day of March, A. D. 1901.

## CHAPTER 751.

### An act to prevent the indebtedness of State institutions without the authority of the General Assembly.

*The General Assembly of North Carolina do enact:*

SECTION 1. That all acts of the General Assembly appropriating money shall state specifically the purposes for which such money is appropriated. State appropriations to state specific purpose.

SEC. 2. That no president, superintendent, board of managers, directors nor other executive head of any State institution, supported wholly or in part by the State shall purchase any real estate, or construct or enlarge any building, or contract any debt on behalf of the State, without positive and specific authority given by the General Assembly, except as hereinafter directed. No officer of State institution to purchase land, build, or contract debt without specific authority. Exception.

SEC. 3. That in cases of extreme emergency or dire necessity, the executive head of any such institution shall upon the recommendation of the Governor and his Council, have authority, upon the credit of the State, to make such expenditures as may be actually necessary to provide against any such emergency or necessity. Powers and procedure in case of emergency.

SEC. 4. That whenever any money appropriated by the General Assembly is expended contrary to the provisions of this act, the superintendent, members of the Board of Directors or managers or executive head directing, or consenting to, such expenditure, shall be liable to the State thereof, 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, against such superintendent, executive head, members of the Board of Managers or Directors, to recover the money so expended, for the use of the State. Liability for wrongful expenditure of money. Duty of Attorney-General relative thereto.

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 15th day of March, A. D. 1901.

## CHAPTER 752.

## An act to regulate primary elections.

*The General Assembly of North Carolina do enact:*

Political primary elections presided over and conducted by managers selected according to rules of party organization.

Oath of managers.

Manager not present day of election, others appointed.

Oath, before whom taken.

When subscribed, to be filed with Clerk Superior Court.

Ballot boxes to be exhibited before ballots received.

To be closed or sealed till election closed.

Poll lists.

Oath administered to voter before allowed to vote.

Count and declaration of result. Certificate, etc., to whom transmitted.

SECTION 1. That every political primary election held by any political party, organization or association, for the purpose of choosing candidates for county and city, town and township officers, instructing candidates or delegates to county conventions, election of county and city executive committees, or for other purposes, shall be presided over and conducted in the manner prescribed by the rules of the political party, organization or association holding such primary election by managers selected in a manner prescribed by such rules. Such managers shall, before entering upon the discharge of their duties, each take and subscribe an oath that he will fairly, impartially and honestly conduct the same according to the provisions of this act and the rules of such party, organization or association. Should one or more of the managers appointed to hold such election fail to appear on the day of election, the remaining manager or managers shall appoint others in their stead and administer to them the oath herein prescribed. The managers shall take the oath herein prescribed before a Notary Public or other officer authorized to administer oaths, but if no such officer can be conveniently had, the managers may administer the oath to each other. Such oaths shall after being subscribed by the managers, be filed in the office of the Clerk of the Superior Court for the county in which such election shall be held within five days after such election.

SEC. 2. Before any ballots are received at any such election and immediately before opening the polls, such managers shall open each ballot box to be used in such election and exhibit the same publicly to show that there are no ballots in such box. They shall then close and lock or seal up such box except the opening to receive the ballots and shall not again open the same until the close of the election. They shall keep two poll lists with the names of each voter voting in such elections and sign the same at the close of the election and shall, before receiving any ballots, administer to the voter an oath that he is duly qualified to vote according to the rules of the party, and that he has not voted before in such election, and will abide by the result of the primary, and at the close of the election they shall proceed publicly to count the votes and declare the result; they shall certify the results of such election and transmit such certificate, with one of the poll lists, ballots and all other papers relating to such election, within the time prescribed and to the person or

persons designated by the rules of the party, organization or association holding such election, and they shall file one poll list with the Clerk of the Superior Court.

Poll list filed with Clerk Superior Court.

SEC. 3. Every primary election shall be held at the time and place, and under the regulations prescribed by the rules of the party, organization or association holding the same and the returns shall be made and the result declared as prescribed by such rules, but the returns of the managers with the poll list shall be filed in the office of the Clerk of the Superior Court for the county in which such election is held, within four days after the final declaration of the result thereof, and shall remain there for public inspection.

Party rules to govern time, place and returns of election.

Returns and poll lists filed with Clerk of Superior Court.

When.

SEC. 4. Any manager who shall be guilty of wilfully violating any of the duties developed upon such position hereunder shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not to exceed one hundred dollars or imprisoned not to exceed six months, and any manager who shall be guilty of fraud or corruption in the management of such election shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum not to exceed five hundred dollars, or imprisoned for a term not to exceed twelve months, or both, in the discretion of the Court.

Managers wilfully violating duties, guilty of misdemeanor.

Penalty.

Fraud or corruption on part of manager, a misdemeanor.

Penalty.

SEC. 5. Any voter who shall swear falsely in taking the prescribed oath or shall impersonate another person and take the oath, in his name, in order to vote, shall be guilty of perjury and punished upon conviction as for perjury.

False swearing or impersonation by voter, perjury.

Penalty.

SEC. 6. That in every town or city of three thousand inhabitants or over there shall be a party registration of votes under regulations to be prescribed by the rules of the party, organization or association.

Party registration in towns of 3,000 inhabitants or over.

SEC. 7. It shall be the duty of any person who may be appointed by his party in any capacity and who shall accept the appointment, to perform faithfully the duties of such appointment, and it shall be the duty of any delegate in any convention assembled for the purpose of naming candidates who are to be voted for by the people, to faithfully carry out the choice of his party when ascertained and declared as provided for by this act.

Duty of party appointees or delegates.

SEC. 8. If any voter having participated in one primary shall vote or attempt to vote in a different primary election, held for a similar purpose, during the same political campaign, he shall be guilty of fraudulent voting, and, upon conviction shall be punished in the same manner and to the extent as if he had voted illegally in the general election. And if any voter having voted once in his primary election shall vote or attempt to vote a second time in the same election, at the same or a different poll, he shall be guilty of a misdemeanor and shall be fined not less than ten dollars nor more than fifty dollars for each offence.

Repeating voting in same contest fraudulent.

Penalty.

Misdemeanor to attempt to vote twice in same election.

Penalty.

- Attempt to influence by intoxicants or bribery a misdemeanor.**      Sec. 9. If any person shall attempt to influence the vote of another by the use of intoxicating liquors, or shall bribe or offer to bribe any voter by promise of anything as a reward to be delivered, or a service to be performed, prior to, at the time, or subsequent to the primary election, he shall be guilty of a misdemeanor, and on conviction, shall be fined not less than twenty-five dollars nor more than five hundred dollars.
- Penalty.**      Sec. 10. All dram shops and other places for the vending of intoxicating liquors shall be closed pending a primary election, and it shall be unlawful for any person to sell or give away spirituous or vinous liquors, beer or cider within three miles of the primary election during the time of election and from twelve o'clock the night preceding to twelve o'clock on the night succeeding the primary election, under the same restrictions and penalties as in a general election.
- Dram shops, etc., closed.**      Sec. 11. That for the purpose of a registered primary the custodian of any of the registration books in any county, township, city or town shall, on demand, make a certified copy of the same for the manager or managers of any political party, organization or association, upon the payment of ten cents for each one hundred names or fractional part thereof.
- Unlawful to sell or give away intoxicants within three miles of primary. Time prescribed.**      Sec. 12. That this act shall apply only to the following counties, and to the townships, towns and cities therein, to-wit: Cabarrus, Washington, Wake, Richmond, Durham, Henderson, Orange, Haywood, Tyrrell, Dare, Pamlico, Granville, Northampton, Anson, Johnston and Forsyth.
- Certified copy of registration books to be made.**      Sec. 13. That upon the payment of five dollars to the party chairman by any candidate, not less than ten days before a primary election, it shall be the duty of such chairman to have the name of such candidate printed on a ballot, and distributed at each voting precinct, and it shall be lawful for such chairman to print the names of all such candidates upon one ballot, plainly designating thereon the office for which each person is a candidate, and leaving a margin, sufficiently large for the voter to mark a cross-mark opposite the name of the candidate for whom he desires to vote for each office.
- Fees.**      Sec. 14. Nothing in this act shall be held or construed to make the holding of primary elections compulsory, but it shall be left to the option of the Executive Committee of each party of each county, township, city or town to which this act applies to elect whether or not for each party a primary election shall be held instead of a convention.
- Counties to which this act applies.**      Sec. 15. That this act shall be in force from and after its ratification.
- Printing and distribution of ballots.**      In the General Assembly read three times, and ratified this the 15th day of March, A. D. 1901.
- Primary elections not compulsory.**

## CHAPTER 753.

**An act to amend section 1043 of The Code of North Carolina**

*The General Assembly of North Carolina do enact:*

SECTION 1. That section 1043 of The Code of North Carolina be and the same is hereby amended by inserting after the word "betting" and before the word "with" in line seven thereof the words "either on said premises or elsewhere," and by striking out the word "ten" in line nine (9) thereof and inserting in lieu thereof the words "five hundred," and by striking out the word "more" in line ten thereof and inserting in lieu thereof the word "less," and by striking out in line ten thereof the words "thirty days" and inserting in lieu thereof the words "six months."

Section 1043 of The Code, relative to gambling, in hotels, etc., amended.

SEC. 2. That the said section 1043 be and the same is hereby further amended by adding at the end of said section and as a part thereof the following: "Any person who shall be convicted under this section shall, upon such conviction, forfeit his license to do any of the businesses mentioned in said section, and shall be forever debarred from doing any of the said businesses in this State, and the Court shall embody in its judgment that such person has forfeited his said license, and no Board of County Commissioners, Board of Town Commissioners or Board of Aldermen shall hereafter have power or authority to grant to such convicted person or his agent a license to do any of the businesses mentioned herein."

Penalty on hotel or barkeeper for permitting gambling or furnishing refreshments, increased.

Convicted persons forfeit license, etc.

Debarred from obtaining license in North Carolina.

SEC. 3. That the said section 1043 of The Code be and the same is hereby further amended by adding thereto and as a part thereof the following: "It shall be the duty of every police officer of the cities, towns and villages of this State to make diligent inquiry and to exercise constant watchfulness to discover whether any of the offences enumerated in said section are being committed, and to report once a week under oath to the Mayor or other chief officer of his city, town or village, whether such offences are being committed, and all the facts within his knowledge, or of which he has information relating thereto, and if any such police officer shall know or have information that such offences are being committed and shall fail or neglect to report the same to such Mayor or chief officer, together with all the information known to him, as to the person or persons committing the same, the time and place of the commission and the names of the witnesses thereto, he shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned or both, in the discretion of the Court and shall forfeit his office. And it shall be the duty of such Mayor or chief officer to require the said report herein

Duties of police officer.

To report once a week.

Failure to report a misdemeanor.

Penalty.  
Mayor to require verified report.



provided for, and to require that the same shall be verified by the oath of such policeman, and if it appears upon such reports that any of the said offences have been committed, it shall be the duty of such Mayor or chief officer to issue his warrant for the arrest of the offender. Any such Mayor or chief officer of any of the said cities, towns, or villages who shall fail or neglect to require the reports herein mentioned, or shall fail or neglect to require of such police officer to verify the same upon oath, or who shall refuse or neglect upon its appearing from such reports that there is probable cause to believe that any of the said offences has been committed to issue his warrant for the arrest of the offender, shall be guilty of a misdemeanor.

Penalty for offences against this act.

How disposed of.

Sec. 4. That the said section 1043 of The Code be and the same is hereby further amended by adding thereto and as a part thereof the following: "That any person committing any of the offences mentioned in the said section shall be liable to a penalty of (\$500.00) five hundred dollars to be recovered by suit in the Superior Court in the county in which such offence or offences may have been committed, one-half thereof to the use of the person bringing said suit, and one-half to the school fund of the county.

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

In the General Assembly read three times, and ratified this the 15th day of March, A. D. 1901.

#### CHAPTER 754.

#### **An act authorizing all persons required to give bond to the State of North Carolina to give security in guarantee companies.**

*The General Assembly of North Carolina do enact:*

Persons required to give bond to Governor or any State Department, may give it in indemnity or guaranty company.

Section 1. That all persons who are required to give bond to the State of North Carolina to be received by the Governor or by any department of the State Government shall in lieu of personal security be permitted to give as security for said bond and for the performance of the duties named in the said bond any indemnity or guaranty company authorized to do business in the State of North Carolina, subject to such regulations as the Governor or department may prescribe, and with power in them to demand additional security at any time.

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 April, A. D. 1901.



## CHAPTER 755.

**An act to provide for the management and government of the State Hospital for the Dangerous Insane.***The General Assembly of North Carolina do enact:*

SECTION 1. That the Hospital for the Dangerous Insane is hereby created a corporation under the name of the State Hospital for the Dangerous Insane, and shall be under the direction and management of the Board of Directors of the State's Prison, which shall be *ex officio* the Board of Directors of the said corporation, which board shall, in its name, have power to receive, hold and manage all such property or estate as may be hereafter given to, or otherwise acquired by, the said corporation, and shall have the same control and direction of the affairs of the said corporation as is given by law to the Board of Directors of the other State Hospitals. The said hospital shall be located in the wards of the State's Prison where the dangerous insane are now cared for and treated, in which hospital shall be admitted, cared for and treated, the dangerous insane as now provided by law.

SEC. 2. That section 62 of chapter 1 of the Public Laws of 1899 is hereby repealed.

SEC. 3. It shall be the duty of the Board of Directors of said corporation, as soon as practicable, by partitions, walls and otherwise, to fully and completely separate the said hospital from said prison, and they shall change the same so as to conform to the purposes of a hospital for the insane. They shall advise with the Superintendents of the three Hospitals for the Insane before making such changes as to what is necessary for the safety, comfort and welfare of the patients. It shall be the duty of the Board of Directors of the State's Prison to furnish to the said hospital all labor free of charge, and all material at cost, necessary for building said walls and partitions, and for placing the said wards and apartments herein referred to in a proper condition; and the said hospital shall not be a part of the State's Prison, but shall be the State Hospital for the Dangerous Insane. That the Board of Directors of the State's Prison is hereby directed and required to furnish to the hospital, heat, lights and water at cost, and do all things proper and necessary for the comfort, maintenance and humane treatment of said dangerous insane herein committed to its care. In said hospital the sexes and races shall be kept in separate wards and apartments.

SEC. 4. The Board of Directors of the State Hospital for the Dangerous Insane shall appoint a skilled physician, educated to his profession, of good moral character, of prompt business

Hospital for Dangerous Insane incorporated.

Management under Board of Directors of State Prison.  
Powers.

Where hospital located.

Section 62, Chapter 1, Public Laws 1899, repealed.

Hospital to be separated from State Prison.

Changes to be made.

Labor and material to be furnished by Directors of Prison.

Hospital not part of prison.

Prison Directors to furnish heat, lights and water at cost, etc.

Sexes to be kept separate.

Physician, in charge.

Qualifications.

Duties.	habits and of kindly disposition, to have charge of the insane committed to its care. He shall be required to perform the duties of physician to each of said institutions, and shall be paid from
Compensation.	the funds belonging to the said institutions respectively such amount as shall be prescribed and agreed upon by the Board of
Term of office.	Directors. He shall hold his office for four years, unless sooner
Removal.	removed by the said board, which may, for infidelity to his trust, gross immorality or incompetence to discharge the duties of his office, fully proved and declared, the proof recorded in the book of their proceedings, remove him and appoint another in his place.
Powers and duties of physicians.	SEC. 5. The said physician shall have the same powers and perform the same duties as the Superintendents of the other State Hospitals, and such additional duties as may be prescribed by the Board of Directors, and in addition thereto he shall make
Special study and reports.	a special study of penology, and crime in all its aspects, and shall make special biennial reports thereof to the Board of Directors for transmission to the Governor and the General Assembly.
Books.	The said board is hereby authorized to buy such books on these subjects as may be necessary; the books to be the property of the hospital. It shall be the duty of the Superintendents of the
Superintendents of State Hospitals for Insane to visit Hospital for Dangerous Insane.	other State Hospitals to visit the Hospital for the Dangerous Insane from time to time, and at least once a year each, for consultation and advice, and they shall report to the Board of Directors of the said hospital with such suggestions as they may deem proper and best for the government thereof, and for the treatment of the patients, but their powers shall be advisory only.
Report.	They shall be allowed only their traveling expenses, to be paid by their respective institutions.
Powers advisory.	
Compensation.	
Chapter 1, Public Laws 1899, when not in conflict, applicable.	SEC. 6. That chapter 1 of the Public Laws of 1899 shall, as far as practicable, be applicable to, and shall regulate the government of the State Hospital for the Dangerous Insane, when not inconsistent with the provisions of this act, except that there shall be
Exceptions.	elected only such assistants, and other officers, as the said Board of Directors may think proper.
\$5,000 appropriated for support, and \$3,000 for carrying out provisions of act.	SEC. 7. That the sum of \$5,000.00 is hereby appropriated annually for the support and maintenance of the State Hospital for the Dangerous Insane, and the sum of (\$3,000.00) three thousand dollars is hereby appropriated for the purpose of carrying the provisions of this act into effect.
	SEC. 8. This act shall be in force from and after its ratification.
	In the General Assembly read three times, and ratified this the 15th day of March, A. D. 1901.

## CHAPTER 756.

**An act to prevent felling of timber, etc., in Crowder's Creek in Gaston County.***The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person to fell or place any timber, brush or other obstruction in Crowder's Creek in Gaston County at any place between the South Carolina line and Crowder's Mountain Cotton Mills on the north prong of said creek, or between the South Carolina line and the public road leading from Pleasant Ridge to Bethany Church (in South Carolina) where it crosses the south prong of said creek.

Unlawful to obstruct Crowder's Creek, Gaston County, in certain sections.

SEC. 2. That it shall be the duty of each and every person owning any land upon or contiguous to either prong of said creek between the points named in section one of this act to clean out and remove any and all rafts and unnecessary obstructions in said creek in or upon his or their [land], upon or contiguous to said creek by or before January 1, 1901.

Contiguous land-owners to clear said creek of obstructions.

When.

SEC. 2. Any person violating any provision 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.

Violation a misdemeanor.

Penalty.

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

In the General Assembly read three times, and ratified this the 15th day of March, A. D. 1901.

## CHAPTER 757.

**A bill to be entitled an act to increase the number of Commissioners for Iredell County.***The General Assembly of North Carolina do enact:*

SECTION 1. That at the election held on Tuesday after the first Monday in November, 1902, and every two years thereafter, there shall be elected, for Iredell County, five, instead of three, County Commissioners.

Five County Commissioners to be elected in Iredell County in 1902 and thereafter.

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 April, A. D. 1901.

## CHAPTER 758.

**An act to punish drunkenness and disorderly conduct at Pinehurst in Moore County.***The General Assembly of North Carolina do enact:*

Unlawful to be drunk, disorderly or use vulgar or profane language at Pinehurst.  
Boundary.

SECTION 1. It shall be unlawful for any person to be found drunk and disorderly, or to be engaged in boisy or boisterous conduct or to use vulgar, obscene or profane language in a loud or boisterous manner within the settlement known as Pinehurst in Moore County embraced within the wire fence enclosing said settlement.

Violation a misdemeanor.

SEC. 2. That any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding \$50.00 or punished not exceeding 30 days.

Penalty.

William Homes, appointed Justice of the Peace.

SEC. 3. That William Homes is appointed a Justice of the Peace for Mineral Springs Township, Moore County, in which said settlement of Pinehurst is situated for the term of two years.

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 15th day of March, A. D. 1901.

## CHAPTER 759.

**An act supplemental to an act to appoint the members of the County Board of Education in the various counties of the State.***The General Assembly of North Carolina do enact:*

Name J. H. Sherrill stricken out of original act and Jason A. Sherrill inserted.

SECTION 1. That section 1 of an act entitled "An act to appoint the members of the County Board of Education of the various counties of the State, ratified March 15, 1901, be amended by striking out the name of J. H. Sherrill and inserting the name of Jason A. Sherrill.

SEC. 2. 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 April, A. D. 1901.

## CHAPTER 760.

**An act supplemental to and amendatory of an act entitled "An act to establish a stock law in certain portions of Wayne County."***The General Assembly of North Carolina do enact:*

SECTION 1. That an act entitled "An act to establish a stock law in certain portions of Wayne County," ratified on the 4th day of March, 1901, which act establishes the stock law in portions of New Hope Township, Wayne County, be amended by adding at the end of section one of said act the following: "Provided, that this act shall have no force and effect until approved by the Board of Commissioners of the county of Wayne, which approval shall not be given without a notice of at least thirty days."

Section 1, of original act, amended; act not to apply until approved by County Commissioners.

SEC. 2. That this act shall be construed with and as a part of the act to which it is supplemental and amendatory, and if the provisions of this act shall be declared invalid then said act to which it is supplemental and amendatory is hereby suspended until the first day of February, 1903.

If this amendment invalid, not to apply until February 1, 1903.

SEC. 3. That section one of an act entitled "An act to prevent the depredation of domestic fowls," ratified on the 13th day of March, 1901, be and it is hereby amended by striking out the word "Wayne" in said section.

Wayne County stricken out of "Act to prevent depredation of domestic fowls."

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 April, 1901.

## CHAPTER 761.

**An act to appoint J. E. Peterson, G. W. Longston and W. H. Collins Justices of the Peace in Wayne County.***The General Assembly of North Carolina do enact:*

SECTION 1. That J. E. Peterson, G. W. Longston and W. H. Collins be and they are hereby appointed Justices of the Peace for Goldsboro Township, Wayne County, for a term of six years.

Justices appointed for Goldsboro Township.

SEC. 2. That J. W. Thompson, M. F. Yelverton and John T. Dees be and they are hereby appointed Justices of the Peace for Buck Swamp Township, Wayne County, for a term of six years.

Term of office, six years.

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

J. W. Thompson, H. F. Yelverton and John T. Dees appointed Justices of the Peace for Buck Swamp Township, Wayne County.

In the General Assembly read three times, and ratified this the 4th day of April, A. D. 1901.

## CHAPTER 762.

**An act to aid the Colored Orphan Asylum at Oxford, North Carolina.***The General Assembly of North Carolina do enact:*

\$1,600 appropriated to Colored Orphan Asylum at Oxford.

SECTION 1. That the Treasurer of North Carolina be and he is hereby authorized and directed to pay to the Orphan Asylum for children of the colored race, at Oxford, North Carolina, the sum of sixteen hundred dollars out of any money in the Treasury not otherwise appropriated.

Appropriation additional to regular Uses.

SEC. 2. That the aforesaid sum of sixteen hundred dollars shall be in addition to the sum appropriated annually for the maintenance of said asylum and shall be used to pay off the debts now existing against said asylum, and such repairs on buildings as may be needed.

Vouchers, how signed.

SEC. 3. That the said sum shall be paid by the Treasurer upon the vouchers for said indebtedness being countersigned by the superintendent and treasurer of said asylum and filed with the Auditor of the State.

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 15th day of March, A. D. 1901.

## CHAPTER 763.

**An act to compel attendance in the public schools in Mitchell County.***The General Assembly of North Carolina do enact:*

Children between 8 and 16 years old in Mitchell County, compelled to attend public school.

SECTION 1. That all the children between the ages of eight and sixteen years, residing in the county of Mitchell, shall be compelled to attend the free schools of the county during the term of free schools of each year: *Provided*, that they are not educated by other means, for a period equal to the public school term in their respective district or are not physically or mentally unable to attend same.

Exceptions.

Parents, etc., refusing to send children.

SEC. 2. That any parent or person "in loco parentis" of any child or children within said county, who shall refuse to send their said child or children to school as provided for in section (1) of this act, shall be fined ten dollars or imprisoned not exceeding twenty days in the county jail.

Penalty.

County to furnish books to needy children.

SEC. 3. It shall be the duty of the County Superintendent of Public Instruction of Mitchell County to furnish any child or children in the said county who are too poor to purchase same,



any necessary books needed by them, at the expense of the county and he is hereby authorized to draw a warrant upon the County Treasurer for the price of same. And the County Treasurer is hereby authorized to pay said warrants out of any moneys that may be in his hands to the credit of the school fund: *Provided*, the Commissioners of Mitchell County, upon the application by petition of a majority of the qualified voters of any township, shall release such township from this act. The names of the petitioners to be counted and the result to be determined in the presence of any and all persons desiring to hear the result.

Proviso for  
release of any  
township from  
operation of act.

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 the 4th day of April, A. D. 1901.

#### CHAPTER 764.

##### **An act to increase the number of Commissioners in Wilson County.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That at the election held on Tuesday after the first Monday in November, 1902. and every two years thereafter, there shall be elected for Wilson County five, instead of three, County Commissioners.

Number Wilson  
County Commis-  
sioners increased  
to five.

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 April, A. D. 1901.

#### CHAPTER 765.

##### **An act supplemental to an act entitled "An act relating to fees of witnesses and officers in certain cases," ratified March 14, 1901.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That an act entitled "An act relating to the fees of witnesses in certain cases," ratified March 14, 1901, be amended by adding at the end of section 3 of the same the words "And the act shall also apply to Iredell and Bertie counties."

Original act to  
apply to Iredell  
and Bertie  
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 the 4th day of April, A. D. 1901.

## CHAPTER 766.

**An act to elect a Justice of the Peace for Horse Creek Township in the County of Ashe.***The General Assembly of North Carolina do enact:*

Lewis Johnston  
appointed Justice  
of the Peace for  
Ashe County.  
Term of office, two  
years.

Clerk Superior  
Court to notify.

SECTION 1. That Lewis Johnston be and he is hereby elected a Justice of the Peace for Horse Creek Township in the county of Ashe, for a term of two years from the ratification of this act.

SEC. 2. That the Clerk of the Superior Court of Ashe County shall immediately notify Lewis Johnston of his election and he shall qualify within sixty days from the ratification of 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 the 4th day of April, A. D. 1901.

## CHAPTER 767.

**An act for the relief of Miss E. C. Spruill, a public school teacher in Nash County.***The General Assembly of North Carolina do enact:*

Nash County  
Treasurer to pay  
Miss E. C. Spruill,  
public school  
teacher, \$30.00.

SECTION 1. That the Treasurer of Nash County be and he is hereby authorized to pay Miss E. C. Spruill the sum of thirty dollars for teaching public school, white, in District No. 1, Nashville Township, out of any school funds due said district.

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

In the General Assembly read three times, and ratified this the 4th day of April, A. D. 1901.

## CHAPTER 768.

**An act amendatory to an act entitled "An act to regulate primary elections," ratified this the 15th day of March, A. D. 1901.***The General Assembly of North Carolina do enact:*

Wake County  
stricken out of  
original act.

SECTION 1. That an act entitled "An act to regulate primary elections," ratified the 15th day of March, A. D. 1901, be and the same is hereby amended by striking out of the twelfth (12th) section thereof, and at any other place in the said act where the same may occur the word "Wake."

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 April, A. D. 1901.

## CHAPTER 769.

## An act to provide for the State Banking System of North Carolina.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the mode of banking prescribed by this act shall be known as the "State Banking System of North Carolina."

SEC. 2. That any association of natural persons, not less in any case than five, who are desirous of doing business as a bank of issue or a general banking business, in addition to the power now granted to banking corporations, may enter into articles of association for this purpose. And the persons uniting in the formation of such association shall, under their hands, make an organization certificate, which shall specifically state:

- (1) The name assumed by such association.
- (2) The place where said association proposes to do business.
- (3) The amount of capital stock and the shares into which the same is to be divided.

(4) The names and residence of the shareholders and the number of shares held by each of them.

(5) The fact that the certificate is made to enable such persons to avail themselves of the privileges of the "State Banking System of North Carolina."

SEC. 3. Such articles of association and organization certificate shall be acknowledged before any Clerk of the Superior Court or a Notary Public, and authenticated by the official seal of such Clerk or Notary Public.

SEC. 4. That such articles of association and the organization certificate so duly authenticated, shall be filed with the Treasurer of the State at Raleigh, who shall record and carefully preserve the same in his office in a well bound book, kept for the purpose required by this act.

SEC. 5. That upon the filing of said articles of association and organization certificate as prescribed in the preceding section, such association as from the date of its organization certificate shall become a body corporate, and as such and in the name designated in the said organization certificate or articles of association, shall have power:

1. To use and adopt a common seal.
2. To make contracts.
3. To sue and be sued, complain and defend in any court of law or equity as natural persons.
4. To elect or appoint directors, and by the Board of Directors to appoint a president, vice-president, cashier and other officers, define their duties, require bonds of them, and fix the penalty

Name of mode of banking.

Association to do business as a bank of issue or a general banking business, provisions for formation.

Certificate of organization; specific contents of.

Name of association.

Place of business.

Amount of capital stock, etc.

Names of shareholders, etc.

Certificate made to enable persons to avail themselves of privileges of this act.

Articles to be acknowledged before clerk or notary.

Articles to be filed with State Treasurer.

Rights of succession, etc., from date of organization.

General corporate powers.

thereof, to dismiss such officers for causes deemed just, and to appoint others to fill their places.

5. To prescribe by the Board of Directors by-laws, not inconsistent with law, regulating the manner in which its stock shall be transferred, its directors elected or appointed, its officers appointed, its property transferred, and its general business.

6. To have succession for the period of sixty years from its date of organization, unless it is sooner dissolved by the voluntary action of the corporation, or its franchise becomes forfeited by reason of some violation of law.

Powers to do a  
general banking  
business.

7. To exercise by its Board of Directors, or duly authorized agents or officers, subject to law, all such incidental power 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 debt, by receiving deposits, by buying and selling exchange, coin and bullion, by loaning money on personal security or real property, by issuing and circulating notes under the provisions of this act. 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. Every director must be a citizen of the United States, and at least three-fourths of the directors must be residents of this State during their continuance in office. Every director must own, in his own right, at least three unincumbered shares of the capital stock of the association of which he is a director, and any director who ceases to be the owner of three unincumbered shares of the stock shall thereby vacate his place.

Directors, qualifi-  
cations of.

Official oath of  
directors.

Every director, when appointed or elected, shall take and subscribe to the following oath before some officer authorized by the laws of the State to administer oaths, which shall be certified to by the officer before whom it is taken, and immediately forwarded to the State Treasurer:

#### OATH.

STATE OF ....., COUNTY OF ..... SS.

I, the undersigned, director of the ..... of ....., in the county of ....., city of ....., N. C., do solemnly swear that I will, so far as the duty devolves on me, diligently and honestly administer the affairs of said association; and that I will not knowingly violate, or willingly permit to be violated, any of the provisions of the act under which this association has been organized; and that I am the owner, in good faith, and in my own right, of the number of shares of stock required by said act, subscribed by me or standing in my name, on the books of the said association; and that the same is not

hypothecated, or in any way pledged as security for any loan or debt, but is entirely free from incumbrance.

SEC. 6. Demand loans on warehouse receipts upon advance of money, repayable on demand upon warehouse receipts, bills of lading, certificates of stock, certificates of deposit, bills of exchange, bonds, notes or other negotiable instruments, pledged as collateral security for such repayment; any bank organized under this act may receive or contract to receive and collect as compensation for making such advances, any sum, to be agreed upon in writing, by the parties to such transaction.

Demand loans  
on warehouse  
receipts, etc.

SEC. 7. That before such association shall have any power to place its notes in circulation, it shall transfer and deliver to the Treasurer of the State, bonds of any county or city in North Carolina, which shall have a market value of par or over; bonds of the State of North Carolina, or bonds of the United States, or such other marketable bonds as the Board of Bank Appraisers may deem sufficient; that the Treasurer shall receipt for the same, stating that the bonds are deposited to secure the prompt payment by said association of its circulating notes, to be furnished under the provisions of this act upon bonded security.

Bonds to secure  
circulation.

SEC. 8. That the Attorney-General and the Treasurer are hereby constituted a board to be called the Board of Bank Appraisers, whose duty shall be to examine and determine the cash marketable value of any and all bonds deposited by such association, and the value so ascertained of each and all bonds to be entered of record by the Treasurer in the book in which the articles of association are recorded.

Board of Bank  
Appraisers.

SEC. 9. That the certificate of valuation shall describe the bonds, give the rate of interest, when the interest is payable and where payable, the time the bonds have to run before maturity and where payable, the marketable value of each class of bonds at the time of deposit by any association under this act. This statement shall be signed by each of the "Board of Bank Appraisers," and the same spread upon the record in the Treasurer's office, which shall at all times be open to inspection by any citizen of the State or other person who may be interested in the same as a note holder or creditor of the corporation doing business under this act.

Certificate of  
valuation, con-  
tents of.

SEC. 10. That the amount of circulating notes shall not exceed the paid in capital stock of said corporation, and shall not be less than one-third of the capital stock paid in.

Amount of circ-  
ulating notes,  
limits of.

SEC. 11. That such association shall be entitled to issue its notes for circulation to an amount equal to the appraised value of the bonds deposited under the provisions of section 7 hereof, and in addition thereto, it may issue, upon the basis of the credit

Maximum  
amount of notes  
of circulation  
equal to value of  
bonds and one-  
third capital  
stock.



of the bank, without bonded or other security, an amount equal to one-third of its capital stock, actually paid in, that is to say, it may issue circulation upon bonds, or upon its own credit, either or both, in proportion as provided herein as each association may elect. But in no case shall the circulation of any association exceed the amount of its capital stock actually paid in. If the bonds deposited are at less than par, the amount of notes to be issued shall correspond to the appraised value of the bonds. If the bonds deposited should be at a premium in the market such premium shall not be considered in fixing the amount of circulation. The intention of this act being to allow the association depositing the bonds to issue its notes to an amount equal in value, not exceeding par, to the bonds deposited.

Printing of notes of circulation of various denominations provided for.

SEC. 12. That in order to furnish suitable notes for circulation, the Treasurer of the State shall cause plates and dies to be engraved in the best manner to guard against counterfeiting and fraudulent alteration, and shall have printed therefrom and numbered such quantity of circulating notes in blank, of the denomination of one dollar, two dollars, three dollars, five dollars, ten dollars, twenty dollars, fifty dollars, one hundred dollars, five hundred dollars, as may be required to supply the association entitled to receive the same. Such notes shall express upon their face that they are secured by the deposit of bonds approved value with the Treasurer of the State of North Carolina and the credit of the bank as provided in the "State Banking System of North Carolina," and shall also express upon their face the promise of the corporation receiving the same to pay on demand, and signed by the president and cashier, and shall bear such devices and other statements, and shall be in such form as the Board of Bank Appraisers may prescribe. The expense of such circulation, plates, etc., shall be borne by the several banks respectively.

Notes, what to contain.

Expense of circulation borne by banks.

Provisions as to payment of capital stock.

SEC. 13. At least fifty per centum of the capital stock of every association doing business under this act shall be paid in cash before the commencement of business, and the remainder of the capital stock of such association shall be paid in cash in installments, on call, to be fixed by the articles of association or certificate of organization, the payment of the entire capital stock not to be delayed longer than twelve months from the date of the commencement of business.

Rules and by-laws.

SEC. 14. The Board of Directors may prescribe rules and by-laws for enforcing the payment of stock made payable in installments, by providing for the sale and forfeiture of the same, in addition to the legal remedies in such cases.

Provisions for increase of capital stock.

SEC. 15. These associations doing business under this act may increase their capital by a majority vote of the shareholders,



called together for that purpose, and this vote of the shareholders, certified by the Board of Directors to the Treasurer of the State, and recorded by him, will be authority for receiving additional bonds from such association and the issuance of additional notes as prescribed in this act. The entire sum of the increased capital stock must be paid in before receiving the additional quantity of notes for circulation: *Provided*, that the capital stock may be increased without a further issue of notes if desired, in which event the Board of Directors may provide for the payment of increased stock in instalments. Any association operating under this act may reduce its capital stock by a majority vote of its shareholders to any sum not below the minimum amount required by this act, and not below the amount required for its outstanding circulation. Every association formed or existing under this act shall take and receive at par for any debt or liability to it, any and all notes or bills, issued by any other lawfully organized banking association operating under this act.

Increased capital stock to be paid in before issuance of notes.

Proviso as to increase of capital stock without further increase of notes.

Association to take at par for debts, notes of other associations formed under this act.

#### SEC. 16. *Banks closing business.*

Any bank or its receiver, trustee or legal representative may give notice to the State Treasurer of the intention of such bank to close the business of banking, and thereupon such bank shall be entitled to deposit with the State Treasurer, and he may receive a deposit of money equal to the amount of the outstanding circulation based upon the deposit of bonds at the time of such deposit, upon the receipt of which the State Treasurer may return and retransfer to such bank all securities in his hands heretofore deposited with him for the redemption of circulating notes by such bank. Upon the receipt of such deposit the State Treasurer shall immediately cause to be published in at least one newspaper in Raleigh, and in the county where such bank shall have been located or doing business at least once a week for six months a notice that the notes of such bank will be redeemed by him at par.

Banks closing business.

#### SEC. 17. *Securities to be returned when notes are destroyed.*

On the return to the State Treasurer and the destruction by him of any of the notes of any bank such bank, or its legal representative shall be entitled to receive from him a proportionate amount of the securities so deposited.

Securities to be returned when notes are destroyed.

#### SEC. 18. *Destruction of plates and counterfeit notes.*

The State Treasurer shall destroy or cause to be destroyed, all bank note plates in his custody of banks becoming insolvent, or which have given notice of closing their business, and any impressions made therefrom on hand. Hereafter when any bank

Destruction of plates and counterfeit notes.

shall become insolvent or discontinue the business of banking, the State Treasurer shall destroy or cause to be destroyed, all plates and impressions belonging to such bank, and include in his next annual report a statement of the plates so destroyed. Every public officer into whose hands shall come any counterfeiting bank notes, or any counterfeit or spurious bank notes, immediately after using them when necessary in evidence against the parties implicated, shall surrender the same to the State Treasurer, to be destroyed under his supervision and he shall destroy all such plates, devices or notes thus surrendered to him in the same manner as in the cases of bank whose charter have expired, or which have become insolvent, and report the same to the Legislature in his annual report.

Provision for maintenance of required security on decline in market value of bonds.

SEC. 19. Should the bonds deposited to secure circulation under this act from any cause decline in market value as much as ten per cent, and remain so for the period of six months, and when these facts are determined by the Board of Bank Appraisers, the Treasurer of the State shall forthwith notify such associations making such deposits to furnish other bonds or money sufficient to make the original bonds at par or at the value rated by the Board of Bank Appraisers.

Failure to comply with notice given under Section 19, to operate as a forfeiture of franchise.

SEC. 20. A failure of any association to comply with the notification provided for in the preceding section, for a period of thirty days, shall operate as a forfeiture of the franchise under this act, and its notes to be redeemed as in case of insolvency under this act.

Power to purchase, hold and convey real property.

SEC. 21. The banking associations herein created may purchase, hold and convey real estate for all legitimate purposes as a natural person.

Minimum amount of paid-in capital stock necessary to do business.

SEC. 22. That no association under this act shall be authorized to do business under the same, nor be allowed to issue its notes for circulation with a less amount of capital stock than twenty-five thousand dollars paid up in cash.

Directors, duties of, election of, term of office.

SEC. 23. The affairs of the banking corporations authorized by this act, shall be managed by not less than five directors, who shall be elected by the stockholders at any time before the commencement of the banking business; and at such other times and place as may be fixed by the Board of Directors. The directors shall hold their office for one year, and until their successors are elected and qualified.

Votes of shareholders.

SEC. 24. In all elections for directors and in deciding all questions at the meetings of shareholders, each shareholder shall be entitled to one vote for each share held by him. Shareholders may vote by proxy duly authenticated in writing.

SEC. 25. *Individual liability of stockholders.*

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.

Individual  
liability of stock-  
holders.

SEC. 26. *Limitation of liability of stockholders.*

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.

Limitation of  
liability of stock-  
holders.

SEC. 27. Every president, director, cashier, teller, clerk, or agent of any 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 in circulation any of the notes of the corporation, or who, without such authority, 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 association, with intent in either case to injure or defraud the association or any other company or any individual person, or to deceive any officer of the association; and 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 a period of not less than two years nor more than fifteen years, and likewise fined at the discretion of the Court.

Penalty for mis-  
appropriation of  
funds, false  
entries, etc.

SEC. 28. That the Treasurer of the State is hereby empowered to fix a time, manner, and to whom and in what specific particular the associations, under this act shall report their condition

Semi-annual  
reports of finan-  
cial condition of  
associations.

Proviso as to publication of report.

financially: *Provided*, that such reports shall not be less than twice during each year, and shall be published in some paper at or nearest the location of the bank, and a printed copy of such statement duly authenticated by the publisher shall be furnished the Treasurer.

Bank inspector, appointment of, duties and powers.

SEC. 29. The Board of Bank Appraisers are hereby authorized and empowered to employ a skilled and competent inspector (when thought necessary by such board) to visit any banking association doing business under this act, and report to them in all particulars required in regard to the condition and management of such association; and it shall be lawful for such inspector, on exhibiting authority from the Board of Appraisers, to examine the books, records, and the manner of doing business by such association. All expenses incurred in the employment of such inspector and other necessary expenses to carry this act shall by the Board of Appraisers or the State Treasurer, be assessed upon the several banks, each bank bearing the expense attendant upon its own examination, issuance or circulation, etc.

Provisions as to savings bank business.

SEC. 30. That the banks operating under this charter are authorized to organize, in connection with their general banking business, a department for savings, and do a savings bank business for the convenience of depositors, and to make such regulations in regard thereto, not inconsistent with the laws of the State, as will enable said bank to receive deposits in the savings department, and to give certificates or other evidence of deposits and to pay such interest as may be agreed on: *Provided*, the same does not exceed the legal rate of interest, and to regulate the time of payment and notice of demand. Such savings department may be kept separate and distinct, and a cashier or treasurer may be chosen for its management; but all liabilities and obligations to depositors, or otherwise incurred by it, shall be binding upon the association with which it is connected as its own.

Crimes and their punishments.

SEC. 31. *Crimes and their punishments.*

No officer acting under the provisions of this act shall countersign or deliver to any bank or individual banker, or to any other company or person, any circulating notes contemplated by this act, except in accordance with the true intent and meaning of its provisions. Every officer who violates this section shall be deemed guilty of a felony, and shall be fined not more than double the amount so countersigned and delivered, and shall be imprisoned not less than one year and not exceeding fifteen years.

Penalty for countersigning notes improperly and not authorized.

SEC. 32. That it shall not be lawful to design, engrave, print or in any manner make or execute, or to utter, issue, distribute,

circulate or use any business or professional card, notice, placard, circular, hand-bill or advertisement in the likeness or similitude of any circulating note issued under the provisions of this act. Every person violating this section shall be guilty of a misdemeanor and punished at the discretion of the Court.

Penalty for making or circulating business cards, etc., in similitude of notes of circulation.

SEC. 33. And it is further enacted that every person who falsely makes, forges or counterfeits, or causes or procures to be made, forged or counterfeited, or willingly aids or assists in making, forging or counterfeiting any note in imitation of, or purporting to be in imitation of the circulating notes issued by any banking association hereafter organized and acting under the laws of this State, or who passes, utters or publishes any false, forged or counterfeited note purporting to be issued by any such association doing a banking business, knowing the same to be falsely made, forged or counterfeited: or who falsely utter or causes or procures to be falsely uttered, or willingly aids or assists in falsely obtaining any such circulation; or passes, utters, or publishes, or attempts to utter, pass, or publish, as true, any falsely altered or spurious circulating note issued or purporting to have been issued by any such banking association, knowing the same to be falsely altered or spurious, shall, on conviction, be deemed guilty of a felony and be imprisoned at hard labor for not more than fifteen years, and fined not more than one thousand dollars at the discretion of the Court trying the same.

Penalty for forging or counterfeiting circulating notes, or for passing counterfeit notes.

SEC. 34. It shall not be lawful for any person or body corporate, either singly or conspiring together with any other person or jointly so to do, to buy up any considerable amount of the circulating notes issued under this act, with the intent to prevent the same from payment out of the usual course of business, and with the intent to create an unnatural demand on said bank or banks for the payment of said notes. Every person or body corporate, violating this section, shall be guilty of a misdemeanor, and, on conviction, shall be fined not more than one thousand dollars and imprisoned not more than five years, at the discretion of the Court.

Penalty for buying up notes with intent to create a run on a bank.

SEC. 35. *National Bank may become a State Bank.*

Whenever any banking association organized and doing business under the laws of the United States, shall under the provisions of any act of Congress, be authorized to dissolve its organization as such National Bank corporation, and shall have taken the action required to effect such dissolution, a majority of the directors of dissolved corporation may, upon the authority in writing of the owners of two-thirds of its capital stock, execute the certificate of incorporation required by section 5 of this act,

Provisions for National Bank becoming a State Bank.



upon the execution and proof or acknowledgment of such certificate, which shall also set forth the authority in writing of the stockholders as required by this section, and upon filing a copy thereof in the office of the Treasurer of the State; such corporation shall be held and regarded as an incorporated bank under and in pursuance of the laws of this State and this act, and shall be entitled to all the privileges and be subject to all the liabilities of banks so incorporated and thereupon all the property of the dissolved National Bank corporation shall immediately by act of law and without any conveyance or transfer be vested in and become the property of such State Bank. The directors of the dissolved corporation, at the time of such dissolution, shall be the directors of the bank created in pursuance hereof until the first annual election of directors thereafter, and shall have power to take all necessary measures to perfect its organization, and to adopt such regulations concerning its business and management as may be proper and just, and not inconsistent with law.

Married women and minors may become depositors and may withdraw deposits on individual checks.

Sections 2491, 2492, 2493 and 2494 of Code and conflicting laws, repealed.

Corporation tax to be paid before organization.

SEC. 36. When married women or minors deposit money in any bank operating under this charter, to their own credit, they may withdraw the same on their individual checks alone and be bound thereby.

SEC. 37. That sections 2491, 2492, 2493, and 2494 of The Code, and all laws in conflict with this act, be and the same are hereby repealed.

SEC. 38. Before any company, association, bank or banker shall organize under this charter, it or they shall pay to the Secretary of State or the State Treasurer such tax as is required by law upon the formation of other corporations for the use of said charter.

Provisions for State Banks organizing under this act.

SEC. 39. Any duly chartered or organized State Bank, whether now in existence or hereafter to be chartered and organized shall have the right to avail itself of all the provisions of this act by filing a copy of its charter with the Treasurer of the State and also filing with him a statement furnishing the information required by section 27 of this act. Upon availing itself of the provision of this act, such bank and its shareholders shall be held to have assumed, and be held to all the liabilities of banks and shareholders therein organized under this act.

SEC. 40. This act shall take effect from and after its ratification.

In the General Assembly read three times, and ratified this the 13th day of March, A. D. 1901.



## CHAPTER 770.

**An act to encourage thrift and economy by the incorporation of institutions for savings and savings banks***The General Assembly of North Carolina do enact:*

SECTION 1. That chapter (412) four hundred and twelve of the Public Laws of one thousand eight hundred and eighty-seven (1887), be and the same is hereby amended by striking out the word "one-half" in line fifty-four of section sixteen and inserting in lieu thereof the words "ninety per cent."

Chapter 412, of the Public Laws of 1887, relative to savings banks, amended.

SEC. 2. That said chapter be and the same is hereby further amended by striking out the word "one-fourth" in line five of section nineteen and inserting in lieu thereof the word "one-half."

Said chapter further amended.

SEC. 3. That said chapter be and the same is hereby further amended by inserting at the bottom of section twenty and as a part thereof the following, "any such corporation may however provide by its by-laws that dividends be declared oftener than every six months or upon deposits remaining less than six months."

Said chapter further amended as to time for declaring dividends and for allowing deposits to remain.

SEC. 4. That said chapter be and the same is hereby still further amended by striking out the word "shall" in line five of section twenty-two and inserting in lieu thereof the word "may."

Said chapter further amended.

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 14th day of March, A. D. 1901.

## CHAPTER 771.

**An act to amend Chapter 524 of Public Laws of 1899 in regard to gathering oysters in the waters of New Hanover County.***The General Assembly of North Carolina do enact:*

SECTION 1. That section one of chapter 524 of the Public Laws of 1899 be amended by adding in line three of said section after the word "*waters*" and before the word "*in*" the following: "Of Bradley's (or Lee's) Creek and Hewlett's Creek or the waters of Wrightsville, Greenville or Masonboro Sounds, lying within lines running due east from the mouths of said creeks to the Atlantic Ocean."

Gathering oysters other than for table use, unlawful in Bradley's or Hewlett's Creek, or in Wrightsville, Greenville or Masonboro Sounds, etc.

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. 1901.

## CHAPTER 772.

**An act to appoint Justices of the Peace for the several counties of North Carolina.**

*The General Assembly of North Carolina do enact:*

Omnibus Justice  
of Peace Bill.

SECTION 1. That the following named persons be and they are hereby appointed Justices of the Peace for their respective counties and townships therein in North Carolina, for a term of six years, beginning April 1st, nineteen hundred and one, or when their present terms of office expire:

## ALAMANCE COUNTY.

Alamance  
County.

*Patterson's Township*—S. F. Lashly, J. H. Baeliff, John E. Stroud.

*Albright's Township*—Gilbert Holt.

*Newlin's Township*—M. C. McBane, John Clark.

*Morton's Township*—Joseph W. Gilliam, John W. Garrison, P. Y. Bourls.

*Faucett's Township*—J. M. Tappscote, Brox B. Fonville, John A. Williams.

*Mcville Township*—Constance Sellers, T. C. Johnson, H. A. Bason, E. C. Turner, F. M. Roberson, Thomas C. Roberson, J. H. Blackburn.

*Pleasant Grove Township*—W. B. Sillars, W. J. Fitch, B. F. Walker.

## ALEXANDER COUNTY.

Alexander  
County.

John A. Cline.

## ALLEGHANY COUNTY.

Alleghany  
County.

*Cranberry Township*—J. H. Doughton, J. R. Pugh.

*Whitehead Township*—Geo. T. Caudle, Joshua T. Fender.

*Gap Civil Township*—Thomas Farmer.

## ASHE COUNTY.

Ashe County.

*Piney Creek Township*—H. C. Tucker, B. G. Faw, W. S. Francis.

*Horse Creek Township*—S. M. Brooks, Leandry Perry, J. W. Gass.

*Laurel Township*—Hugh Haggaman, Newells Stewart.

*North Fork Township*—W. F. Lewis, J. H. Hardin, L. J. Sturgill, W. R. Osbern.

*Creston Township*—W. J. McErvin, C. B. Foster, W. A. McMillan.

*Clifton Township*—J. G. Faw, Ben. P. Gregsly, Avery Price.

*Jefferson Township*—S. T. Sanderfur.

*Old Fields Township*—Jacob Houck, R. H. Goodman, D. C. Howell.

*Obed's Township*—J. C. Parsons, Isaac F. Faw, D. H. Burgess.

*Peak Creek Township*—G. B. Austin, John F. Long, S. M. Tramsan, B. B. Bare.

*Helton Township*—John Littlewood, Charles Dixon.

*Pine Swamp Township*—E. E. Phillips, L. S. Vannoy, Charles Hartzag, Felix Howell.

#### ANSON COUNTY.

*Lanesboro Township*—J. W. Beacham.

Anson County.

*Morvin Township*—W. E. Pennington.

*Wadesboro Township*—D. A. McGregor, H. A. Norwood.

#### BEAUFORT COUNTY.

*Bath Township*—Thos. L. Jackson, W. C. Kinion.

Beaufort County.

*Pantego Township*—R. D. Adams.

*Chocowinity Township*—Fred. H. Van Eberstein.

*Washington Township*—C. E. Harding, Joseph G. Chancey.

*Richmond Township*—J. M. Messick, Robinson F. Bennett.

*Long Acre Township*—R. D. Farrow, Chas. W. Allegood, Jas. Latham, Jr., W. S. D. Elmea, H. G. Jordan, H. C. Boyd.

#### BUNCOMBE COUNTY.

*Avery's Creek Township*—H. P. Mowris.

Buncombe County.

*Upper Hominy Township*—C. W. Howell, P. P. Morgan, W. V. Cole.

*Asheville Township*—C. W. Malone, F. N. Wooddell, J. D. Renland.

*Ivey Township*—T. S. Dillingham.

*Leicester Township*—Steve Hale, William Pounders.

*No. 11 Township*—W. C. Ellen, Isaac Walcombe.

#### BERTIE COUNTY.

*Windsor Township*—James H. White, two years; Ernest L. Smith, two years; E. W. Waters, four years; John W. Cooper, Jr., four years; W. L. Davis, six years; W. D. White, six years; Thomas Gillam, six years.

Bertie County.

*Merry Hill Township*—R. J. Shields, two years; E. H. Wolke, four years; T. Allen Smithwick, six years; Kenneth Sallinger, six years.

*Colerain Township*—J. B. Mitchell, two years; C. J. Morriss, two years; W. R. Raynor, four years; Joe H. White, four years; L. C. Stokes, six years; J. E. Britton, six years.

*White's Township*—Jas. Alston, two years; John H. Jernigan, four years; W. T. Brown, six years; W. P. Phelps, six years.

*Rorobel Township*—John C. Tynes, two years; W. J. Watson, two years; A. W. Early, four years; Jos. J. Brown, four years; J. E. Tyler, six years; Joseph A. Creech, six years; Wiley J. Parker, two years; S. A. Norfleet, Jr., two years.

*Mitchell's Township*—Miles T. Phelps, two years; H. L. Early, two years; W. Jud. Dunning, four years; J. P. Morris, four years; W. M. Mitchell, six years; J. Lawrence Harrington, six years.

*Snake Bite Township*—John L. Pritchard, two years; J. R. Cherry, four years; John S. Drew, six years.

*Woodville Township*—W. V. Brett, two years; E. C. Pittman, four years; J. W. Spivey, six years; Wayland Mitchell, six years.

*Indian Wood Township*—E. D. Spruill, four years; Charles Bond, six years.

#### BLADEN COUNTY.

Bladen County.

R. J. McEwers, J. S. Cain, A. J. Williams, C. O. Mercer, S. N. Furgerson, T. J. Freeman, J. B. McFadger, J. S. Nicholson, C. K. Council, Thos. D. Moultsby, James C. Cromartie, J. D. Dove, D. J. Gordon, R. B. Cromartie, Daniel Patterson, J. Mesk Robinson, Frank Davis, William Bundy, I. A. Register, A. A. Clarke, D. J. Perry, E. H. Anders, Asa W. Croom.

#### BRUNSWICK COUNTY.

Brunswick County.

*Northwest Township*—F. M. Moore, A. M. Chennis, S. J. Rowell.

*Town Creek Township*—M. A. Robbins, T. W. Henry, John C. Nelson, O. A. Durant.

*Smithville Township*—David Ward, R. S. Newton, Elkanah Hickman, Richard Dasher, W. J. Weeks, J. D. Galloway.

*Lockwood's Folly Township*—Franklin Galloway, A. T. Hewett, J. W. Lancaster, W. O. McKethan.

*Shallotte Township*—J. S. Simmons, Christopher Evans, E. L. Stanley, T. H. Patterson, B. J. Bennett, Forney Gore.

*Waccamaw Township*—G. B. Ward, J. A. Phelps, C. C. Little, L. M. Todd.

#### BURKE COUNTY.

Burke County.

*Icard Township*—W. W. Atkins, J. J. Abernethy.

*Morganton Township*—J. A. Shufing, B. F. Davis.

#### CUMBERLAND COUNTY.

Cumberland County.

*Cedar Creek Township*—A. B. Smith.

*Gray's Creek Township*—James Kirkpatrick, Wm. Clarke and W. C. Riddle.

*Rockfish Township*—T. J. Harnady, W. T. Tyson and J. E. Brady.

*Pearce's Mill Township*—W. J. Johnson.

*Little River Township*—M. P. Blue, J. A. Wright.

*Curver's Creek Township*—W. G. Adams, W. M. Walker, M. W. King, C. D. Gilmore.

*Flea Hill Township, No. 1*—Daniel A. McMillan.

*Hope Mills Township*—John W. Hodges.

#### CATAWBA COUNTY.

*Mountain Creek Township*—S. Wilkinson.

Catawba County.

*Prospect Township*—J. Alonzo.

*Bandy's Township*—D. C. Hoyle.

#### CAMDEN COUNTY.

*South Mills Township*—W. H. Abbott, six years.

Camden County.

*Shiloh Township*—John D. Baker, six years.

#### CHATHAM COUNTY.

*Cape Fear Township*—T. W. Rollins, John H. Cotton, J. R. Churchill.

*Hickory Mountain Township*—P. G. Brooks, V. M. Dorsett.

*Centre Township*—J. W. Griffin.

*Bear Creek Township*—B. A. Phillips, D. Y. White.

*Albright Township*—J. W. Pearce.

*Rock Rest Township*—W. M. Lindsay, C. C. Hamlet.

*Hadley Township*—S. P. Teague, Manly Lindley, T. S. Perry.

*Gulf Township*—John M. Edwards and O. H. Dorsett.

*Oakland Township*—T. A. Yarborough.

#### CHOWAN COUNTY.

*Second Township*—C. W. Cofield, B. L. Evans, W. P. Jones.

Chowan County.

*Third Township*—W. C. Ward, Luke Hollowell, E. C. Welch.

*Edenton Township*—John C. Bond, M. H. Dixon, John Maguire,

S. E. Morriss, E. S. Norman.

*Ycopim Township*—J. C. Byrd, J. B. Webb, T. C. Hedrick.

## COLUMBUS COUNTY.

Columbus  
County.*Ransom Township*—S. B. King.*Bogue Township*—S. I. Batten, W. H. Hickman, Thomas B. Pierce.*South Whiteville Township*—L. W. Stanley.*North Whiteville Township*—E. A. Maultsby.*Tatum's Township*—A. M. Benton, A. D. Williamson.*Lee's Township*—B. A. Marlowe.*North Williams Township*—M. M. Hamellson.*Waccamaw Township*—J. A. Clark.

## CLEVELAND COUNTY.

Cleveland  
County.*No. 1 Township*—W. D. Wood, S. J. Thenyhires, L. C. Lemmons, H. W. Gallimore.*No. 2*—A. B. Lee, A. M. Lovelace, J. M. Irvin.*No. 3*—J. M. Roberts.*No. 5*—M. P. Harrelson, S. L. Dellinger.*No. 6*—J. F. Tiddy.*No. 7*—J. L. Green.*No. 8*—E. Z. Chanyian, Zinire Kistler.*No. 9*—T. D. Falls, T. J. Dixon, L. M. Williams.*No. 10*—J. Z. Falls, J. A. Carpenter.*No. 11*—J. A. Newton, M. N. Prewett.

## CABARRUS COUNTY.

Cabarrus County.

*Township No. 1*—Will Davis.*No. 2*—W. F. Morrison, John Craven.*No. 3*—W. F. Smith, C. H. Hamilton.*No. 4*.*No. 5*—E. K. Misenheimer, W. K. Lyles.*No. 6*—G. E. Ritchie.*No. 7*—G. W. Dry.*No. 8*—Jonas Cook, T. O. Mason, C. G. Heileg.*No. 9*—P. F. Widenhouse, E. T. Best.*No. 10*—R. L. Hartsell.*No. 11*—A. F. Hagler, C. A. Icenhour, W. L. Morris.*Township No. 12, Ward No. 1*—C. D. Robbins, Frank Goodson.*Township No. 12, Ward No. 2*—D. M. Furr, W. J. Hill.*Township No. 12, Ward No. 3*—P. A. Correll, G. G. Richmond.*Township No. 12, Ward No. 4*—G. M. Love, J. M. Hendrix.



## CARTERET COUNTY.

*Portsmouth Township*—E. L. Keeler, M. C. Dixon. Carteret County.

*Hunting Quarters Township*—T. L. Goodwin, J. W. Mason,  
Allen Taylor, Damon Trulcher.

*Smyrna Township*—H. E. Frisbee, J. A. Davis.

*New Port Township*—C. F. D. Bell, Rufus Garner, A. G. Edward.

*Beaufort Township*—James F. Cafferry, William F. Dill, John Farlow.

## CURRITUCK COUNTY.

*Moyock Township*—Walter Steward.

Currituck  
County.

*Crawford Township*—E. R. Johnson, J. L. Decornies.

*Trentville Township*—E. D. Bowden, J. L. Dunton.

*Poplar Branch Township*—H. M. Gallop, J. W. Forbes, J. I. Summerville.

## CALDWELL COUNTY.

*North Catawba Township*—Alfred Kayler. Caldwell County.

## DARE COUNTY.

*Croatan Township*—B. F. Gard, J. P. Midgett. Dare County.

*Nag's Head Township*—John W. Ward, Sr.

*Kennakeet Township*—G. L. Scarborough.

*Hatteras Township*—George W. Farrow.

## DUPLIN COUNTY.

*Faison Township*—Albert R. Hicks, Isaac L. Faison. Duplin County.

*Rockfish Township*—D. Stokes Williams, W. R. Bland, D. H. Williams.

*White Oak Township*—Millard F. Sanders, Ned Hall.

*Magnolia Township*—J. R. Wells, F. L. Byrd, Kirby Hollingsworth, Jr.

## DAVIE COUNTY.

*Farmington Township*—C. A. Hall. Davie County.

*Fulton Township*—J. R. Williams, Sr., L. A. Bailey.

## DAVIDSON COUNTY.

*Healing Springs Township*—Wilson W. Headrick. Davidson County.

*Emmons Township*—J. W. Hedrick, H. L. Beck, A. J. Surratt.

*Jackson Hill Township*—J. C. Skein, James C. Surratt, D. Yarbrough.

*Silver Hill Township.*

*Thomasville Township*—Harris C. Turner, John W. Bowers.

*Arcadia Township*—Cicero C. Weisner, Ed. E. Roper.

*Concord Township*—A. S. Miller.

#### DURHAM COUNTY.

Durham County. *Mangum Township*—Rinkney A. Flintam.

#### EDGECOMBE COUNTY.

Edgecombe  
County.

*No. 1 Township*—Wm. Howard, J. P. Jenkins and J. C. Parnell.

*No. 2 Township*—David E. Cobb, C. L. Warren.

*No. 3 Township*—B. F. Shelton, W. J. Davenport.

*No. 4 Township*—M. P. Edwards, D. B. Batts.

*No. 5 Township*—Almon Fountain.

*No. 6 Township*—J. M. Johnson, H. J. Wheeler.

*No. 7 Township*—W. W. Vick.

*No. 8 Township*—W. I. Knight.

*No. 9 Township*—B. F. Eagle, Jr., Amos Wooten.

*No. 10 Township*—Geo. P. Suggs, B. F. Wedner, J. E. Cobb.

*No. 11 Township*—N. B. Killebrew, R. G. Hart.

*No. 12 Township*—W. O. Bullock, M. T. Daughtridge, R. C. Vestal, J. H. Daughtridge, Henry Avent.

*No. 13 Township*—W. A. Hinton.

*No. 14 Township*—Fenner Gay, O. B. Proctor.

#### FRANKLIN COUNTY.

Franklin County. *Dennis Township*—W. H. Williams, J. H. Ballentine, J. R. Weathersby.

*Harris Township*—N. B. Young, W. B. Hunter, P. M. Burnett.

*Freeman's Township*—F. P. Pierce, J. L. King, J. R. T. Harrington.

*Franklinton Township*—E. W. Morris, W. F. Joyner, Moses Neal, R. R. Holmes.

*Hayesville Township*—R. L. Foster, W. A. Pace, R. G. Winn.

*Sandy Creek Township*—R. H. Strickland, John Foster, E. M. Gurton.

*Gold Mine Township*—W. O. Upchurch, Joseph Shearm, J. W. Pearce, D. T. Hollingsworth.

*Cedar Rock Township*—W. J. Johnson, T. W. Stokes, J. T. Inscocoe.

*Cypress Creek Township*—T. W. Davis, Mathew Sykes, J. G. Creekmore.

*Louisburg Township*—Geo. S. Baker, O. L. Ellis, W. E. Tucker, J. R. Collie.

## FORSYTH COUNTY.

*Abbott's Creek*—P. W. Raper, J. A. Holder, J. F. Hedgecock, Forsyth County.  
 Julius Stafford, F. C. Hasten, Lennis Ring.

*Bellevue's Township*—J. W. Fare, A. W. Preston, R. S. Linville,  
 J. E. Hester, W. M. Lancaster.

*Broadway Township*—J. P. Charles, O. J. Shepherd, E. L. Vogler,  
 W. R. Raminger.

*Clemonsville Township*—C. E. Strupe, T. W. Griffith, Harrison  
 Davis.

*Kernersville Township*—J. M. Guyer, J. S. Ray, W. W. Hunter,  
 Geo. W. Crews, Robert W. Ring.

*Lewisville Township*—J. H. Conrad, R. S. Daniel, Sam. C. Har-  
 per, J. A. Sheeks.

*Middle Fork Township*—Wert Jones, Chas. Hauser, J. E. Ziblar.

*Old Richmond Township*—A. C. Flemming, W. J. Wolff, W. S.  
 Holt, W. T. Sprinkle, H. M. Scott.

*Bethune's Township*—R. O. Butner, A. H. Rodenhamer, J. G.  
 Clayton, C. L. Holland, Alf. Simmons.

*Old Town Township*—Robert L. Alsbaugh, James E. Conrad,  
 Samuel A. James, Luther C. Hine, Calvin H. Hauser, Walker E.  
 Gladstone.

*Selma Chapel Township*—A. Frank Marshall, W. N. Poindexter,  
 J. D. Waddill, Charlie James.

*Vienna Township*—J. J. Marshall, C. F. Mickle, Springs Con-  
 rad, J. A. Moser, Alf. Conrad.

*South Fork Township*—L. J. Conrad, A. B. Atwood, W. B. Staf-  
 ford, John Ebert, F. W. Sheets.

*Winston Township*—J. M. Robinson, Z. T. Bynum, W. M. Hen-  
 shaw, Geo. D. Hodgin, Thomas Ring, E. O. Curtis, W. E. Frank-  
 lin, Dr. J. A. Blum, John G. Young, J. B. Whitaker, Jr., Alex.  
 Moses.

## GRANVILLE COUNTY.

*Oak Hill Township*—Rufus Amis, M. L. Daniel, J. P. Stovall.      Granville County.

*Fishing Creek Township*—John D. Williams, R. M. Hight.

*Brassfield Township*—W. P. White.

*Dutchville Township*—J. D. Tilley.

*Tally Ho Township*—J. H. Gooch, J. P. Cannady.

*Walnut Grove Township*—J. F. Cole, J. G. Shotwell, B. F. Hes-  
 ter.

*Salem Township*—R. C. Pocket, W. H. Green.

*Oxford Township*—W. L. Ragland.

Gaston County. *Cherryville Township*—Jacob Kiser.  
*Dallas Township*—John B. White.

Guilford County.

*Clay Township*—Thomas R. Gleason, H. E. Rankin, J. Henry Cable.

*Greene Township*—James F. R. Clapp, W. H. Bennett.

*Deep River Township*—Joseph A. Davis.

*Munroe Township*—C. A. Whitworth, A. J. Lambeth, Frank G. Chilcatt.

*Fentress Township*—John C. Kennett.

*Monckhead Township*—W. M. Love, W. W. Wood, John Lewis.

*Gilmer Township*—John W. McNairy, John A. Pritchett.

*Summerfield Township*—John C. Punch, C. F. Johnson, C. H. Wilson, T. J. Rhodes, A. J. Barton.

*Jefferson Township*—Walter McLean, Walter Lindsay.

*Washington Township*—J. J. Bostick, W. Newton Wright, C. L. Lockwell, C. A. Tickle.

*Sumner Township*—J. F. Coletrane, E. F. Paschal, F. F. Glenn, T. J. Harvey, R. C. Short.

*High Point Township*—H. C. Kearns, W. C. Jones, F. J. Harvey, J. W. Guire, W. H. Idol.

*Jamestown Township*—James W. Davis.

Harnett County.      *Avery'sboro Township*—O. P. Shell.  
                              *Stewart's Creek Township*—Joseph L. Williams.  
                              *Hector's Creek Township*—A. A. Johnson, W. R. Johnson, C. E.  
                              Watson.  
                              *Buckhorn Township*—John Johnson, M. V. Prince, Benjamin  
                              Harrington, Thomas Latner.  
                              *Jacksonville Township*—Henry Morrison, Daniel Godfrey, John  
                              A. Cameron.

Hyde County.      *Sequoia* Township—L. S. Ross, Geo. T. Credle.  
                          *Carriuck* Township—Z. T. Fortis, ne. D. W. Garrish, J. W.  
                          Green.  
                          *Lake Landing* Township—H. S. Gibbs, A. McC. Jones.

Haywood County. *Beaverdam Township*—J. N. Mease.  
*Clyde Township*—D. H. Byers.  
*Pigeon Township*—M. D. Kinsland.

*East Fork Township*—T. R. Pless.

*Cecil Township*—W. B. Inman.

#### HERTFORD COUNTY.

*Marficesboro Township*—J. C. Vinson, J. S. Wynn, Jno. B. Hertford County.  
Trader.

*Harrellsville Township*—C. H. Smith, Edmond Jones, J. M.  
Jones.

*Winston Township*—L. S. Daniel, A. I. Parker, J. W. Boone.

#### HENDERSON COUNTY.

*Crab Creek Township*—James Shepherd, C. S. Orr, H. D. Car-  
ter, Jr., W. A. Merrell. Henderson  
County.

*Hendersonville Township*—J. B. Arledge, L. S. Pender.

*Blue Ridge Township*—E. M. Gibbs, W. S. Young.

*Edneyville Township*—McL. Edney, R. Lee Freeman, J. H.  
Lamb, G. W. Lyde.

*Hooper's Creek Township*—R. M. River, C. M. Fletcher, J. N.  
Russell.

#### HALIFAX COUNTY.

*Weldon Township*—F. H. Tracy, R. W. Brown, V. M. Burton, Halifax County.  
E. S. Emry.

*Halifax Township*—J. J. Daniel, J. H. Turner.

*Littleton Township*—M. J. Morriss, J. V. Newsom, J. E. John-  
ston.

*Faucett Township*—W. K. Pitman, J. A. B. Kilpatrick, J. A.  
Dickens.

*Palmyra Township*—Ed. Staton, R. H. White.

*Conocanarie Township*—N. Fitzpatrick.

*Scotland Neck Township*—J. A. Perry, W. P. Robinson, W. T.  
Clements, B. F. Gray.

*Rosemeath Township*—Stewart Strickland, John Edwards, M. T.  
Savage, W. T. Whitehead.

*Brinkleyville Township*—Geo. L. Knight, W. P. Sledge, J. F.  
Davis, W. W. Rosser, W. H. Hayes, C. A. Williams.

*Enfield Township*—Jno. J. Robinson, John Beavins, J. B. Hun-  
ter, J. Wilson Pittman, F. C. Pittman, D. D. Bryan, R. B. Britt,  
J. J. Whitaker.

#### GATES COUNTY.

*Gatesville Township*—B. F. Willy, R. S. Reddick, W. P. Har-  
rell. Gates County.

*Hall Township*—T. A. Eure, Montford Green, A. D. Eure.

*Reynoldson Township*—N. E. Harrell, John G. Gatling, N. B. Fulton.

*Haslett's Township*—W. M. Mathews, Reverdy Johnson, W. W. Walters.

*Holly Grove Township*—D. W. Parker, James B. Jones, James A. Harrell, R. E. Barnes, B. W. Jones, E. F. Beaman.

*Huntsville Township*—R. W. Simpson, Geo. W. Rountree, H. L. Brown.

*Wintonsville Township*—E. A. Rountree, Jas. A. Roberts, James B. Hathaway.

#### MOORE COUNTY.

#### Moore County.

*Carthage Township*—J. R. McAuley, D. M. McLeod.

*Beusaleem Township*—J. F. Reynolds, E. W. Cole, J. C. Stutts, H. A. Kelly.

*Sheffield's Township*—J. W. Moore, T. M. Baldwin.

*Ritter's Township*—G. L. Finison, B. L. Matthis.

*Deep River Township*—A. J. Jones, A. B. Harrington.

*Pocket Township*—E. M. Judd, D. M. Underwood.

*McNeill's Township*—Pink Pope, Daniel McNeill, C. W. Shaw, D. A. Blue.

*Sandhills Township*—J. W. Teagan, Geo. H. Muse, John Campbell.

*Mineral Springs Township*—William Homes, N. D. J. Clark.

*Greenwood Township*—T. M. Cross, H. G. McIntosh.

*Sanford Township*—John W. Scott.

*Jonesboro Township*—Geo. S. Cole, John Vaughan.

*Provided*, that said Justices of the Peace for Moore County shall hold their offices for two years from ratification hereof.

#### NEW HANOVER COUNTY.

#### New Hanover County.

*Wilmington Township*—John Barry, J. D. Kelly, F. T. Skipper, W. A. Wright, R. B. Clowe, W. J. Woodward, John H. Berry, Washington Catlett, Owen Fennell, W. L. Parsley, John H. Hanby, C. W. Worth, W. A. McGowan, J. F. Littleton, B. R. King, J. A. Walker, W. McEvans, J. F. Maunder, George T. Bland, George C. Simmons, Martin O'Brien, Roger Moore, J. L. Cantwell, W. H. Yopp, T. D. Meares, Walker Meares, B. J. Jacobs, W. H. Northrop, Jr., G. W. Borneman, J. M. Branch, F. W. Westerman, O. M. Pillyaw, C. L. Spencer, John B. Hand, Marcus W. Jacobi, G. J. Boney, Samuel Bear, Jr., S. G. Hall, E. S. Lathrop, W. E. Perdew, Wm. H. Bernard, J. J. Fowler, Walter E. Yopp, B. F. King, J. M. McGowan, J. P. Montgomery.

*Cape Fear Township*—Sam. Blossom, D. J. Westbrook, J. B. Dempsey, C. H. Casteen.



*Harnett Township*—W. F. Alexander, R. B. Moore, Gerit Walker, J. M. McCumber.

*Masonboro Township*—C. W. Bishop, P. R. Fowler, D. J. Fergus, Charles Craig.

*Federal Point Township*—Henry Taylor, T. J. Bennett, Ben. Horne, T. H. McGhee.

*Wilmington Township*—F. H. Techtiz, Martin Newman, John J. Furlong, S. P. Adams, H. L. Fentress, Geo. LeGrand, J. N. Huske, S. H. Fishbiate, McIlhenny, W. L. West, R. C. Cantwell.

#### NORTHAMPTON COUNTY.

*Rich Square Township*—Isaac Carter, J. J. Bishop, S. R. Leak, Northampton County.  
Jr., R. B. Boyer, N. By Tyler.

*Seaboard Township*—J. H. Ramsey, B. D. Stuncil, W. E. Harris, R. T. Stephenson, J. N. Whitehead, J. W. Magee.

*Weccacumw Township*—H. C. Lassiter, W. H. Ivey, J. V. Rogers, J. D. Batton, C. Deloatch, D. E. Bridgers.

#### ORANGE COUNTY.

*Hillsboro Township*—Weldon M. Strand, John F. McAdams, Orange County.  
Joseph A. Harris.

*Chapel Hill Township*—Charles W. Johnstone, J. M. Floyd.

*Bingham Township*—Sidney S. Webb, Robert Lee Smith.

*Little River Township*—Joseph W. Terry.

#### ONslow COUNTY.

*Richlands Township*—F. D. Shaw, J. K. P. Batchelor, Onslow County.

*Jacksonville Township*—Henry C. Cannady.

*White Oak Township*—W. J. Montfort, Sr., A. A. Eubanks.

*Swansboro Township*—R. C. Morton.

#### PERSON COUNTY.

*Allensville Township*—John L. Gentry, Person County.

*Bushy Fork Township*—J. L. Phelps, A. M. Long, Daniel Long.

*Flat River Township*—J. S. Noel, W. F. Timberlake, J. C. Cater.

*Roxboro Township*—E. V. Webb, W. H. Newell, J. S. Clayton, J. W. Younger, John O'Brient.

*Woodsdale Township*—J. G. Boyer, G. M. Crowden.

*Cunningham Township*—J. M. Bray.

*Olive Hill Township*—J. G. Stephenson, W. H. Moore.

*Halloway's Township*—G. W. Fletcher.

## LENOIR COUNTY.

Lenoir County. *Contentnea Township*—J. L. Keen, W. P. Gilbert.  
*Vance Township*—John T. Harper, Robert A. Wooten.  
*LaGrange Township*—Shade Wooten, Sr.

## PASQUOTANK COUNTY.

Pasquotank County. *Elizabeth City Township*—T. B. Wilson, M. M. Sawyer, W. S. White, M. G. Wright, J. B. Flora, Wm. H. Cropsy, T. B. Hayman, C. W. Grice, M. N. Sawyer, A. S. Neal, N. R. Parker, J. C. Spence.  
*Mt. Hermon Township*—W. H. Thompson, T. C. Perry, Jas. R. Britt, Edward D. Owens, Benj. G. Winslow, D. W. Morgan, J. C. Overman, D. C. Perry.  
*Newland Township*—B. C. Jackson, W. J. F. Spence, R. B. Edney, E. J. Spence, G. W. Harris, Jno. A. Evans, W. N. Brothers, James E. Temple.  
*Niconton Township*—G. W. Cartwright, W. H. Reid, Lemuel Harris, C. W. Hollowell, Z. W. Hollowell, Rufus Scott, Jos. E. Lane, Joshua W. Seakely, Jos. B. Walston.  
*Providence Township*—W. E. Wood, J. C. Perry, Simeon Pritchett, Lemuel Whitehurst, Cader Jennings, Robert Whitehurst, R. Nixon Morgan, Wm. F. Pritchett, Jr.  
*Salcm Township*—Caleb Roper, T. E. Palmer, John C. Jones, Jr., Thomas Jennings, F. M. Godfrey, John L. Palmer, R. C. Lowry, N. D. Pendleton, James C. Clarey.

## MAGISTRATES FOR CRAVEN COUNTY.

Magistrates for Craven County. *Township No. 1*—William Cleve, David P. Whitford, Bryan Whitford, L. E. Dudley.  
*Township No. 2*—Josiah Tingle, Cicero Gaskins, L. B. Caton, J. M. Willis.  
*Township No. 3*—W. C. White, R. A. Russell, F. P. Outlaw, J. E. Kornegay, Dan. Richardson, B. B. Wooten, E. J. White, Jr. Timothy McKoy, J. S. W. Pearce, W. R. Sauls.  
*Township No. 5*—Jno. S. Morton, Mike Morton.  
*Township No. 6*—J. H. Hunter, T. E. Haywood, Ben. Mallison.  
*Township No. 7*—Z. V. Butts, C. C. Gumbo, John .....  
 Jr., B. I. Eborn.  
*Township No. 8*—H. R. Bryan, Mark Dissosway, E. T. Gaskill, John Dunn, Denmark Roberts, Walter H. Bray, D. L. Roberts, Daniel Lane, S. W. Ipock, J. R. Cromwell, W. F. Crockett, S. W. Smallwood, Ralph Gray, J. W. Smallwood, W. H. Scott, W. H. Scott, Jr., Walter Duffy, C. K. Hancock, J. H. Benton, Augustus

Ipock, W. D. Barrington, T. G. Hyman, Luther Lewis, Jas. F. Taylor, Geo. N. Ives, W. A. McIntosh, P. A. Willis, E. W. Bryan, Walter Fulford, J. E. Latham, E. W. Rosenthal, Henry B. Lane, E. K. Bishop, K. R. Jones, E. B. Hackburn, C. E. Slover, Jas. A. Bryan, Jas. W. Biddle, Hugh Armstrong, Foard Hahn, James Hill, Harry Moore, F. Duffy, W. D. Flamer, Joseph Duguid, John Suter.

*Township No. 9*—A. E. Wadsworth, J. T. House, E. W. Wadsworth, A. B. Dawson, O. H. Wetherington, Drew Dixon, W. G. B. Lane.

## POLK COUNTY.

*Columbus Township*—N. H. Hill, J. P. Arledge.

Polk County.

*Green's Creek Township*—J. T. Camp.

## PAMLICO COUNTY.

*No. 3 Township*—D. B. Hooker, W. T. Mayo, J. E. Heath.

Pamlico County.

*No. 2 Township*—J. B. Ferebe, W. H. Powers.

*No. 4 Township*—W. T. Credle, J. R. Sadler.

*No. 1 Township*—Joseph M. Reed.

## PERQUIMANS COUNTY.

*New Hope Township*—T. B. Walters, J. C. Wilson, A. A. Perry and C. W. Sutton. Perquimans County.

*Parkville Township*—S. M. Symons, R. B. Kirby, A. W. Jordan and W. M. Bray.

*Belvedere Township*—J. A. Lane, James H. Miller, Bragg Perry and J. V. Parker

*Hertford Township*—R. A. Brinn, George K. Newby, W. E. White, T. Satterfield, A. B. Flannangon.

*Bethel Township*—W. T. Jones, T. J. Long, James Gatling and S. S. Williams.

## PENDER COUNTY.

*Union Township*—Isaiah Carroll.

Pender County.

*Holly Township*—Henry Shaw, D. J. Stokes.

*Topsail Township*—J. B. Davis.

## PITT COUNTY.

*Contentnea Township*—O. C. Nobles.

Pitt County.

*Swift Creek Township*—L. B. Mewborne.

## ROCKINGHAM COUNTY.

*Leaksville Township*—J. M. Price, T. G. Taylor, Parsley White. Rockingham County.

*Wentworth Township*—T. C. Marphis.

## RUTHERFORD COUNTY.

Rutherford  
County.*Chimney Rock Township*—Paul F. Searcy, W. D. Harris.*Camp Creek Township*—C. C. Goforth, B. M. Edney, Henry Forney.*High Shoal Township*—L. G. L. Taylor, J. H. Hamrick.

## RICHMOND COUNTY.

Richmond  
County.*Rockingham Township*—Walter F. Long.

## RANDOLPH COUNTY.

Randolph  
County.*Trinity Township*—W. W. Elder, J. F. Mendenhall, B. L. Lineberry.*Randleman Township*—F. N. Ingold, J. F. Bostick, Allen Brown-  
ing, J. N. Caudle.*Providence Township*—J. W. Pugh, W. R. Julian.*Liberty Township*—R. C. Brower, Thos. G. Coble, O. T. Hatch,  
W. P. Fox.*Columbia Township*—James M. Foushee, J. F. Brower, Thos. P.  
Baker, James T. Turner, John H. Bargess.*Brower Township*—J. P. Phillipps, G. F. Gatlin, T. C. Albright.*New Market Township*—James R. Coltrane, Robert L. Coltrane,  
Thomas J. Steel.*Cedar Grove Township*—N. M. Lowe, H. M. Lassiter, W. S. Gat-  
lin.*Back Creek Township*—Hugh McCain, Lee R. Spencer.*Richland Township*—O. M. Yow, M. J. Presnell, J. M. Lilly.*Union Township*—U. R. Callicott, S. A. Cox.*Grant Township*—C. O. Ingold, L. A. Smith, P. F. Shoon.*Tabernacle Township*—John Hoover, L. C. Phillips, W. H. Rush.*Asheboro Township*—J. L. Ridge, W. J. Teague, David M. Petty.*Franklinville Township*—H. D. Dearborn.*New Hope Township*—H. G. Lassiter, F. C. Russell.*Concord Township*—W. B. Yarbrough, W. J. Delk, I. M. Dorsett,  
R. L. Garner.

## ROCKINGHAM COUNTY.

Rockingham  
County.*New Bethel Township*—A. H. Garrett.*Wentworth Township*—T. E. Morphis.*Huntsville Township*—S. A. Southern.*Reidsville Township*—J. G. Staples.

## ROBESON COUNTY.

*Red Springs Township*—B. B. McLean and A. B. Pearsall. Robeson County.  
*Lumber Bridge Township*—Spurgeon Jones.  
*Maxton Township*—John D. Jowers.  
*Lumberton Township*—J. T. Prevatt.

## ROWAN COUNTY.

*Franklin Township*—C. A. Isinhour. Rowan County.  
*Cleveland Township*—D. B. Roseboro.  
*Enochville Township*—Henry Overcash.  
*Settle Township*—T. G. Gellishee.  
*Salisbury Township*—C. M. Miller.

## STANLY COUNTY.

*Almond Township*—J. H. Snockerly. Stanly County.  
*Big Lick Township*—J. A. Little.  
*Locust Township*—R. W. Simpson.

## SURRY COUNTY.

*Mount Airy Township*—Ed. C. Shelton, W. L. Gwyn, S. L. Gilmer, Surry County.  
 S. G. Pace, W. E. Merritt, A. J. Thompson, Winston McKinney,  
 John T. Leitch, R. D. Critz, J. A. Yokeley, John T. Reaves.  
*Franklin Township*—Fred. Armfield and Taylor Lowe.  
*Eldora Township*—John Baggette, W. J. Key.  
*Dobson Township*—A. H. Freeman, G. M. Gernis, J. H. Poin-  
 dexter.  
*Bryant Township*—F. W. Norman, B. J. Snow, J. M. Cocker-  
 ham.  
*Westfield Township*—J. D. Richardson, A. F. Snoddy.  
*Long Hill Township*—Frank Stone.  
*Elkin Township*—E. E. Harris, J. A. Polk.

## SAMPSON COUNTY.

*Turkey Township*—Wm. F. Hines, C. E. Daniel, Vance Blount, Sampson County.  
 Henry A. Jones, J. F. Faison.  
*Dismal Township*—L. C. Spell, W. D. Spell, J. Q. Jones, Charles  
 Williams, Jr.  
*Mingo Township*—W. A. Jackson, D. C. Damson, Jesse F. Wil-  
 son, F. B. Tart, Wm. B. Barefoot, John C. Williford.  
*Westbrook Township*—M. L. Blackman, J. R. Westbrook, Levi  
 Dudley, Martin E. Bass, Allen Daugherty, M. B. Wilson.

*Newton Grove Township*—William Daughtery, James W. Bryant, Geo. B. Rose, L. B. Cotton, J. A. Warrick.

*Taylor's Bridge Township*—A. J. Smith, Howard Jones, John O. Marthis, W. S. Johnson.

*McDaniel's Township*—W. W. Hobbs, F. P. Simmons, A. B. Parker, D. H. Melvin, G. W. Howard.

*Piney Grove Township*—W. E. Faison, M. W. Clifton, Martin L. Weeks, Henry Clifton, Marshal Troublefield.

*Ball's Township*—Z. J. King, G. J. King, S. H. Hobbs, J. W. Weeks, H. L. Oats.

*Herring's Township*—Sherman A. Royals, H. B. Culbreth, Marcellus McPhail, Joel James.

*South Clinton Township*—H. B. Chestnuts.

*North Clinton Township*—R. H. Holland.

*Honeycutt's Township*—A. E. Underwood, W. J. Butler, Whitney Royal, W. A. Baggett, Ed. S. Herring.

*Lisbon Township*—A. F. Robinson, J. D. Johnson, C. I. Robinson, C. T. Lormb, J. S. Johnson.

The above-named parties elected for Sampson County shall hold their office for two years.

#### SCOTLAND COUNTY.

Scotland County. *Stewart's Mills Township*—L. D. McKennen, Frank L. Bundy.  
*Laurel Hill Township*—J. McN. Patterson.

#### IREDELL COUNTY.

Iredell County. *Shiloh Township*—Daniel J. Fullbright.

#### JACKSON COUNTY.

Jackson County. *Webster Township*—W. D. Frizzle.  
*Cullowhee Township*—N. J. Frox.

#### JOHNSTON COUNTY.

Johnston County. *Ingram's Township*—W. A. Sanders, A. R. Keen, L. W. Hockady.  
*Banner Township*—Curtis Johnson, T. J. Smith.  
*O'Neill's Township*—John C. Hoover.  
*Beulah Township*—Elias G. Barnes, N. R. Pike, L. S. Carter and D. H. Hinnant.  
*Cleveland Township*—A. M. Sanders.  
*Pleasant Grove Township*—E. S. Coats.  
*Wilder's Township*—J. R. Barnes.



## JONES COUNTY.

- White Oak Township*—K. R. Hay, R. D. Dixon, Lewis Bynum, Jones County.
- Pollocksville Township*—F. J. Parker, J. B. Banks, James F. White, J. N. Foscue, H. C. Foscue.
- Trenton Township*—C. C. Smith, W. M. Hawkins, Allen Davenport.
- Cypress Creek Township*—F. B. Koonce, J. L. Hardy, J. M. Brown, D. W. Philgraw.
- Tuckahoe Township*—W. R. Dixon, Ben. King, David Craft, W. H. Sutton, John S. Hargett.
- Chinquapin Township*—J. E. Harrison, Windson Dale, Lake Dilahunt.
- Beaver Creek Township*—J. P. Kelly, E. B. Isler, J. F. Noble, Leroy Pollock, J. F. Hartsfield.

## MECKLENBURG COUNTY.

- Charlotte Township*—H. C. Severs, D. P. Hutchison, C. H. Wolfe, S. W. Davis, W. W. Phifer, M. C. Mayer, Thomas Griffith, John R. Erwin, W. S. Mallory, McD. Watkins, T. A. Sikes, Walter Brem, W. R. Robertson, J. K. Wolfe, J. M. Davis, H. C. Dotzer, R. B. Caldwell, Frank G. Johnson, F. C. Abbott, Will Hearn, G. F. Duke, T. L. Levy, L. M. McAllister, Mecklenburg County.
- Steele Creek Township*—J. B. Watt, H. D. Smith, J. C. Smith, W. N. Peoples.
- Sharon Township*—C. P. Elliott, W. D. Beatty, O. C. Hunter, Parks Kirkpatrick, W. A. Griffith.
- Providence Township*—H. G. L. Rea, T. A. Squires, W. M. Ardery, S. R. Grier, Ed. McCall.
- Clear Creek Township*—G. W. Davis, F. B. McWhirter, W. F. Hagler, P. M. Ritch.
- Crab Orchard Township*—M. C. Davis, R. L. Stenson, J. A. Newell, D. C. Berryhill.
- Mallord Creek Township*—James G. Alexander, J. W. Galloway, F. A. Neal.
- Deweese Township*—W. B. Barnett, Jno. F. Caldwell, P. B. Maxwell.
- Lemly's Township*—R. D. Alexander, H. C. Hubbard, Mack Blythe.
- Long Creek Township*—W. D. Harvey, Albert McCoy, E. L. Reanus, T. B. Douglass, F. B. Sample, J. O. Gluzas.
- Paw Creek Township*—Marcus A. Alexander, J. M. Grice, J. D. Culp.
- Huntersville Township*—D. W. Mayes, J. T. Mayberry, W. S. Caldwell.

## MONTGOMERY COUNTY.

Montgomery  
County.

*Frog Township*—W. M. Pool, J. E. Sanders, Chas. Bell, J. C. Beckwith and O. M. Wade.

*Hill Township*—W. L. Freeman, H. C. Ingram, Mialy Lock, J. G. Stout.

*Mt. Gilead Township*—H. T. Scarboro, John B. Hurley, F. P. Tyson, C. J. Battle.

*Uncharrie Township*—W. F. Hunsucker, H. F. Hicks and Matthew Harris.

*Pec Dee Township*—H. P. Montgomery, A. R. Moore, R. A. Matheson, Geo. M. Bruton.

*Cline's Creek Township*—R. C. Hammer, C. L. Cox, James C. Thompson.

*Rocky Springs Township*—H. T. Pool, Jesse Chappel, James McLeod, K. M. McCaskill, Rock Alton.

*Hollingsworth Township*—D. M. Hunsucker, Geo. W. English, J. A. Currie, J. M. Fox.

*Little River Township*—Winston Burroughs, George Cornelison and Geo. Cockran.

*Ophir Township*—W. K. Reynolds, W. G. Dains, W. R. Mason, C. C. Collicutt.

*Eldorado Township*—John L. Cotton, James D. Harris, Thomas Wood and Mack Ellen.

## McDOWELL COUNTY.

McDowell  
County.

*Turkey Cove Township*—Daniel Washburn, John Elliott.

*Crooked Creek Township*—R. W. Burgin, A. W. Gilliam, A. W. Gibson, J. L. Byrd.

*Broad River Township*—T. V. Stroud, E. H. Hall.

*Old Fort Township*—John Silbers, G. W. Bradley and C. A. Byrd.

*Marion Township*—W. F. Craig.

## MITCHELL COUNTY.

## Mitchell County.

*Grassy Creek Township*—S. M. Callis, W. J. Glenn, Elliot Simons, M. D. Wiseman.

*Fork Mountain Township*—S. V. Cook.

## MARTIN COUNTY.

## Martin County.

*Goose Nest Township*—Justus Everett, H. Brown, J. J. Long, N. M. Worseley, J. L. Davenport, John T. Hyman.

*Hamilton Township*—T. B. Slade, T. Jones Taylor.

*Cross Roads Township*—George D. Gurganus.

*Robersonville Township*—John L. Whitfield, Jesse B. Rawls,  
J. A. Powell, L. A. Briley.

*Griffin's Township*—J. A. Lilley.

#### MADISON COUNTY.

*No. 1 Township*—Barnet Fortune, Frank Price, G. W. Bryan, Madison County.  
Jr., Geo. Robinson.

That the above-named persons elected for No. 1 Township,  
Madison County, shall hold their offices for a term of four years.

*No. 6 Township*—Ezekiel Goforth.

*No. 9 Township*—E. P. Jenkins.

*No. 10 Township*—J. J. Reed.

*No. 13 Township*—J. J. Taylor.

*No. 7 Township*—Wiley Roberts.

That the above-named person elected for No. 7 Township,  
Madison County, shall hold office for a term of four years.

*No. 14 Township*—W. R. Sumer, for four years; L. W. Peck, for  
four years; S. S. Coats, for two years.

*No. 2 Township*—James Haynie, for two years.

#### NASH COUNTY.

*South Whitakers Township*—W. P. Davis, S. R. Hilliard. Nash County.

*North Whitakers Township*—W. C. Taylor.

*Griffin Township*—Miles Bobbitt, G. B. Cooper.

*Morning Township*—J. W. Floyd.

*Cooper Township*—W. C. Ferrell, J. J. Linsey, J. W. Bone.

*Baileys Township*—Robert C. Glover, J. H. Smith.

*Jacksons Township*—John W. Vick, I. J. Williams.

*Ferrells Township*—J. P. Chamblee, S. C. Hopkins.

*Stoney Creek Township*—J. E. Moore, Samuel Ellen, W. J. R.  
Whitley.

*Rocky Mount Township*—H. J. Downing, W. D. Joyner.

#### MACON COUNTY.

*Franklin Township*—N. P. Rankin. Macon County.

#### NORTHAMPTON COUNTY.

*Gaston Township*—J. A. Snow. Northampton  
County.

*Jackson Township*—C. W. Newsome, J. A. Parker.

*Kirby Township*—J. B. Stevenson, J. O. Flythe, R. J. Ricks,  
W. H. Pruden, J. Q. Parker, K. R. Moddery.

*Oconeechee Township*—T. R. Ward, F. S. Faison, W. T. Stevenson, J. H. Fitzhugh.

*Roanoke Township*—W. E. Woodruff, S. C. Draper, G. L. Hollowman, C. W. Britton.

#### TRANSYLVANIA COUNTY.

Transylvania  
County.

O. Z. Erwin, W. A. Fuller, W. H. Duckworth, W. H. Aiken, S. L. Lance, John C. Pearne, Gordon Williams, Perry Shuford, for the respective townships in which they live, each to serve till the next general election, and till their successors shall qualify.

#### UNION COUNTY.

Union County.

*Balford Township*—D. C. Montgomery, D. A. Outen, Jesse C. Laney, J. E. W. Austin.

*Goose Creek Township*—A. W. McMannus, J. A. Clorsby, W. G. Long, Geo. A. Long.

*Lane's Creek Township*—B. F. Parker, J. S. Little.

*Jackson Township*—H. M. Williams, S. J. Richardson, J. W. Price.

*Sandy Ridge Township*—C. C. Mellwain, J. N. Price, J. S. Delaney, John H. Winchester.

*Vance Township*—J. M. Harkey, S. J. Howard.

*New Salem Township*—P. J. C. Eflord, H. T. Baucom.

*Marshallville Township*—T. C. Griffin, F. W. Ashecraft.

*Monroe Township*—L. L. L. McCauley, E. J. Krummenger, P. B. Blakeney, M. L. Flow, C. N. Simpson, L. D. Andrews.

#### LINCOLN COUNTY.

Lincoln County.

M. M. Latz, W. H. Hoover.

*Coca-Cola Springs Township*—J. G. Morrison, J. A. Nixon, J. C. Thompson, Freeman Kelley.

*Fronton Township*—Rogers, J. W. Lane, R. L. Davis, R. E. Harrell.

*Hawes's Creek Township*—H. E. Warlick, M. L. Kiser, Henry Howser, Ed. Beatty.

*North Brook Township*—Frank J. Leatherman, C. W. Beam, Charlie Saine, D. A. Hoyle, Sr.

*Lincolnton Township*—L. M. Allen, Jacob Ramseur, J. Calvin Shurm, W. E. Ramsey.

#### WILKES COUNTY.

Wilkes County.

*New Castle Township*—T. M. Armstrong, W. Holloman, G. W. Sales.

*Lovelace Township*—R. V. Wright, Rufus Hanson, C. C. Wright, E. E. Riddell.

*Wilkesboro Township*—T. B. James, R. E. Henderson, A. G. Hendren.

*Bonner Township*—Frank Carlton, R. L. Cook, L. L. Walker, R. P. Yates.

*Brushy Mountain Township*—J. J. Hendren, John Mitchell, R. B. Green.

*Edwards Township*—H. F. Carter, R. J. Carter, J. W. Dimmett, Robt. Baldin.

*Job's Cabin Township*—W. Scott Church, J. W. Church, W. S. Hall, W. M. Lee.

*Reddies River Township*—T. T. McNeil, L. B. Pierce, J. A. McLean, J. A. Pierce.

*Antioch Township*—J. H. Foot, Edward Park, John Parden.

*Walnut Grove Township*—F. H. Alexander, J. H. Joins, Wilson Walker, Joshua Spencer, W. F. Porter.

*Marion Township*—John McNeil, A. Monroe Whittington, David Roten.

*Moravian Falls Township*—J. W. Ellis, John A. Leach, James R. Parker, W. A. Brown.

*Mulberry Township*—D. M. Hall, P. E. Dancy.

*Trap Hill Township*—Newton Johnson, W. H. Johnson, J. C. Sparks.

*Elk Township*—John Triplet, N. H. Robinet, W. A. Smith.

*Wilkesboro Township*—J. F. Somers.

*Beaver Creek Township*—W. J. St. Clair, Lewis Fork, A. M. Foster.

#### WASHINGTON COUNTY.

*Plymouth Township*—Mountville M. Bowen, David G. Darden, Julius W. Harrison, John C. Gurganus, Wm. T. Freeman, John B. Bateman, John H. Leggett, Wm. T. Lucas, E. W. Chesson, J. P. Hilliard, Sr., and George L. Bowen, Washington County.

*Scuppernong Township*—W. J. Mercer, H. A. Litchfield, Haywood W. Tarkinton, J. H. Ambrose.

*Lee's Mills Township*—James A. Chesson, A. C. Wentz, W. S. Spruill, W. A. Hodges, N. B. Mizell, T. M. Chesson, N. F. Hurrington, S. R. Turner, H. H. Davis.

*Skinnerville Township*—Abram Newberry, Thomas S. Swain, H. L. Whichard.

#### WAKE COUNTY.

*Raleigh Township*—Robt. L. Heflin.

Wake County.

*Neuse River Township*—S. D. Harp.

*Provided*, last-named shall be for a term of two years.

## WARREN COUNTY.

- Warren County.     *Warrenton Township*—John O. Drake.  
                          *River Township*—A. L. Pope, W. T. Carter, J. R. Boyd, T. R. Walker and T. D. King.  
                          *Smith Creek Township*—Robert F. Rose.  
                          *Nathush Township*—J. M. Burroughs.  
                          *Sandy Creek Township*—B. S. Field.  
                          *Fishing Creek Township*—Joseph M. Hunter.  
                          *Hawhee Township*—R. H. M. Paschal.

## WATAUGA COUNTY.

- Watauga County.     *Boone Township*—D. B. Dougherty, J. P. Fry, Millard Hodges.  
                          *Stony Fork Township*—Calvin Green.  
                          *Bald Mountain Township*—Thillet S. Miller.

## WAYNE COUNTY.

- Wayne County.     *Standy Creek Township*—H. Frank Pate, L. B. Pate, Brinkley H. Spence, Haywood D. Ham.  
                          *Goldsboro Township*—Hugh Humphrey, Needham W. Musgrave, J. W. Gulick.  
                          *Brogden Township*—G. P. Hall, L. W. Parker, Wade H. Kornegay, W. B. Bowden, J. M. Edgerton, H. J. Williamson and David H. Overman.

## WILSON COUNTY.

- Wilson County.     *Townot Township*—O. J. Winstead, W. L. Grimmer, J. W. Peacock.  
                          *Gardner's Township*—Coffield Barnes, John H. Robbins.  
                          *Cross Roads Township*—A. T. Barnes.  
                          *Wilson Township*—J. F. Farmer.  
                          *Black Creek Township*—W. A. Brooks.  
                          *Old Fields Township*—W. L. Williamson.

## YANCEY COUNTY.

- Yancey County.     *Brush Creek Township*—A. A. Moody.  
                          *Price's Creek Township*—John Money.  
                          *Pensacola Township*—John Allen.  
                          *Jack's Creek Township*—D. F. Young.  
                          *Ramseytown Township*—J. W. Howell.



## YADKIN COUNTY.

*Boonville Township*—J. H. Flemming.

Yadkin County.

*Knobbs Township*—J. F. Cook.*Buck Shoals Township*—W. D. C. Roughton.*Liberty Township*—N. S. C. May.*Forbush Township*—Thomas W. Holton, Gray Hobson.*Little Yadkin Township*—Thomas Puryear.*East Bend Township*—W. N. Haw.

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

In the General Assembly read three times, and ratified this the 15th day of March, A. D. 1901.

## CHAPTER 773.

**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 allowed to absent himself from his office of Clerk on Monday, the twenty-eighth day of January, one thousand nine hundred and one, 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*, that said Clerk shall have a competent deputy to perform all duties authorized to be performed by said deputy.

Clerk Superior Court, Gates County, allowed to absent himself Monday, January 28, 1901.

Exempt from penalties. Must have 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 the 26th day of January, A. D. 1901.



RESOLUTIONS  
OF THE  
GENERAL ASSEMBLY  
SESSION 1901.

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**Resolution for joint session to open returns of State officers.**

*Resolved by the Senate, the House of Representatives concurring:*

SECTION 1. That the Senate and House of Representatives meet in joint session in the hall of the House of Representatives at noon on Tuesday, January 15, 1901, and there proceed to open and publish the returns for Governor, Lieutenant-Governor, Secretary of State, Auditor, Superintendent of Public Instruction, Attorney-General, and other State officers.

Joint session of General Assembly to open and publish returns for State officers.

SEC. 2. That the persons so ascertained to be elected, shall qualify and be inducted into office on Tuesday, January 15, 1901, at 12 o'clock noon.

Time fixed for State officers-elect to qualify.

SEC. 3. That a Joint Committee of three on the part of Senate and five on the part of the House shall be appointed, whose duty it shall be to provide suitable arrangements and regulations for the ceremonies of the inauguration.

To appoint joint committee on arrangements for inauguration.

In the General Assembly read three times, and ratified this the 17th day of January, A. D. 1901.

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**Resolution to print the pardons, commutations of sentence, etc., by the Governor.**

*Resolved by the Senate, the House of Representatives concurring:*

That two hundred and fifty (250) copies of the list of pardons, commutations of sentences and the reasons given therefor by the Governor, be printed.

List of pardons, commutations and reasons therefor; ordered printed.

In the General Assembly read three times, and ratified this the 12th day of January, A. D. 1901.

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**Resolution to print Governor's Message.**

*Resolved by the Senate, the House of Representatives concurring:*

That five hundred copies of the Governor's Message be printed.

In the General Assembly read three times, and ratified this the 12th day of January, A. D. 1901.

To print Governor's Message.

**Resolution to notify His Excellency Governor Aycock.**

*Resolved by the House of Representatives, the Senate concurring:*

Joint Committee  
to wait on Gov-  
ernor.

That a joint committee of three on the part of the House and two on the part of the Senate be appointed to wait on Governor Aycock, and notify him that the General Assembly is in session, and ready to receive any communication he may desire at any time to make.

In the General Assembly read three times, and ratified this the 17th day of January, A. D. 1901.

**Joint resolution to elect an Enrolling Clerk.**

*Resolved by the Senate, the House of Representatives concurring:*

Date fixed to elect  
Enrolling Clerk.

That the Senate and House of Representatives meet in joint session in the House of Representatives at twelve o'clock m. to-day, January the 11th, 1901, and proceed to elect an Enrolling Clerk for this General Assembly.

In the General Assembly read three times, and ratified this the 17th day of January, A. D. 1901.

**Resolution concerning the improvement of the upper Cape Fear River.**

Preamble.

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 Senate, the House of Representatives concurring:*

Senators and  
Representatives  
in Congress  
requested to  
advocate  
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 to 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.

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 the 18th day of January, A. D. 1901.

Copy of resolu-  
tion to be sent  
each Senator and  
Representative in  
Congress.

**A resolution favoring the establishment of a National Forest Reserve in the Southern Appalachian Mountain region.**

*Resolved by the House of Representatives, the Senate concurring:*

The General Assembly of North Carolina hereby expresses its approval of the movement looking to the establishment by the Federal Government of an extensive National Forest Reserve in the Southern Appalachian Mountain region, as a wise and beneficent measure, such as many other nations have already adopted and which this country should adopt before it is too late, looking to the conservation of its forests and the protection of the sources of important streams; and,

Establishment of  
National Forest  
Reserve  
approved.

WHEREAS, The proposal to establish this forest reserve has been approved and urged by the leading scientific societies and forestry associations of this country, and by the general press; and,

WHEREAS, This General Assembly has passed an act granting its consent to the acquisition of lands in Western North Carolina by the Federal Government for incorporation in such a forest reserve, believing the reserve to be one of great importance to the people of this State; and,

WHEREAS, A bill is now before the Federal Congress providing for the purchase of lands for this purpose;

*Resolved*, That the Senators and Representatives in Congress from this State are hereby requested to urge upon Congress the importance of prompt and favorable action in behalf of this measure.

Senators and  
Representatives  
in Congress  
requested to urge  
favorable action.

In the General Assembly read three times, and ratified this the 18th day of January, A. D. 1901.

**Resolution of respect in regard to the death of Queen Victoria.**

*Resolved by the Senate, the House of Representatives concurring:*

WHEREAS, The sad news comes to us of the death on yesterday, January 22d, of England's great and good Queen Victoria; therefore,

Preamble.

*Resolved*, That the Keeper of this Capitol is hereby requested to lower the flag at half-mast for three days, beginning at noon to-day, as an expression of our great respect and sympathy. This January 23, 1901.

Flag on Capitol to  
be lowered.

In the General Assembly read three times, and ratified this the 25th day of January, A. D. 1901.

**Resolution of sorrow and sympathy at the death of Her Majesty, Victoria  
Queen of Great Britain and Ireland and Empress of India.**

*Resolved by the House of Representatives of the General Assembly of North Carolina, the Senate concurring:*

Sympathy of the people of North Carolina expressed.

First. That the sympathy of the people of North Carolina is with the family of her late Majesty and with the people of the British Empire, in their sorrow at the death of the great and good Queen Victoria.

Good wishes of the people of this State extended to King Edward VII and the British Empire.

Second. That the people of this State extend to his Majesty Edward VII their good wishes. They hope for him a long and happy reign, and they hope that during his reign the ties of friendship long existing between the people of this Republic and of the mother country may be multiplied and strengthened; and that peace, happiness and prosperity may ever bless the great empire over which it is his high destiny to reign.

Copy ordered transmitted to British Plenipotentiary.

Third. That a copy of this resolution be transmitted by the Secretary of State to his Majesty's Plenipotentiary at Washington.

In the General Assembly read three times, and ratified this the 25th day of January, A. D. 1901.

**Resolution fixing time for the election of United States Senator.**

*Resolved by the Senate, the House of Representatives concurring:*

Time fixed to elect United States Senator.

That the General Assembly proceed to the election of United States Senator at 12 o'clock m. to-morrow (January 22), in accordance with law.

In the General Assembly read three times, and ratified this the 22d day of January, A. D. 1901.

**Joint resolution inviting Hon. J. L. M. Curry to address the General Assembly.**

*Resolved by the Senate, the House of Representatives concurring:*

Hon. J. L. M. Curry invited to address General Assembly.

That the Honorable J. L. M. Curry, treasurer of the Peabody Educational Fund, be invited to address the General Assembly in the hall of the House of Representatives at such time as will be convenient for him.

In the General Assembly read three times, and ratified this the 23d day of January, A. D. 1901.



**Joint resolution to appoint a stenographer for the Committees on Public Roads.**

*Resolved by the Senate, the House of Representatives concurring:*

That the Committees on Public Roads of each House, in joint session, are hereby authorized to employ, at an expense not exceeding twenty-five dollars, for this session of the Legislature, a stenographer for such period as he may be needed, and that he be paid by the Treasurer out of any monies in the Treasury not otherwise appropriated, and that the bill of said stenographer for his services before such payment shall be approved in writing by the chairman of each of said committees.

Committees on Public Roads to employ stenographer. Compensation.

Treasurer to pay when bill approved by chairman.

In the General Assembly read three times, and ratified this the 25th day of January, A. D. 1901.

**Joint resolution authorizing the Secretary of State to correct date of Senate Bill 39, House Bill 62, it being an act for the relief of certain public school teachers in Mecklenburg County.**

WHEREAS, Senate Bill 39, House Bill 62, it being an act for the relief of certain public school teachers in Mecklenburg County, ratified and delivered to the Secretary of State on the 17th day of January, 1901, bears date as of January 17, 1900, when the same shall be 1901; therefore,

Preamble.

*Be it resolved by the Senate, the House of Representatives concurring:*

That the Secretary of State be and he is hereby authorized and directed to correct the date of said bill so as to make it read January 17, 1901.

Secretary of State to correct date of bill.

In the General Assembly read three times, and ratified this the 26th day of January, A. D. 1901.

**Resolution directing the Keeper of the Capitol to unfurl the National flag at the dome of State Capitol.**

*Resolved by the House of Representatives, the Senate concurring:*

That the Keeper of the Capitol be and he is hereby authorized and directed to unfurl the National flag Stars and Stripes at dome of the Capitol during each day's session of the General Assembly.

National flag to be unfurled at dome of Capitol.

In the General Assembly read three times, and ratified this the 29th day of January, 1901.

**Joint resolution requesting our Representatives and Senators in Congress to support the bill pending in Congress entitled "A bill to apply a portion of the proceeds of the sale of the public lands to the endowment, support and maintenance of schools or departments of mining and metallurgy in the several States and Territories.**

Preamble.

WHEREAS, There is now pending in the Congress of the United States "A bill to apply a portion of the proceeds of the sale of the public lands to the endowment, support and maintenance of schools or departments of mining and metallurgy in the several States and Territories;" and,

WHEREAS, Said bill has already passed the Senate by a unanimous vote; and,

WHEREAS, The establishment of such schools or departments of mining and metallurgy would be of incalculable value to North Carolina; therefore be it

*Resolved by the House of Representatives, the Senate concurring:*

Representatives in Congress requested to support and urge passage of bill.

That our Representatives in Congress be and hereby are requested to support said bill and to use their best endeavors for its enactment into law by the present Congress.

In the General Assembly read three times, and ratified this the 29th day of January, A. D. 1901.

**Resolution to print 500 copies of Governor Aycock's inaugural address.**

*Resolved by the House of Representatives, the Senate concurring:*

Copies of Governor's Inaugural Address to be printed.

That five hundred copies of the Governor's inaugural address be printed, under the supervision of the Committee on Public Printing of the House of Representatives, and that each member of this House and of the Senate be furnished two copies of said message.

Copies furnished members.

In the General Assembly read three times, and ratified this the 29th day of January, A. D. 1901.

**Resolution to elect a State Librarian.**

*Resolved by the House of Representatives, the Senate concurring:*

Date fixed to elect State Librarian.

That the Senate and House of Representatives proceed by joint ballot on the 1st day of February, 1901, at 12, to the election of a Librarian.

In the General Assembly read three times, and ratified this the 29th day of January, A. D. 1901.

**Resolution of investigation of the amount expended for the running expenses of the steamer Lilly for the years of 1899 and 1900.**

*Resolved by the House of Representatives, the Senate concurring:*

That a committee consisting of three on the part of the House, and two on the part of the Senate, be appointed, with full power, to ascertain by inquiry or otherwise whether any sum or sums of money have been paid out of the State Treasury without authority of law, for the current expenses of the steamer Lilly during the year of 1899 and 1900; to make a full and complete investigation of the account or accounts against the steamer Lilly and requiring of the proper officials itemized account or accounts as may seem necessary by the committee, and report to the General Assembly the result of their investigation.

Committee to investigate expenses of steamer Lilly.

Power to investigate accounts.  
To require itemized accounts of officials.

To report to General Assembly.

In the General Assembly read three times, and ratified this the 6th day of February, A. D. 1901.

**Resolution to pay expenses of committee.**

*Resolved by the House of Representatives, the Senate concurring:*

That the State Treasurer be and is hereby authorized and directed to pay to J. S. Oliver, J. F. Reinhardt, W. E. Ardrey, H. H. Hartley, W. D. Welch, T. H. Barnhill and J. C. Curtis, members of the House of Representatives, and F. G. James, J. E. Burroughs, A. V. Miller, members of the Senate of North Carolina, the sum of fourteen and 60-100 dollars each, the amount of expenses incurred by the above-named Senators and Representatives in visiting and inspecting the Institution for the Deaf and Dumb at Morganton as a sub-committee.

To pay expenses of committee visiting and inspecting Institution for Deaf, Dumb and Blind at Morganton.

In the General Assembly read three times, and ratified this the 18th day of February, A. D. 1901.

**Resolution to pay J. N. Holding, Esq., for attorney fee as counsel for Printing Committee of 1899.**

*Resolved by the House of Representatives, the Senate concurring:*

SECTION 1. That the Auditor be and he is hereby instructed to draw his warrant on the Treasurer of the State of North Carolina in favor of J. N. Holding, Esq., for the sum of two hundred and fifty dollars, for services rendered the Joint Committee on Printing of the General Assembly of 1899.

To pay J. N. Holding \$250 for services rendered Joint Printing Committee, 1899.

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

In the General Assembly read three times, and ratified this the 18th day of February, A. D. 1901.

**A joint resolution to instruct the Senators and request the Representatives in Congress from North Carolina to support the bill providing for the purchase and preservation by the United States of Temple Farm and the Moore House.**

*Resolved by the House of Representatives of the General Assembly of North Carolina, the Senate concurring:*

Requesting members of Congress to support a bill to purchase Temple farm, etc., at Yorktown.

1. That the United States Senators from the State of North Carolina and the Representatives in Congress be and they are hereby requested to support "A bill providing for the purchase of Temple Farm at Yorktown, Virginia, and for other purposes," which bill has been introduced in the Congress of the United States of America with a view to securing and preserving Temple Farm and the Moore House at Yorktown, Virginia, by the United States.

Engrossed copies to be sent to Senators and Representatives.

2. That engrossed copies of this joint resolution be sent to the United States Senators and Representatives in Congress from the State of North Carolina.

In the General Assembly read three times, and ratified this the 18th day of February, A. D. 1901.

### **Resolution of respect relative to death of Dr. Geo. L. Kirby.**

*Resolved by the Senate, the House of Representatives concurring:*

Resolution of respect relative to death of Dr. Geo. L. Kirby, Superintendent of Central Insane Hospital.  
Sympathy for family.

1. That in the death of Dr. Geo. L. Kirby, Superintendent of the Central Hospital for the Insane, the State has lost a valuable and efficient officer and a worthy and faithful citizen.

2. That we extend our sympathy to the bereaved family.

3. That a copy of these resolutions be spread upon the journals and be sent to his family.

In the General Assembly read three times, and ratified this the 22d day of February, A. D. 1901.

### **Joint resolution to appoint a committee to accompany the remains of the late Doctor George L. Kirby.**

*Resolved by the Senate, the House of Representatives concurring:*

To appoint committee to accompany remains of late Dr. George L. Kirby to Goldsboro.

That a committee consisting of three members of the Senate and three members of the House of Representatives be appointed to accompany the remains of the late Dr. George L. Kirby, Superintendent of the State Hospital, at Raleigh, to Goldsboro.

In the General Assembly read three times, and ratified this the 22d day of February, A. D. 1901.

**Resolution to pay sub-committee on penal institutions to visit State farms.**

*Resolved by the House of Representatives, the Senate concurring:*

That the Auditor shall audit and the State Treasurer shall pay as follows: To M. E. Blalock, \$12.65; to B. B. Nicholson, \$12.20; to A. D. Watts, \$13.45; to W. A. Stewart, \$7.10; to E. O. Mastin, \$7.10; to G. B. Patterson, \$8.50; to John E. Woodard, \$4.90; to Joel L. Crisp, \$7.00; to N. B. Broughton, \$4.50; to James A. Leak, \$4.70, to defray actual expenses for visiting and inspecting the State farms in Halifax and Anson counties, the said parties being the sub-committee on the part of the Joint Committee on Penal Institutions to visit said farms.

To pay expenses of committee visiting and inspecting State farms.

This resolution shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 20th day of February, A. D. 1901.

**Resolution to pay expenses of visiting committee to University and the Normal College.**

*Resolved by the House of Representatives, the Senate concurring:*

That the following persons be paid the expenses incurred by them in visiting the University of North Carolina, the Normal and Industrial College at Greensboro, and the Colored Agricultural and Mechanical College at Greensboro, to-wit:

To pay expenses of committee visiting University of North Carolina, Normal and Industrial College at Greensboro, and Colored Agricultural and Mechanical College.

*Senators*—McIntyre, \$8.50; Wood, \$9.00; Webb, \$9.00; Aycock, \$8.50; Lindsay, \$8.50.

*Representatives*—Whitaker, of Guilford, \$9.40; Carr, \$12.75; Hood, \$12.00; Shannonhouse, \$11.04; Smith, \$8.80; Wilson, \$12.50; McCulloch, \$8.80; Ross, \$4.80.

In the General Assembly read three times, and ratified this the 26th day of February, A. D. 1901.

**A resolution providing for the election of Trustees of the University of North Carolina.**

*Resolved by the House of Representatives, the Senate concurring:*

That a joint ballot of the two Houses be taken on Wednesday, the 27th day of February, 1901, at 12 o'clock m., to elect trustees of the University of North Carolina.

Time fixed to elect Trustees of University.

In the General Assembly read three times, and ratified this the 26th day of February, A. D. 1901.

**Resolution to pay expenses of joint sub-committee who visited the State Hospital at Morganton.**

*Resolved by the Senate, the House of Representatives concurring:*

To pay expenses of committee visiting State Hospital at Morganton.

That the Auditor be directed to draw his warrant on the Treasurer of North Carolina for the sum of one hundred and ninety and 80-100 dollars (\$190.80) in favor of R. H. Speight, chairman of Joint Committee on Insane Asylums, to pay the actual expenses in sending a sub-committee to visit State Hospital at Morganton.

In the General Assembly read three times, and ratified this the 26th day of February, A. D. 1901.

**Joint resolution to pay expenses of committee who visited the Eastern Hospital at Goldsboro.**

*Resolved by the Senate, the House of Representatives concurring:*

To pay expenses of committee visiting Eastern Hospital at Goldsboro.

That the Auditor draw his warrants for the following named persons and for the following amounts: 1st, John E. Burroughs, \$5.05; 2d, T. M. Stikeleather, \$5.05; 3d, John Burnett, \$5.05; 4th, J. F. Reinhart, \$5.05; 5th, C. J. Carson, \$5.30; 6th, L. D. Robinson, \$5.30, the same being their expenses incurred in visiting the Eastern Hospital at Goldsboro.

In the General Assembly read three times, and ratified this the 1st day of March, A. D. 1901.

**Joint resolution paying W. W. Stringfield and John W. Stamey expenses of contest.**

*Resolved by the Senate, the House of Representatives concurring:*

To pay expenses of contested election in Senate.

SECTION 1. That the Treasurer of the State upon the warrant of the Auditor of the State, pay to John W. Stamey and Wm. W. Stringfield the sum of one hundred dollars (\$100.00) each in full of all expenses incurred by them in the contested election case of Stamey vs. Stringfield for a seat as Senator in the present General Assembly of North Carolina from the 33d Senatorial District.

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

In the General Assembly read three times, and ratified this the 1st day of March, A. D. 1901.



**Resolution for pension warrant to Mary Ann Barnhardt of Cabarrus County.**

*Resolved by the Senate, the House of Representatives concurring:*

That the Auditor of this State is hereby authorized and required to draw on the State Treasurer and send to the Register of Deeds for Cabarrus County, a soldier's pension warrant for twenty-nine dollars (\$29.00), in favor of Mary Ann Barnhardt, the widow of Paul Barnhardt, deceased, when there shall be delivered to said Auditor a soldier's pension warrant for said sum, issued December the 15th, 1900, by Hal. W. Ayer, State Auditor, at that time, in favor of Paul Barnhardt, deceased.

Auditor to draw and send Mary Ann Barnhart a pension warrant for \$29.00.

In the General Assembly read three times, and ratified this the 1st day of March, A. D. 1901.

**A joint resolution of thanks.**

*Resolved by the House of Representatives, the Senate concurring:*

That the thanks of the General Assembly are due and hereby tendered the citizens of Raleigh, the Chamber of Commerce of said city and its various committees for the excellent arrangements made and carried out for the inauguration of the State officers.

Thanks to Raleigh Chamber of Commerce and Committees for arrangements for inauguration of State officers.

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1901.

**A resolution supplemental to an act to amend the charter of the town of Reidsville in Rockingham County, ratified on the 18th day of January, 1901.**

WHEREAS, A bill entitled "An act to amend the present charter of the town of Reidsville in Rockingham County," extending and enlarging the corporate limits of said town, was passed at the present session of the General Assembly, and ratified on the 18th day of January, 1901, without having been read three several times in each House of the General Assembly, and passed its three several readings on three different days, and without the yeas and nays on the second and third readings of the said bill having been entered on the journal; therefore,

To confirm act amending charter of Reidsville, N.C.

*Resolved by the Senate, the House of Representatives concurring:*

That the said act is in all respects hereby confirmed.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

**A joint resolution calling upon the Senators and Representatives from North Carolina, in Congress, to secure an appropriation from the National Government to erect a suitable monument to mark the grave of the famous Indian Chief Junaluska.**

*Be it resolved by the House of Representatives, the Senate concurring:*

Members of Congress requested to secure appropriation for monument to Indian Chief Junaluska.

That the Senators and Representatives from North Carolina, in the United States Congress, be and they are hereby requested to use all honorable efforts to secure an appropriation from the National Government of not less than two thousand dollars, to erect a monument to mark the grave of the famous Indian Chief, Junaluska, and to commemorate his services to the United States in the battle of the Great Bend in the war of 1812.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1901.

**Resolution in favor of Edwards & Broughton, and E. M. Uzzell, State Printers.**

Preamble.

WHEREAS, At the session of 1899 the contract for the State printing was let until near the close of the session; and,

WHEREAS, The State failed to furnish said printers with paper upon which to print the laws for the space of eight days after adjournment; and,

WHEREAS, By reason of said delay a forfeiture of fifty dollars per day was enforced against them by the Commissioner of Labor and Printing for four days failure to deliver all of the laws, journals and documents within 90 days, as stipulated in their contract; now therefore, be it

*Resolved by the House of Representatives, the Senate concurring:*

To pay Edwards & Broughton and E. M. Uzzell \$200.

That the Auditor be authorized to draw his warrant in favor of Edwards & Broughton, and E. M. Uzzell, State Printers, for the sum of two hundred dollars so deducted, and that the State Treasurer be authorized to pay the same out of any moneys not otherwise appropriated.

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1901.

**Joint resolution asking for the election of United States Senators by the people.**

WHEREAS, A large number of State Legislatures have at various times adopted memorials and resolutions in favor of election of United States Senators by popular vote; and,

WHEREAS, The National House of Representatives has on four separate occasions within recent years, adopted resolutions in favor of this proposed change in the method of electing United States Senators, which was not adopted by the Senate; and,

WHEREAS, Article V of the Constitution of the United States provides that Congress, on the application of the Legislature of two-thirds of the several States, shall call a convention for proposing amendments, and believing there is a general desire upon the part of the citizens of the State of North Carolina that the United States Senators should be elected by a direct vote of the people; therefore, be it

*Resolved by the House of Representatives, the Senate concurring:*

That the Legislature of the State of North Carolina favors the adoption of an amendment to the Constitution which shall provide for the election of United States Senators by popular vote, and joins with other States of the Union in respectfully requesting that a convention be called for purpose of proposing an amendment to the Constitution of the United States, as provided for in Article V of the said Constitution, which amendment shall provide for a change in the present method of electing United States Senators, so that they can be chosen in each State by a direct vote of the people.

*Resolved,* That a copy of this resolution and application to Congress for the calling of a convention, be sent to the President of the United States Senate and the Speaker of the House of Representatives.

In the General Assembly read three times, and ratified this the 13th day of March, A. D. 1901.

**Resolution to pay expenses in contested election case of Kennedy vs. Currie.**

*Resolved by the Senate, the House of Representatives concurring:*

That the State Treasurer of North Carolina do and he is hereby authorized and directed to pay J. T. Kennedy, contestant, the sum of two hundred and twenty-five dollars in full payment of all costs and expenses incurred in the contested election of Kennedy against Currie in said contest.

In the General Assembly read three times, and ratified this the 13th day of March, A. D. 1901.

**Resolution to pay R. H. Smith, Jr. thirteen dollars and fifty-one-hundredths dollars for typewriting.**

*Resolved by the Senate, the House of Representatives concurring:*

To pay R. H. Smith, Jr., stenographer and typewriter, \$13.50 for work in preparing school law.

That the Auditor be and is hereby directed to issue to R. H. Smith, Jr., his warrant for thirteen and fifty one-hundredth dollars and that the State Treasurer be and is hereby authorized and directed to pay the same, the above mentioned amount being due R. H. Smith, Jr., as stenographer and typewriter in preparing the school law.

In the General Assembly read three times, and ratified this the 13th day of March, A. D. 1901.

**Resolution to print one thousand copies of the general oyster law.**

*Resolved by the House of Representatives, the Senate concurring:*

Commissioner of Labor and Printing to have 1000 copies of oyster law printed.

That the Commissioner of Labor and Printing is hereby authorized and directed to have printed for the use of the Oyster Commissioner one thousand copies of the act passed by the General Assembly at its present session, regulating the shell-fish industry in North Carolina, and entitled "An act to protect and promote the oyster industry," said printed copies to be placed in the hands of the Oyster Commissioner for distribution.

In the General Assembly read three times, and ratified this the 14th day of March, A. D. 1901.

**Joint resolution in regard to deserters from the Confederate armies.**

Preamble,

WHEREAS, A record of deserters from the armies of the Confederate States has been discovered by Mr. Carraway; and,

WHEREAS, This record will greatly aid the Auditor and Pension Board in passing upon the applications for pensions; therefore be it

*Resolved by the House of Representatives, the Senate concurring:*

Record of Confederate deserters to be placed in Auditor's office. Copies to be sent County Pension Boards.

That this record be secured and placed in the Auditor's office, and that he be required to send a copy of said record to each Pension Board in the several counties of the State.

In the General Assembly read three times, and ratified this the 14th day of March, A. D. 1901.

**Resolution commending Colonel Creecy's History to North Carolina.**

WHEREAS, The General Assembly has learned with gratification Preamble.  
that Col. R. B. Creecy, of this State, has finished an interesting  
and valuable book devoted to the history of North Carolina,  
which has received the endorsement of the State Historical So-  
ciety; and,

WHEREAS, The publication of this book would do much to  
stimulate and encourage the study of North Carolina history;  
therefore,

*Resolved by the House of Representatives, the Senate concurring:*

That Col. Creecy's history is hereby commended to the peo-  
ple of North Carolina, and to the schools of the State, and that  
the sum of two hundred dollars be and the same is hereby ap-  
propriated to be expended by the Board of Trustees of the Pub-  
lic Library for the purchase of copies of said book, and distribu-  
tion as they shall deem wise.

\$200 appropriated  
to buy copies of  
Col. Creecy's His-  
tory of North  
Carolina.

In the General Assembly read three times, and ratified this the  
14th day of March, A. D. 1901.

**Joint resolution of request to the Board of Agriculture.**

WHEREAS, The United States Congress has made very large  
appropriations for the Pan-American Exposition, to be held at  
Buffalo, N. Y., in 1901, and for the exposition to be held at  
Charleston, S. C., and at St. Louis, Mo.; and,

WHEREAS, It is of great importance that the products and in-  
dustries of the State of North Carolina shall be properly exhib-  
ited to the world at the said expositions; now therefore,

*Resolved by the Senate, the House of Representatives concurring:*

SECTION 1. That the Board of Agriculture is hereby requested  
to make provisions for the exhibition of the products and indus-  
tries of North Carolina at the said expositions, to be held at  
Buffalo, N. Y., at Charleston S. C., and at St. Louis, Mo., in as  
full and complete a manner as possible, and as their available  
funds shall permit. That the Governor is hereby authorized to  
appoint such commissioners and agents as in his judgment may  
be necessary to carry out the provisions of this joint resolution:  
*Provided*, That the compensation and expenses of such commis-  
sioners shall be fixed and paid by the Board of Agriculture, from  
the funds appropriated to the use of said board.

Board of Agricul-  
ture requested to  
make exhibit at  
Buffalo, N. Y.,  
Charleston, S. C.  
and St. Louis, Mo.

Governor to  
appoint commis-  
sioners and  
agents.

Compensation.

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

In the General Assembly read three times, and ratified this the  
14th day of March, A. D. 1901.

**A joint resolution providing for the payment of certain expenses incurred in election contests before the House of Representatives.**

*Resolved by the House of Representatives, the Senate concurring:*

To pay expenses of contested election cases in House of Representatives.

1. That the State Treasurer pay to the persons named herein the amounts set opposite to their names, to-wit: To H. L. Green, contestee, \$150.00; to J. W. McNeill, contestant, \$50.00; to George Dees, contestee, \$150.00; to H. W. Cowell, contestant, \$100.00; to A. A. F. Seawell, contestee, \$150.00; to W. C. Wilcox, contestant, \$100.00; to H. H. Hartley, contestee, \$132.50; to Z. I. Waker, contestant, \$50.00; to F. D. Winston, chairman Committee on Privileges and Elections for clerk and typewriting, \$7.25.

Amounts above designated to be in full of all expenses.

2. That said payments shall be received by the said persons in full of all expenses in the contest to which they were severally parties for seats in the House.

Auditor to issue warrant and Treasurer to pay.

2. That the Auditor of the State shall issue the warrant to said persons for the amount specified herein for each, which the State Treasurer shall pay on presentation.

In the General Assembly read three times, and ratified this the 14th day of March, A. D. 1901.

**Resolution in favor of Mutual Savings and Deposit Company.**

Preamble.

WHEREAS, Certain real estate in the city of Raleigh was erroneously listed for taxation in the year 1898, by the Tax Listers of Raleigh Township, in the name of the Mutual Savings and Deposit Company, and the taxes due the State of North Carolina, to-wit, eight dollars, was paid by the said company to the Sheriff of Wake County, who duly paid the same to the State Treasurer; and

WHEREAS, The same property was also listed in the name of the real owners for said year and the taxes due to the State were duly paid to the State by them; therefore, be it

*Resolved by the House of Representatives, the Senate concurring:*

State Treasurer to refund \$8.00 taxes paid by mistake to Mutual Savings and Deposit Company.

SECTION 1. That the Public Treasurer be and he is hereby authorized and instructed to refund and pay to the Mutual Savings and Deposit Company the sum of eight dollars so paid by it through mistake.

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

In the General Assembly read three times, and ratified this the 14th day of March, A. D. 1901.



**Resolution in favor of Cyrus Thompson ex-Secretary of State.**

WHEREAS, The Secretary of State is allowed under section Preamble.  
2724 of The Code \$1,000.00 per annum for a clerk and \$1,000.00  
per annum for extra clerical assistance, the payment of the lat-  
ter sum being contingent, however, upon the fees collected by  
the Secretary of State and paid by him to the Treasurer; and,

WHEREAS, The fees collected by the Secretary of State and paid Preamble.  
to the Treasurer have not amounted to \$1,000.00 per annum, ex-  
clusive of the license fees of insurance companies; and,

WHEREAS, By the removal of the insurance business from the Preamble.  
office of the Secretary of State the extra clerical allowance of  
that office was reduced for the year 1900 to the sum of \$625.06,  
while the work of the office was as great as ever; and,

WHEREAS, The sum of \$625.06 was not a sufficient amount for Preamble.  
extra clerical assistance to do the work of the office, and the work  
of the office would have suffered had it not been for the fact that  
Cyrus Thompson, Secretary of State, expended for the year 1900,  
the full sum of \$1,000.00, as prescribed by The Code, for extra  
clerical assistance; now therefore,

*Resolved by the House of Representatives, the Senate concurring:*

That the Auditor is hereby authorized and directed to draw To pay Cyrus  
his warrant on the Treasurer for the sum of \$374.94, payable Thompson, ex-  
to Cyrus Thompson, former Secretary of State, to reimburse Secretary of State,  
him for the necessary expenditure in the conduct of the office, \$374.94 for neces-  
and the Treasurer is directed pay the same. sary expendi-  
tures while Secre-  
tary of State.

In the General Assembly read three times, and ratified this the  
14th day of March, A. D. 1901.

**Joint resolution on the death of ex-President Benjamin Harrison.**

*Resolved by the House of Representatives, the Senate concurring:*

That the General Assembly of North Carolina has heard with Resolution of  
profound sorrow of the death of ex-President Benjamin Harri- sorrow and sym-  
son, one of America's great statesmen; that the sympathy of pathy.  
the General Assembly is extended to the family of the deceased, and  
that a copy of this resolution be sent by the Secretary of State  
to the bereaved family.

In the General Assembly read three times, and ratified this the  
15th day of March, A. D. 1901.

**Joint resolution in behalf of G. F. Kennedy.***Resolved by the House of Representatives, the Senate concurring:*

State Treasurer to  
pay G. F. Ken-  
nedy \$50.00.

SECTION 1. That the Treasurer of the State be and he is hereby directed, to pay to G. F. Kennedy, upon the warrant of the Auditor, the sum of fifty dollars, for extra services during the session of the General Assembly.

In the General Assembly read three times, and ratified this the 15th day of March, A. D. 1901.

**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 House of Representatives, the Senate concurring:*

Enrolling Clerk  
and assistants to  
remain after  
adjournment, etc.

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 four, to straighten up and arrange affairs in his office and deliver all bills and books to the State Librarian, and for such services, said Enrolling Clerk 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 the 15th day of March, A. D. 1901.

**Joint resolution in regard to investigation of Treasury Department.***Resolved by the Senate, the House of Representatives concurring:*

Providing for  
committee to  
investigate  
accounts in office  
of State Treas-  
urer.

That a committee of three, one on the part of the Senate, and two on the part of the House of Representatives, be appointed with authority to send for papers and persons and to sit during the recess of the General Assembly, to investigate the accounts in the office of the State Treasurer, as referred to in the message of the Governor of this date, March the 14th, 1901, and that the committee shall be allowed the same per diem and mileage as members of the General Assembly.

Mileage and per  
diem allowed.

In the General Assembly read three times, and ratified this the 15th day of March, A. D. 1901.

**Joint resolution concerning adjournment.**

*Resolved by the House of Representatives, the Senate concurring:*

That the General Assembly adjourn at 10:30 o'clock a. m. on the 15th day of March, 1901, until the 3d day of April, 1901, at twelve o'clock noon, and that as near as practicable, all legislation be concluded and completed before adjournment this day.

To adjourn March 15 to April 3.

In the General Assembly read three times, and ratified this the 15th day of March, A. D. 1901.

**Resolution in regard to adjournment.**

*Resolved by the House of Representatives, the Senate concurring:*

That a committee of five be appointed, three on the part of the House, and two on the part of the Senate, to consider the question of adjournment, and to report a resolution to the House of Representatives, before 8:30 o'clock this p. m., fixing a time when all the legislative business of this session shall be completed.

Joint Committee on adjournment authorized.

In the General Assembly read three times, and ratified this the 15th day of March, A. D. 1901.

**Resolution authorizing the paying of Clerks and other employees mileage for their attendance upon the present sitting of the General Assembly.**

*Resolved by the House of Representatives, the Senate concurring:*

That such clerks and employees of the General Assembly as would be entitled to mileage as upon attendance at the first sitting of the General Assembly, be and they are allowed mileage for their attendance upon the present sitting of the General Assembly, and the State Auditor is directed upon the certificates of the respective chief clerks of the Senate and House of Representatives, to issue his warrants for such mileage upon the State Treasurer, and the State Treasurer is directed to pay said warrants out of the public funds of the State.

To be paid same mileage for attendance on adjourned session as original.

### A resolution to print the proceedings of the Impeachment.

*Resolved by the Senate, the House of Representatives concurring:*

Proceedings to be printed. SECTION 1. That the proceedings of the Court of Impeachment for the trial of Judges David M. Furches and Robert M. Douglas shall be printed every day and one hundred copies be distributed daily by the Clerk of the Court among the officers and members thereof and all persons engaged in said trial.

Copies daily to be distributed. SEC. 2. That one thousand additional copies of said proceedings shall be daily printed and retained by the Clerk of said Court until the conclusion of said trial, when he shall prepare a proper index thereto, for which he is hereby allowed fifty dollars to be paid by the State Treasurer, and deliver said copies and index to the Secretary of State, who shall cause the same to be bound as are the Senate and House Journals and a copy be sent to every member of this General Assembly and its officers, to each of the Supreme Court Judges and Superior Court Judges, five copies to the State Library and to the Supreme Court Library each, and one to each of the Governor's Council, and the remainder of said copies to be sold at such price as the Secretary of State may deem proper.

One thousand copies to be printed and retained by clerk. Index to be prepared. Compensation. Copies delivered to Secretary of State. To be bound, etc. To be sent to members of General Assembly and others. SEC. 3. That said bound volumes shall contain all the proceedings of the House of Representatives and Senate relating to the impeachment of said Judges Furches and Douglas, to be copied by the Clerk of the Court from the journals thereof, and only the opening and closing, arguments of the attorneys employed in said trial, and the opinions of such Senators as may file them within five days after the judgment of the Court is rendered.

Remainder to be sold. SEC. 4. That this resolution shall be in force from and after its ratification.

Contents of bound volumes. In the General Assembly read three times, and ratified this the 15th day of March, A. D. 1901.

### Resolution relating to the adjournment of the General Assembly.

*Resolved by the House of Representatives, the Senate concurring:*

Time fixed for adjournment sine die. That the General Assembly do adjourn without day at the hour of twelve thirty (12:30) o'clock p. m. of this date, April 4, 1901.

In the General Assembly read three times, and ratified this the 4th day of April, A. D. 1901.

**Resolution in regard to Pages.**

*Resolved by the House of Representatives, the Senate concurring:*

In consideration of the active and faithful service rendered the Senate and House of Representatives during this session of the General Assembly by the pages of each House, that they receive at the end of this session, their actual railroad fare from and to their respective homes.

Pages to be paid actual railroad fare to and from homes.

In the General Assembly read three times, and ratified this the 15th day of March, A. D. 1901.

**Resolution to provide for the publication of the proceedings of the Court of Impeachment.**

*Resolved by the House of Representatives, the Senate concurring:*

1. That the proceedings of the Court of Impeachment heretofore ordered to be printed, shall contain all the proceedings of said Court, including the arguments of counsel.

Contents.

2. That one copy of the said proceedings be furnished to each member and officer of the General Assembly and to each respondent and to each lawyer engaged in the trial.

To whom copies furnished.

3. That the Secretary of State is authorized to sell any copies not disposed of as aforesaid, at the price of two dollars.

Secretary of State to sell copies.  
Price.

In the General Assembly read three times, and ratified this the 4th day of April, A. D. 1901.

**Resolution for the relief of T. B. Womack.**

*Resolved by the House of Representatives, the Senate concurring:*

That the Treasurer of the State be and he is hereby directed to pay T. B. Womack, upon the warrant of the Auditor, the sum of one hundred dollars, for services rendered in preparing the Court bills for this General Assembly.

State Treasurer to pay T. B. Womack \$100 for preparing court bills.

In the General Assembly read three times, and ratified this the 4th day of April, A. D. 1901.

STATE OF NORTH CAROLINA.

OFFICE OF SECRETARY OF STATE.

RALEIGH, June 17, 1901.

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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