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PUBLIC LAWS AND RESOLUTIONS

OF THE

STATE OF NORTH CAROLINA

PASSED BY THE

GENERAL ASSEMBLY

AT ITS

SESSION OF 1905

BEGUN AND HELD IN THE CITY OF RALEIGH

ON

WEDNESDAY, THE FOURTH DAY OF JANUARY, A. D. 1905

PUBLISHED BY AUTHORITY

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1905

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OFFICIAL REGISTER

FOR THE YEAR 1905.

STATE GOVERNMENT.

EXECUTIVE DEPARTMENT.

Robert B. Glenn	Governor	Forsyth.
Francis D. Winston	Lieutenant-Governor	Bertie.
J. Bryan Grimes	Secretary of State	Pitt.
Benjamin F. Dixon	Auditor	Cleveland.
Benjamin R. Lacy	Treasurer	Wake.
Robert D. Gilmer	Attorney-General	Haywood.
J. Y. Joyner	Superintendent of Public Instruction	Guilford.
Samuel L. Patterson	Commissioner of Agriculture	Caldwell.
Henry B. Varner	Commissioner of Labor and Printing	Davidson.
T. R. Robertson	Adjutant-General	Mecklenburg.
Alfred Williams	Assistant Adjutant-General	Wake.
M. O. Sherrill	State Librarian	Catawba.
James R. Young	Insurance Commissioner	Vance.
James D. Glenn	Private Secretary to Governor	Guilford.
Miss Lillian M. Thompson	Executive Clerk	Wake.
George W. Norwood	Chief Clerk to Secretary of State	Wake.
W. S. Wilson	Corporation Clerk	Caswell.
Mrs. Mary G. Smith	Clerk and Stenographer	Pitt.
H. T. Hudson	Chief Clerk to Auditor	Cleveland.
Everard H. Baker	Pension Clerk	Wake.
Mrs. F. W. Smith	Clerk and Stenographer	Wake.
W. F. Moody	Chief Clerk of Treasury Department	Mecklenburg.
P. B. Fleming	Clerk of Institutions	Franklin.
A. H. Arrington	Teller	Nash.
Miss M. F. Jones	Clerk and Stenographer	Buncombe.
Miss Sarah Burkhead	Clerk and Stenographer to Attorney-General	Columbus.
John Duckett	Chief Clerk to Superintendent of Public Instruction	Robeson.
R. D. W. Connor	Clerk of Loan Fund	Gates.
Miss Ella Duckett	Clerk and Stenographer	Robeson.
Miss C. E. Broughton	Assistant Librarian	Wake.
M. L. Shipman	Assistant Commissioner of Labor and Printing	Henderson.
Miss Daisy Thompson	Clerk and Stenographer	Wake.
D. H. Milton	Clerk to Insurance Commissioner	Rockingham.
C. C. Cherry	Superintendent of Public Buildings	Edgecombe.
L. W. Lancaster	State Standard Keeper	Wake.
E. M. Uzzell	State Printer	Wake.

CORPORATION COMMISSION.

Franklin McNeill	Chairman	New Hanover.
Samuel L. Rogers	Commissioner	Macon.
E. C. Beddingfield	Commissioner	Wake.
Henry C. Brown	Chief Clerk	Surry.
G. L. Jones	Clerk	Macon.
Miss E. G. Riddick	Stenographer	Wilson.

JUDICIAL DEPARTMENT.

SUPREME COURT JUDGES.

Walter Clark	Chief Justice	Raleigh	Wake.
Henry G. Connor	Associate Justice	Wilson	Wilson.
Platt D. Walker	Associate Justice	Charlotte	Mecklenburg.
George H. Brown	Associate Justice	Washington	Beaufort.
William A. Hoke	Associate Justice	Lincolnton	Lincoln.
Thomas S. Kenan	Clerk	Raleigh	Wake.
J. L. Seawell	Office Clerk	Raleigh	Wake.
Robert H. Bradley	Marshal and Librarian	Raleigh	Wake.
Zeb. V. Walser	Reporter	Lexington	Davidson.

SUPERIOR COURT JUDGES.

George W. Ward	Elizabeth City	Pasquotank.
Robert B. Peebles	Jackson	Northampton.
Henry R. Bryan	New Bern	Craven.
Charles M. Cooke	Louisburg	Franklin.
Oliver H. Allen	Kinston	Lenoir.
William R. Allen	Goldsboro	Wayne.
T. A. McNeill	Lumberton	Robeson.
Walter H. Neal	Laurinburg	Scotland.
Thomas J. Shaw	Greensboro	Guilford.
Benjamin F. Long	Statesville	Iredell.
Erastus D. Jones	Winston	Forsyth.
James L. Webb	Shelby	Cleveland.
W. B. Council	Boone	Watauga.
M. H. Justice	Rutherfordton	Rutherford.
Frederick Moore	Asheville	Buncombe.
Garland S. Ferguson	Waynesville	Haywood.

SOLICITORS.

Hallett S. Ward	Plymouth	Washington.
Walter E. Daniel	Weldon	Halifax.
L. I. Moore	Greenville	Pitt.
Charles C. Daniels	Wilson	Wilson.
Rodolph Duffy	Catherine Lake	New Hanover.
Armistead Jones	Raleigh	Wake.
C. C. Lyon	Elizabethtown	Bladen.
L. D. Robinson	Wadesboro	Anson.
Aubry L. Brooks	Greensboro	Guilford.
William C. Hammer	Ashboro	Randolph.
S. P. Graves	Mt. Airy	Surry.
Heriot Clarkson	Charlotte	Mecklenburg.
Moses N. Harshaw	Lenoir	Caldwell.
J. F. Spainhour	Morganton	Burke.
Mark W. Brown	Asheville	Buncombe.
Thad. D. Bryson	Bryson City	Swain.

COMMISSIONERS OF AFFIDAVITS FOR NORTH CAROLINA
RESIDENT IN OTHER STATES.

NAME.	ADDRESS.	EXPIRATION OF TERM.
Adams, Charles Hall -----	23 Court Street, Boston, Mass. -----	January 30, 1907
Bundy, Charles S. -----	416-418 Fifth St. N. W., Washington, D. C. -----	January 4, 1907
Braman, Ella F. -----	120 Broadway, New York -----	December 17, 1905
Braman, Joseph B. -----	120 Broadway, New York -----	May 29, 1905
Bruce, J. C. -----	Danville, Va. -----	August 7, 1905
Brown, Clark J. -----	White Plains, N. Y. -----	June 8, 1905
Brinkley, Henry A. -----	Portsmouth, Va. -----	March 29, 1906
Corey, George H. -----	59 Wall Street, New York -----	November 14, 1905
Cassell, Norman -----	434 High Street, Portsmouth, Va. -----	November 13, 1905
Corey, Edwin F. -----	56 Wall Street, New York -----	August 19, 1905
Elliott, Gilmer T. -----	Norfolk, Va. -----	March 1, 1906
Fisher, A. H. -----	16 East Lexington St., Baltimore, Md. -----	December 9, 1906
Folsom, Thomas W. -----	835 Broadway, New York -----	
Gilliam, Robert -----	Petersburg, Va. -----	May 12, 1907
Griffin, Frank J. -----	116 Nassau St., New York -----	September 23, 1905
Hunt, Thomas J. -----	683 Walnut St., Philadelphia -----	December 12, 1905
Hoffman, Phil. H. -----	440-4 Equitable Building, Baltimore, Md. -----	March 2, 1906
Holtzman, Aylett T. -----	1321 F St. N. W., Washington, D. C. -----	June 6, 1905
Harrison, Joseph T. -----	Cincinnati, Ohio -----	June 22, 1907
Horne, Pearce -----	Washington, D. C. -----	March 5, 1906
Hendery, John Burke -----	7 New Square, Lincoln Inn, London, England -----	June 19, 1905
Hosier, J. Walter -----	Suffolk, Va. -----	July 27, 1906
Hanson, Murray -----	Daily Record Building, Baltimore, Md. -----	July 16, 1905
Jones, Edward J. -----	61 Court St., Boston, Mass. -----	February 29, 1906
Jordan, W. P., Jr. -----	Norfolk, Va. -----	July 12, 1906
Lanier, J. Walter -----	Suffolk, Va. -----	July 26, 1906
Lett, William F. -----	335 Broadway, New York -----	April 3, 1907
Mills, Charles Edgar -----	115 Broadway, New York -----	February 1, 1906
Mathien, Harry C. -----	North-east corner Lexington and St. Paul Sts., Baltimore, Md. -----	September 26, 1906
Mackey, Alfred -----	59 Cedar St., New York -----	November 4, 1905
McCarthy, Charles E. A. -----	80 Broadway, New York -----	June 23, 1906
Sparhawk, Charles W. -----	400 Chestnut St., Philadelphia, Pa. -----	August 5, 1905
Shannonhouse, William T. -----	213-215 Atlantic Building, Norfolk, Va. -----	June 3, 1905
Tener, Kinley J. -----	441 Chestnut St., Philadelphia, Pa. -----	April 15, 1907
Tomlin, Robert W. -----	Norfolk, Va. -----	February 23, 1906
Williams, W. L. -----	104 Main St., Norfolk, Va. -----	April 27, 1906
Whitty, J. H. -----	Richmond, Va. -----	February 13, 1906
Wurts, John S. -----	1109 Land Title Building, Philadelphia, Pa. -----	June 18, 1906
Winston, Geddes H. -----	66 Chamber of Commerce, Richmond, Va. -----	December 16, 1906

MEMBERS OF THE GENERAL ASSEMBLY.

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

SENATORS.

HON. FRANCIS D. WINSTON, LIEUTENANT-GOVERNOR, PRESIDENT, WINSTON.

DISTRICT.	NAME OF SENATOR.	POST-OFFICE.	COUNTY.
1	C. S. Vann	Edenton	Chowan.
1	S. M. Beasley	Poplar Branch	Currituck.
2	H. W. Stubbs	Williamston	Martin.
2	S. C. Bragaw	Washington	Beaufort.
3	T. W. Mason	Garysburg	Northampton.
4	W. H. Thorne	Airlie	Halifax.
5	Donnell Gilliam	Tarboro	Edgecombe.
6	J. L. Fleming	Greenville	Pitt.
7	W. W. Boddie	Louisburg	Franklin.
7	R. H. Ricks	Rocky Mount	Edgecombe.
8	D. L. Ward	New Bern	Craven.
8	W. L. Arendell	Morehead City	Carteret.
9	D. J. Aaron	Mount Olive	Wayne.
10	James F. Moore	Currie	Pender.
11	Brooke G. Empie	Wilmington	New Hanover.
12	E. F. McCulloch	White Oak	Bladen.
13	A. L. Shaw	Lumber Bridge	Robeson.
14	N. A. Sinclair	Fayetteville	Cumberland.
15	J. A. T. Jones	McCullers	Johnston.
15	Henry A. Grady	Clinton	Sampson.
16	J. C. Ellington	Raleigh	Wake.
17	A. C. Zollicoffer	Henderson	Vance.
18	J. A. Long	Roxboro	Person.
19	H. A. Foushee	Durham	Durham.
19	J. A. Turrentine	Burlington	Alamance.
20	A. J. Burton	Reidsville	Rockingham.
21	A. M. Scales	Greensboro	Guilford.
22	Hector McLean	Laurinburg	Scotland.
22	W. I. Everett	Rockingham	Richmond.
23	W. H. Watkins	Ramseur	Randolph.
24	Fred. J. Coxe	Wadesboro	Anson.
24	S. E. Williams	Lexington	Davidson.
25	C. H. Duls	Charlotte	Mecklenburg.
25	W. R. Odell	Concord	Cabarrus.
26	R. L. Wright	Salisbury	Rowan.
27	A. H. Eller	Winston	Forsyth.
28	C. O. Boyles	King	Stokes.
29	L. P. Somers	Osbornville	Wilkes.
30	Z. V. Long	Statesville	Iredell.
31	C. L. Turner	Monbo	Catawba.
32	O. F. Mason	Dallas	Gaston.
33	C. F. Toms	Hendersonville	Henderson.
33	J. F. Alexander	Forest City	Rutherford.
34	W. S. Pearson	Morganton	Burke.
34	A. V. Miller	Lenoir	Caldwell.
35	S. A. Taylor	Laurel Springs	Alleghany.
36	A. B. Bryan	Burnsville	Yancey.
37	C. A. Webb	Asheville	Buncombe.
38	W. W. Stringfield	Waynesville	Haywood.
39	J. L. Crisp	Stecoah	Graham.

SENATE OFFICERS.

NAME.	POST-OFFICE.	POSITION.
A. J. Maxwell -----	Rockingham-----	Principal Clerk.
R. Otis Self-----	Webster-----	Assistant to Principal Clerk.
Murray Allen -----	Raleigh-----	Assistant to Principal Clerk.
Lionel Giles -----	Jacksonville-----	Assistant to Principal Clerk.
Stacey Wade -----	Morehead City-----	Assistant to Principal Clerk.
Walter L. Cohoon -----	Elizabeth City-----	Reading Clerk.
J. W. Simpson-----	Rutherfordton-----	Engrossing Clerk.
L. B. Pegram-----	Raleigh-----	Doorkeeper.
Robert N. Staley -----	Wilkesboro-----	Assistant Doorkeeper.
Paul B. Means-----	Concord-----	Clerk to Judiciary Committee.
M. G. McKenzie-----	Maxton-----	Stationery Clerk.
C. R. Wharton-----	Raleigh-----	Mailing Clerk.

REPRESENTATIVES.

HON. OWEN H. GUION, SPEAKER.

NAME.	POST-OFFICE.	COUNTY.
W. J. Graham	Burlington	Alamance.
H. T. Campbell	Taylorsville	Alexander.
R. K. Finney	Nulin	Alleghany.
J. A. Lockhart, Jr.	Wadesboro	Anson.
F. C. Young	Grassy Creek	Ashe.
W. A. B. Branch	Gilead	Beaufort.
James H. Harris	Washington	Beaufort.
C. W. Mitchell	Aulander	Bertie.
J. O. West	Ruskin	Bladen.
C. Ed. Taylor	Southport	Brunswick.
J. D. Murphy	Asheville	Buncombe.
J. F. Glenn	Asheville	Buncombe.
B. F. Davis	Morganton	Burke.
M. B. Stickley	Concord	Cabarrus.
J. A. Crisp	Lenoir	Caldwell.
G. C. Barco	Shiloh	Camden.
T. D. Webb	Morehead City	Carteret.
W. T. Sledge	Blanch	Caswell.
W. C. Feimster	Newton	Catawba.
J. R. Rives	Goldston	Chatham.
W. M. West	Murphy	Cherokee.
W. T. Perry	Rockyhook	Chowan.
J. A. Buchanan	Elf	Clay.
R. L. Ryburn	Shelby	Cleveland.
J. M. Shipman	Whiteville	Columbus.
O. H. Guion	New Bern	Craven.
A. D. McGill	Fayetteville	Cumberland.
N. C. Thaggard	Cedar Creek	Cumberland.
W. L. Owens	Jarvisburg	Currituck.
R. Bruce Etheridge	Manteo	Dare.
G. F. Hankins	Lexington	Davidson.
A. T. Grant, Jr.	Mocksville	Davie.
H. D. Williams	Kenansville	Duplin.
J. C. Biggs	Durham	Durham.
M. B. Pitt	Old Sparta	Edgecombe.
P. C. Vestal	Rocky Mount	Edgecombe.
J. D. Waddill	Salem Town	Forsyth.
G. H. Hasten	Winston	Forsyth.
B. W. Ballard	Franklinton	Franklin.
R. A. White	King's Mountain	Gaston.
C. E. Hutchison	Mount Holly	Gaston.
R. W. Simpson	Gatesville	Gates.
W. W. Fleming	Robbinsville	Graham.
A. W. Graham	Oxford	Granville.
J. T. Frizzelle	Snow Hill	Greene.
Wescott Roberson	High Point	Guilford.
J. R. Gordon	Jamestown	Guilford.
T. C. Harrison	Weldon	Halifax.
Sands Gayle	Roanoke Rapids	Halifax.
W. A. Stewart	Dunn	Harnett.
Joe S. Davis	Waynesville	Haywood.
W. C. Rector	Hendersonville	Henderson.
B. B. Winborne	Murfreesboro	Hertford.
Walter Jones	Swan Quarter	Hyde.
T. M. C. Davidson	Statesville	Iredell.
Z. V. Turlington	Mooreville	Iredell.
Felix E. Alley	Webster	Jackson.
J. P. Canady	Benson	Johnston.
R. H. Gower	Clayton	Johnston.
T. D. Warren	Trenton	Jones.
George Turner	Pink Hill	Lenoir.
W. A. Graham	Machpelah	Lincoln.
W. A. Rogers	Franklin	Macon.
J. W. Roberts	Marshall	Madison.
J. B. Coffield	Everetts	Martin.
M. F. Morphew	Marion	McDowell.
H. Q. Alexander	Matthews	Mecklenburg.
R. C. Freeman	Charlotte	Mecklenburg.
F. R. McNinch	Charlotte	Mecklenburg.
J. C. Bowman	Bakersville	Mitchell.

REPRESENTATIVES—CONTINUED.

NAME.	POST-OFFICE.	COUNTY.
C. C. Wade	Troy	Montgomery.
John R. McQueen	Carthage	Moore.
S. F. Austin	Nashville	Nash.
G. J. Boney	Wilmington	New Hanover.
W. T. Joyner	Garysburg	Northampton.
E. M. Koonce	Jacksonville	Onslow.
Ira E. D. Andrews	Chapel Hill	Orange.
R. L. Woodard	Pamlico	Pamlico.
J. C. B. Ehringhaus	Elizabeth City	Pasquotank.
E. A. Hawes	Atkinson	Pender.
John S. Cunningham	Cunningham	Person.
W. G. Cox	Hertford	Perquimans.
J. J. Laughinghouse	Greenville	Pitt.
J. B. Little	Greenville	Pitt.
J. W. McFarland	Poors Ford	Polk.
W. P. Wood	Ashboro	Randolph.
T. J. Redding	Hoyle	Randolph.
George Warburton	Rockingham	Richmond.
E. J. Britt	Lumberton	Robeson.
G. C. Fisher	Maxton	Robeson.
Ira R. Humphries	Wentworth	Rockingham.
R. A. Stokes	Fitzgerald	Rockingham.
Walter Murphy	Salisbury	Rowan.
K. S. Hall	Barber	Rowan.
L. E. Powers	Rutherfordton	Rutherford.
George E. Butler	Clinton	Sampson.
John E. Fowler	Clinton	Sampson.
Mark Morgan	Laurel Hill	Scotland.
A. R. Kirk	Albemarle	Stanly.
I. M. Gordon	Danbury	Stokes.
J. H. Dobson	Rockford	Surry.
A. S. Patterson	Bryson City	Swain.
W. M. Henry	Brevard	Transylvania.
J. C. Meekins	Columbia	Tyrrell.
C. N. Simpson	Monroe	Union.
R. B. Redwine	Monroe	Union.
Thomas Taylor	Townsville	Vance.
A. B. Stronach	Raleigh	Wake.
Percy J. Olive	Apex	Wake.
R. E. Sentelle	Wakefield	Wake.
S. G. Daniel	Littleton	Warren.
W. R. Chesson	Mackey's Ferry	Washington.
C. W. Phipps	Shull's Mills	Watauga.
J. M. Hollowell	Goldsboro	Wayne.
A. T. Uzzell	Goldsboro	Wayne.
C. H. Cowles	Wilkesboro	Wilkes.
John A. Holbrook	Trap Hill	Wilkes.
S. A. Woodard	Wilson	Wilson.
J. C. Pinnix	Marler	Yadkin.
James F. Byrd	Ramseytown	Yancey.

MEMBERS OF THE GENERAL ASSEMBLY.

HOUSE OFFICERS.

NAME.	POST-OFFICE.	POSITION.
Frank D. Hackett	North Wilkesboro	Principal Clerk.
Alexander Lassiter	Windsor	Assistant to Principal Clerk.
T. G. Cobb	Morganton	Assistant to Principal Clerk.
R. O. Fry	Troy	Assistant to Principal Clerk.
R. L. Huffman	Salisbury	Assistant to Principal Clerk.
W. J. Jenkins	Franklin	Assistant to Principal Clerk.
C. Walter Hackett	North Wilkesboro	Assistant to Principal Clerk.
Z. B. Bitting	Rural Hall	Assistant to Principal Clerk.
Roy Leatherwood	Webster	Messenger to Principal Clerk.
F. B. Arendell	Raleigh	Reading Clerk.
J. H. Kerr	Yanceyville	Doorkeeper.
David H. James	Greenville	Assistant Doorkeeper.
M. D. Kinsland	Waynesville	Engrossing Clerk.
A. D. Raby	Robbinsville	Assistant to Engrossing Clerk.
Jarvis Davis		Assistant to Engrossing Clerk.
W. J. Hooks		Assistant to Engrossing Clerk.
J. J. Mackey	Asheville	Assistant to Engrossing Clerk.
J. T. Land	Elizabeth City	Assistant to Engrossing Clerk.
T. W. Harrington		Assistant to Engrossing Clerk.
Thomas P. Bumgarner	Wilkesboro	Assistant to Engrossing Clerk.
H. L. McCall	Lexington	Clerk to Committee on Finance.
N. D. Tomlin		Clerk to Committee on Proposi-
		tions and Grievances.
W. N. H. Smith	Raleigh	Mail Clerk.
A. M. Walker		Special Messenger.
James R. Watkins		Gallery Laborer.

ENROLLING DEPARTMENT.

NAME.	POST-OFFICE.	POSITION.
E. B. Norvell	Murphy	Chief Clerk.
Miss Emma Taylor	Raleigh	Assistant Clerk.
J. R. Swann	Marshall	Assistant Clerk.
R. T. Wilson	Gatewood	Assistant Clerk.
A. M. McLean	Lillington	Assistant Clerk.
L. H. Allred	Youngsville	Assistant Clerk.

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SESSION 1905.

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CONSTITUTION

OF THE

STATE OF NORTH CAROLINA.

PREAMBLE.

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

ARTICLE I.

DECLARATION OF RIGHTS.

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

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

The equality and rights of men.

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

Political power and government.

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

Internal government of the State.

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.

That there is no right to secede.

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, etc.

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

The legislative, executive and judicial powers distinct.

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

Of the power of suspending laws.

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

Elections free.

SEC. 10. All elections ought to be free.

In criminal prosecutions.

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

Answers to criminal charges.

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

Right of jury.

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.

Excessive bail.

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

General warrants.

SEC. 15. General warrants, whereby any officer or messenger may be commanded to search suspected places, without evidence of the act com-

mitted, 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.

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

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

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

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

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

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

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

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

SEC. 24. A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed; and, as standing armies in time of peace are dangerous to liberty, they ought not to be kept up, and the military should be kept under strict subordination to, and governed by, the civil power. Nothing herein contained shall justify the practice of carrying concealed weapons, or prevent the Legislature from enacting penal statutes against said practice. Militia and the right to bear arms.

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. Right of the people to assemble together.

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. Religious liberty.

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. Education.

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

Recurrence to
fundamental
principles.
Hereditary emolu-
ments, etc.

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

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

Perpetuities, etc.

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

Ex post facto
laws.

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

Slavery prohib-
ited.

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

State boundaries.

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

Courts shall be
open.

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

Soldiers in time of
peace.

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

Other rights of the
people.

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

ARTICLE II.

LEGISLATIVE DEPARTMENT.

Two branches.

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

Time of assem-
bling.

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

Number of sena-
tors.

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

Regulations in
relation to dis-
tricting the State
for 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.

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

Regulations in relation to apportionment of representatives.

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

Ratio of representation.

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

Qualifications for Senators.

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

Qualifications for representatives.

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*.

Election of officers.

SEC. 10. The General Assembly shall have the 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.

Powers in relation to divorce and alimony.

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.

Private laws in relation to names of persons, etc.

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.

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

- Vacancies.** SEC. 13. If vacancies shall occur in the General Assembly by death, resignation or otherwise, writs of election shall be issued by the Governor under such regulations as may be prescribed by law.
- Revenue.** SEC. 14. No law shall be passed to raise money on the credit of the State, or to pledge the faith of the State, directly or indirectly, for the payment of any debt, or to impose any tax upon the people of the State, or allow the counties, cities or towns to do so. unless the bill for the purpose shall have been read three several times in each House of the General Assembly and passed three several readings, which readings shall have been on three different days, and agreed to by each House respectively, and unless the yeas and nays on the second and third readings of the bill shall have been entered on the journal.
- Entails.** SEC. 15. The General Assembly shall regulate entails in such manner as to prevent perpetuities.
- Journals.** SEC. 16. Each House shall keep a journal of its proceedings, which shall be printed and made public immediately after the adjournment of the General Assembly.
- Protest.** SEC. 17. Any member of either House may dissent from and protest against any act or resolve, which he may think injurious to the public, or any individual. and have the reasons of his dissent entered on the journal.
- Officers of the house.** SEC. 18. The House of Representatives shall choose their own Speaker and other officers.
- President of the Senate.** SEC. 19. The Lieutenant-Governor shall preside in the Senate, but shall have no vote unless it may be equally divided.
- Other senatorial officers.** SEC. 20. The Senate shall choose its other officers and also a Speaker (*pro tempore*) in the absence of the Lieutenant-Governor, or when he shall exercise the office of Governor.
- Style of the acts.** SEC. 21. The style of the acts shall be: "The General Assembly of North Carolina do enact."
- Powers of the General Assembly.** 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.
- Bills and resolutions to be read three times, etc.** 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 officer of both Houses.
- Oath of members.** 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.
- Terms of office.** SEC. 25. The terms of office for Senator and members of the House of Representatives shall commence at the time of their election.
- Yeas and nays.** 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.

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

Election for members of the General Assembly.

SEC. 28. The members of the General Assembly for the term for which they have been elected shall receive as a compensation for their services the sum of *four dollars* per day for each day of their session, for a period not exceeding sixty days; and should they remain longer in session, they shall serve without compensation. They shall also be entitled to receive ten cents per mile, both while coming to the seat of government and while returning home, the said distance to be computed by the nearest line or route of public travel. The compensation of the presiding officers of the two Houses shall be six dollars per day and mileage. Should an extra session of the General Assembly be called, the members and presiding officers shall receive a like rate of compensation for a period not exceeding twenty days.

Pay of members and officers of the General Assembly.

Extra session.

ARTICLE III.

EXECUTIVE DEPARTMENT.

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

Officers of the Executive Department.

Terms of office.

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.

Qualifications of Governor and Lieutenant-Governor.

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

Returns of elections.

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, the one of them shall be chosen by joint ballot of both Houses of the General Assembly. Contested elections shall be determined by a joint ballot of both Houses of the General Assembly in such manner as shall be prescribed by law.

Oath of office for Governor.

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

Duties of Governor.

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

Reprieves, commutations and pardons.

SEC. 6. The Governor shall have power to grant reprieves, commutations and pardons, after conviction, for all offences (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 the commutation, pardon or reprieve and the reasons therefor.

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

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.

Commander-in-chief.

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.

Extra sessions of General Assembly.

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.

Officers whose appointments are not otherwise provided for.

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.

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

Duties of the Lieutenant-Governor.

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

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

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.

Duties of other Executive officers.

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.

Council of State.

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

Compensation of Executive officers.

shall have been elected, and the said officers shall receive no other emolument or allowance whatever.

Seal of State.

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

Department of Agriculture, Immigration and Statistics.

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

ARTICLE IV.

JUDICIAL DEPARTMENT.

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

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

Feigned issues abolished.

Division of Judicial powers.

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.

Trial Court of Impeachment.

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.

Impeachment.

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

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.

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

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

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 execution shall issue thereon; they shall be reported to the next session of the General Assembly for its action. Claims against the State.

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. Judicial Districts for Superior Courts.

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. Residences of Judges, rotation in Judicial Districts and special terms.

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

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.

Clerk of Supreme Court.

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

Election of Superior Court Clerk.

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.

Term of office.

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

Fees, salaries and emoluments.

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.

What laws are and shall be in force.

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.

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

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.

Justices Supreme Court, election of.

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 Court.

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.

SEC. 25. All vacancies occurring in the offices provided for by this

Article of the Constitution shall be filled by the appointment 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 office shall hold until their successors are qualified.

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.

Terms of office of first officers under this Article.

SEC. 27. The several Justices of the Peace shall have jurisdiction, under such regulations as the General Assembly shall prescribe, of civil actions, founded on contract, wherein the sum demanded shall not exceed two hundred dollars, and wherein the title to real estate shall not be in controversy; and of all criminal matters arising within their counties where the punishment cannot exceed a fine of fifty dollars or imprisonment for thirty days. And the General Assembly may give to Justices of the Peace jurisdiction of other civil actions, wherein the value of the property in controversy does not exceed fifty dollars. When an issue of fact shall 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 same with the Clerk of the Superior Court for his county.

Jurisdiction of Justices of the Peace.

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

Vacancies in office of Justices.

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

Vacancies in office of Superior Court Clerk.

SEC. 30. In case the General Assembly shall establish other Courts inferior to the Supreme Court, the presiding officers and clerks thereof shall be elected in such manner as the General Assembly may from time

Officers of other Courts inferior to Supreme Court.

to time prescribe, and they shall hold their offices for a term not exceeding eight years.

Removal of
Judges of the
various Courts
for inability.

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

Removal of
Clerks of the
various Courts
for inability.

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

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 bonds, stocks, joint-stock companies, or otherwise; and, also, all real and personal property, according to its true

value in money. The General Assembly may also tax trades, professions, franchises, and incomes, provided that no income shall be taxed when the property from which the income is derived is taxed.

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 invasions or insurrections, unless it shall in the same bill levy a special tax to pay the interest annually. And the General Assembly shall have no power to give or lend the credit of the State in aid of any person, association or corporation, except to aid in the completion of such railroads as may be unfinished at the time of the adoption of this Constitution, or in which the State has a direct pecuniary interest, unless the subject be submitted to a direct vote of the people of the State, and be approved by the majority of those who shall vote thereon.

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

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, etc.

ARTICLE VI.

SUFFRAGE AND ELIGIBILITY TO OFFICE.

SECTION 1. Every male person born in the United States, and every male person who has been naturalized, twenty-one years 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

Qualifications of elector.

shall be permitted to vote unless the said person shall be first restored to citizenship in the manner prescribed by law.

Qualifications of elector.

General Assembly to provide registration laws.

Qualifications of elector to register and vote.

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

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 V, 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 treason or felony, or of any other crime for which the

punishment may be imprisonment in the penitentiary, since becoming citizens of the United States, or of corruption or malpractice in office, unless such person shall be restored to the rights of citizenship in a manner prescribed by law.

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 returns to the County Commissioners for revision, as may be prescribed by law. The Clerk shall be, *ex officio*, Treasurer of the township. Trustees shall assess property.

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

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 cannot be attained under general laws. All general laws and special acts passed pursuant to this section may be altered from time to time or repealed.

Debts of corporations, how secured.

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

What corporations shall include.

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

Legislature to provide for organizing cities, towns, etc.

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

ARTICLE IX.

EDUCATION.

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 establishing and maintaining in this State a system of free public schools and for no other uses or purposes whatsoever. What property shall be devoted to educational purposes.

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

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

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 needed rules and regulations in relation to free public schools and the educational fund of the State; but all acts, rules and regulations of said Board may be altered, amended or repealed by the General Assembly, and when so altered, amended or repealed they shall not be re-enacted by the Board.

First session of Board.

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

Quorum.

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

Expenses.

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

Agricultural Department.

SEC. 14. As soon as practicable after the adoption of this Constitution the General Assembly shall establish and maintain in connection with the University a department of agriculture, of mechanics, of mining and of normal instruction.

Children must attend school.

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

ARTICLE X.

HOMESTEADS AND EXEMPTIONS.

Exemption.

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

SEC. 2. Every homestead, and the dwellings and buildings used there- Homestead.
with, 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 dwellings 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 execu-
tion or other final process obtained on any debt. But no property shall
be exempt from sale for taxes or for payment of obligations contracted
for the purchase of said premises.

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

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

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

SEC. 6. The real and personal property of any female in this State Property of a
acquired before marriage, and all property, real and personal, to which married female
she may, after marriage, become in any manner entitled, shall be and secured to her.
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 hus-
band, and may be devised and bequeathed, and, with the written assent
of her husband, conveyed by her as if she were unmarried.

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

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

ARTICLE XI.

PUNISHMENTS, PENAL INSTITUTIONS AND PUBLIC CHARITIES.

SECTION 1. The following punishments only shall be known to the laws Punishments.
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 pro-
vision for imprisonment with hard labor shall be construed to authorize

- Convict labor.** 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.
- Proviso.**
- Death punishment.** SEC. 2. The object of punishment being not only to satisfy justice, but also to reform the offender, and thus prevent crime, murder, arson, burglary and rape, and these only, may be punishable with death, if the General Assembly shall so enact.
- Penitentiary.** SEC. 3. The General Assembly shall, at its first meeting, make provision for the erection and conduct of a State's Prison or Penitentiary at some central and accessible point within the State.
- Houses of correction.** SEC. 4. The General Assembly may provide for the erection of a House of Correction, where vagrants and persons guilty of misdemeanors shall be restrained and usefully employed.
- Houses of refuge.** SEC. 5. A House or Houses of Refuge may be established whenever the public interests may require it, for the correction and instruction of other classes of offenders.
- The sexes to be separated.** SEC. 6. It shall be required by competent legislation that the structure and superintendence of penal institutions of the State, the county jails and city police prisons secure the health and comfort of the prisoners. and that male and female prisoners be never confined in the same room or cell.
- Provisions for the poor and orphans.** SEC. 7. Beneficent provisions for the poor, the unfortunate and orphan being one of the first duties of a civilized and Christian State, the General Assembly shall, at its first session, appoint and define the duties of a Board of Public Charities, to whom shall be entrusted the supervision of all charitable and penal State institutions, and who shall annually report to the Governor upon their condition, with suggestions for their improvement.
- Orphan houses.** SEC. 8. There shall also, as soon as practicable, be measures devised by the State for the establishment of one or more orphan houses, where destitute orphans may be cared for, educated and taught some business or trade.
- Inebriates and idiots.** SEC. 9. It shall be the duty of the Legislature, as soon as practicable, to devise means for the education of idiots and inebriates.
- Deaf-mutes, blind and insane.** SEC. 10. The General Assembly may provide that the indigent deaf mute, blind and insane, of the State shall be cared for at the charge of the State.
- Self-supporting.** SEC. 11. It shall be steadily kept in view by the Legislature and the Board of Public Charities, that all penal and charitable 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 are citizens of the United States, shall be liable to do duty in the militia: *Provided*, that all persons who may be averse to bearing arms, from religious scruples, shall be exempt therefrom. Who are liable to militia duty.

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

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

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

ARTICLE XIII.

AMENDMENTS.

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

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

ARTICLE XIV.

MISCELLANEOUS.

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

Penalty for fighting duel.

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

Drawing money.

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

Mechanic's lien.

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

Governor to make appointments.

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

Seat of government.

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

Holding office.

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

Intermarriage of whites and negroes prohibited.

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

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PUBLIC LAWS

OF THE

STATE OF NORTH CAROLINA.

SESSION 1905.

PUBLIC LAWS
OF THE
STATE OF NORTH CAROLINA.

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CHAPTER 1.

AN ACT TO INCREASE THE PAY OF JURORS IN THE
COUNTY OF PITT.

The General Assembly of North Carolina do enact:

SECTION 1. The regular jurors for the Superior Courts of Pitt County and such special veniremen and tales jurors of said courts as shall be taken in the trial of capital cases shall be paid the sum of two dollars per day and the mileage already provided by law. Per diem, \$2.

SEC. 2. All laws in conflict with the provisions of the above section are hereby repealed, so far as they apply to Pitt County. 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 7th day of January, A. D. 1905.

CHAPTER 2.

AN ACT TO AMEND CHAPTER 378, PUBLIC LAWS OF 1903.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred and seventy-eight of the Public Laws of 1903, being an act to prohibit the manufacture and sale of liquors, cider or medicated bitters near certain churches in Currituck County is hereby amended as follows: Additional churches included.
In line 7, in section 1 of said chapter, after the word "Metho-

dist" and before the words "Powell's Point" insert the words "Hebron Methodist," and at the end of said section add the words "Powell's Point, Odd Fellows' Hall, located at Newbern's Landing."

SEC. 2. Strike out all of section two of said chapter after the word "premises" in line three of said section.

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 January, A. D. 1905.

CHAPTER 3.

AN ACT TO APPOINT I. P. ALDERMAN A JUSTICE OF THE PEACE FOR ROSE HILL TOWNSHIP, DUPLIN COUNTY.

The General Assembly of North Carolina do enact:

Term of office.

SECTION 1. That I. P. Alderman be and he is hereby appointed a justice of the peace for Rose Hill Township, Duplin County, for a term of six years from and after the passage of this act.

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

In the General Assembly read three times and ratified this the 10th day of January, A. D. 1905.

CHAPTER 4.

AN ACT TO AMEND CHAPTER 196, PUBLIC LAWS OF NORTH CAROLINA OF 1903, RELATIVE TO THE KILLING OF GAME IN NORTHAMPTON COUNTY.

The General Assembly of North Carolina do enact:

"Squirrel"
stricken out.

SECTION 1. That in section two, line two of said act the word "squirrel" shall be stricken out.

Closed season
changed.

SEC. 2. That in section two, line three of said act the word "fifteenth" shall be changed to the word "first."

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 12th day of January, A. D. 1905.

CHAPTER 5.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS
OF LINCOLN COUNTY TO CHANGE THE SITE OF THE
COUNTY HOME.*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Commissioners of Lincoln County be and it is hereby authorized to change the site of the County Home for the Aged and Infirm, and to re-locate the same at such place in said county as in the discretion of the said board may seem advisable, and to that end said board shall have full power and authority to sell and convey the lands upon which the County Home is now located, and to purchase other lands upon which to locate said Home at such place as to the board may seem proper.

Power to change site.

Power to sell and repurchase.

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 14th day of January, A. D. 1905.

CHAPTER 6.

AN ACT TO EXTEND THE TIME FOR REGISTERING
GRANTS AND TO CURE CERTAIN REGISTRATION.*The General Assembly of North Carolina do enact:*

SECTION 1. That all grants from the State of North Carolina of lands and interests in lands 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 county in which the lands lie respectively at any time or times within six years from the first day of January, 1901, 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 grant 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 those claiming through or under such subsequent entry or entries, grant or grants.

Time for registering grants extended.

Prior registration legalized.

No rights, titles, or equities to be divested.

Conflicting laws repealed.

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

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

In the General Assembly read three times, and ratified this the 14th day of January, A. D. 1905.

CHAPTER 7.

AN ACT TO REPEAL THE HENDERSON COUNTY ROAD LAW, AND TO ENACT A NEW ONE IN SAID COUNTY.

The General Assembly of North Carolina do enact:

All roads and ferries declared public.

Supervision by township justices of peace.

Incorporated as township trustees.

Corporate rights and powers.

SECTION 1. All roads and ferries in Henderson County that have been laid out or appointed by virtue of any act of Assembly, or any order of court, are hereby declared to be public roads and ferries. And the justices of the peace in each township in said county shall have the supervision and control of the public roads and bridges in their respective townships, subject to the provisions of this act, and they are hereby incorporated, and the board of trustees of such township shall be their corporate name. They shall have the right to sue and be sued, plead and be interpleaded in any of the courts of the State. The boards of township trustees and the board of county commissioners of said county, as hereinafter set forth in this chapter, shall have full power and authority, as now provided by law, to appoint and settle ferries, and to order the laying out of public roads where necessary, to appoint where bridge or bridges and fords shall be made, to discontinue such roads and ferries as shall be found useless, and to alter roads so as to make them more useful: *Provided*, that the making and using of roads shall not be delayed by litigation with the owner.

Times and places for meeting.

Record of proceedings.

Chairman.

Exempt from road duty and tax.

Duties.

Report.

SEC. 2. The board of township trustees shall meet in some place in their respective townships on the first Monday in May and November of each year, and at such other times as may be fixed by the majority of them. They shall keep a record of their proceedings, and shall annually at their meeting in May elect one of their number chairman. The board of trustees shall be exempt from labor, or payment in lieu thereof, upon 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 the said report to the solicitor, with such in-

structions as he may deem proper. That each and every chairman of county commissioners, justices of the peace, board of township trustees and any road overseer who shall neglect or refuse to perform the several duties enjoined by this act shall be guilty of a misdemeanor, and on conviction thereof shall be fined or imprisoned in the discretion of the court, or both; and it is hereby made the duty of the solicitor to prosecute said offenders.

Refusal or neglect to perform duty misdemeanor.

Penalty.

Solicitor to prosecute.

SEC. 3. That the township trustees of the several townships of Henderson County shall, at their first meeting or within four weeks thereafter, divide their respective townships into suitable road districts, numbering the same, and annually thereafter may make such alterations therein as they may deem proper, and cause a brief description thereof to be made in a book to be kept for that purpose, and also furnish each road overseer with a description of his road district. The trustees of each township, at their May meeting and annually thereafter, shall elect one road overseer for each road district, and when any vacancy shall occur in the office of road overseer by death, resignation or otherwise, the same shall be filled by the board of county commissioners at their next regular meeting thereafter.

Road districts.

Selection of road overseers.

SEC. 4. The road-bed shall not be more than sixteen feet wide, unless otherwise ordered by the board of county commissioners, and in opening new roads not more than five jurors shall be summoned or required, and it shall be the duty of each and every road overseer to open or cause to be opened all public roads and highways which shall have been or may hereafter be laid out and established in his road district, and keep the same in repair, and remove or cause to be removed all obstructions that may from time to time be found thereon, and he shall cause all water to be drained into its natural course.

Width of roads.

Opening new roads.

Duties of overseers.

SEC. 5. That all able-bodied male persons between the age of eighteen and forty-five years able to perform or cause to be performed the labor herein required, except persons permanently disabled in the military service of the State, shall be liable to do and perform annually not more than six days' labor on the highways under the direction of the road overseer of the road district in which he shall reside: *Provided*, that if any person being named as hereinafter provided shall pay the road overseer in whose district he may reside the sum of four dollars and fifty cents, the same shall be received in lieu of the labor aforesaid and shall be applied by the road overseer receiving the same to the improvement of the public roads of his district and accounted for as is hereinafter provided: *Provided further*, that when the board of township trustees shall deem less than six days' labor sufficient to keep up the roads in their respective townships, they shall have the right in their discretion to name the number of days, not exceeding six, which shall be worked on said roads in their respec-

Road duty—who liable and length of service.

Money payment in lieu of work.

Discretion of township trustees as to days of labor.

tive townships, and the amount of money paid in lieu of such labor shall be at the rate of seventy-five cents per day for the number of days so declared by them to be necessary; then all persons liable to public road duty shall work that number of days or make the payment in lieu thereof as aforesaid on the public roads of said township.

Road overseers to order out hands.

SEC. 6. That it shall be the duty of every road overseer to order out every such person, resident as aforesaid, between the first day of February and the first day of December annually, to do and perform the work aforesaid on public roads within the district, and if any such resident being personally warned by such overseer, or one acting for him, or by leaving a written notice at his usual place of abode, shall refuse or neglect, having had at least two days' notice to attend by himself or his substitute, to the acceptance of the overseer, or, having attended, shall refuse to obey the directions of the overseer, or shall spend his time in inattention to the duties assigned to him, every such delinquent shall forfeit and pay the sum of seventy-five cents for every such offense, to be recovered before any justice of the peace in the proper township at a suit of the overseer, and shall also be guilty of a misdemeanor and fined not exceeding five dollars and the cost, or imprisoned not exceeding five days, in the discretion of the court, and the moneys so collected shall be applied by the overseer of the district to the improvement of the roads in said district, and to be accounted for by him at the annual settlement with the township trustees: *Provided*, that no person shall be released from the performance of labor on the public highways by reason of the neglect of any overseer to order out such person on or before the first day of December, as herein provided: *Provided further*, that the board of trustees, in their discretion, shall be allowed to designate the particular roads and places and the amount of work to be done on each road, not to exceed the six days hereinbefore mentioned, exercising their sound discretion as to whether such work shall be much or little.

Neglect or refusal to obey notice.

Penalty.

Failure to notify does not excuse from labor.

Board of trustees may allot work.

Part work or payment in one district to be credited.

SEC. 7. That in case any person shall remove from one district to another, who has, prior to such removal, performed the whole or any part of the labor aforesaid, or in any other way has paid the whole or any part of the amount aforesaid in lieu of such labor, and shall produce a certificate of the same from the overseer of the proper district, such certificate shall be a complete discharge for the amount therein specified.

Hour for work to begin.

SEC. 8. That any person called upon to perform labor upon the public roads and highways under any provision of this act shall, by himself or substitute, appear at the place appointed by the overseer, at the hour of seven o'clock in the forenoon, with such necessary tools and implements as the overseer may direct.

Residence defined.

SEC. 9. That for the purposes provided for in the preceding sections of this act, the residence of any person who has a family

shall be held to be where his family resides, and the residence of any other person shall be held to be where he boards in any road district in the county.

SEC. 10. That the several overseers within their respective districts shall collect, by suit or otherwise, all fines, forfeitures and penalties arising and accruing under the provisions of this act, unless the collection thereof is otherwise herein provided for, and they are hereby authorized and required, before their settlement with the township trustees, to prosecute to final judgment all persons neglecting or refusing to comply with the provisions of this act, and the said judgment, if not paid, together with the cost thereon, shall remain and be in force against the judgment debtor as other judgments at law.

Collection of fines and penalties.

SEC. 11. That the several road overseers shall expend all moneys by them collected for the benefit of the roads and highways in their respective districts, and every road overseer is hereby required to account to the township trustees at the annual settlement for all moneys expended under this act, and they shall also return a full and true list and statement of the names of all persons within their respective districts who have been ordered out to perform the labor as required by this act, and of those who have refused or neglected to perform the same, and all fines and forfeitures sued for and recovered under the provisions of this act shall be paid over on demand by the justice of the peace or constable collecting the same to the road overseer of such road district wherein such fines or forfeitures accrued; and the several road overseers shall also render an account to the township trustees, at the annual settlement, of all moneys that remain in their hands at the time of the settlement; also all judgments that remain unpaid, and the name of the judgment debtor and the justice of the peace before whom such judgments were obtained, with the amount thereof, and the township trustees shall make such orders as to the prosecution of the suits by the road overseer of the proper district against delinquents as in the judgment of the trustees the interest of the township may require.

Collection, distribution and accounting for moneys due under this act.

Annual accounts of overseers.

Prosecution of suit against delinquents.

SEC. 12. That all moneys which may remain in the hands of the road overseer at the time of the annual settlement with the trustees shall be paid over to his successor in office as soon as such successor shall be elected and qualified, taking a receipt therefor, and he shall deposit said receipt with the township trustees. It shall be lawful for any road overseer to sue out executions on any judgment that remains unpaid within their proper districts at any time when in his opinion the same can be collected, and the moneys so received and collected shall be expended as provided in the foregoing section.

Transfer of moneys from one overseer to another.

Execution, when and by whom sued out.

SEC. 13. That the said road overseers within the said county be and are hereby authorized to construct foot-bridges over streams of water on said highways.

Foot-bridges.

Guide-posts.	SEC. 14. That each road overseer within the district shall erect and keep up, at the expense of the district (out of the money on hand), at the forks of cross-roads of every State and county road, a post and guide-board or finger-board, containing an inscription, in legible letters, directing the way and distance to the town or towns or public place or places situated on each road, respectively.
Unlawful to deface guide-post.	SEC. 15. That if any person shall willfully demolish, throw down, alter or deface any guide-board, every person so offending shall, upon conviction thereof before any justice of the peace, be fined \$10, and the money, when collected, shall be by the justice of the peace collecting the same paid over to the road overseer in whose district the offense was committed, and shall be by him applied to the repair of the roads and highways within his district.
Penalty and application thereof.	
Tools.	SEC. 16. That the township trustees of the several townships be and they are hereby authorized to furnish plows, scrapers or other tools for the use of the several districts where, in their opinion, such are necessary, to be paid for by the road district receiving the same. The township trustees shall take a receipt from each road overseer for such implements as they may deliver to him, showing the number, kind and condition thereof, and such road overseer shall deliver the same to his successor when duly qualified, and take a receipt and file the same as set forth in section 12 of this act.
Road tax.	SEC. 17. That the Commissioners of Henderson County are hereby authorized to levy at the June session of their board, annually, not more than ten cents on the one hundred dollars, and thirty cents on each poll, for road purposes, and five cents on the one hundred dollars, and fifteen cents on each poll, for general bridge purposes, which bridge money shall be used for the purpose of repairing the bridges now built in the county and building new ones; and the commissioners shall place the same on the tax list of the current year, to be included in and collected with the annual taxes: <i>Provided, however</i> , that if a majority of the board of trustees of any township shall deem a less rate of taxation sufficient in their said township, and shall serve a written notice, signed by their chairman, upon the chairman of the board of county commissioners at least thirty days before such levy is made, asking that a smaller amount, to be therein named, be levied for such township, then the board of county commissioners shall be bound thereby, and shall make said levy for such township as so requested: <i>Provided</i> , the rate shall not exceed that named above.
How collected.	
Provision for local reduction of tax.	
Apportionment of road tax.	SEC. 18. That it shall be the duty of the board of county commissioners, immediately after the tax list has been completed in each year and placed in the hands of the county tax collector, to notify the chairman of the board of township trustees in each township, respectively, the amounts of road and bridge taxes due in their respective townships, and the said chairman of the board

of trustees shall, within ten days after the receipt of such notice, call a meeting of the trustees of his township and apportion such funds to each road district in said township as they in their discretion may see fit, and the road overseer of each road district in said township shall draw orders upon such fund as is hereinafter provided. That the township 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 the roads, the convenience of getting material, the quantity of material necessary to make substantial repairs, etc., and thus make a just and equitable division of said funds between the several districts. That as soon as such apportionment is made by said boards of trustees it shall be the duty of their chairman to file a true copy of the same with the board of commissioners of the county, who shall observe the amounts due each district in issuing the claims, as hereinafter provided, and they shall issue no claim greater than the amount to the credit of such road district at that time, nor shall any road overseer draw any order on the commissioners for an amount greater than is then to the credit of his district at the time such order is drawn, except as herein provided in cases of emergency.

Apportionment,
by what governed.

County commis-
sioners to issue
claims according
to apportionment.

SEC. 19. That whenever it becomes necessary for the road overseer in any road district to have any surveying done, he is hereby empowered to employ a competent surveyor, and when such surveyor shall have finished the job upon which he was employed, the road overseer shall give him an order for his pay to the board of county commissioners, which shall state the nature and amount of the said work, who shall, if they approve the same, issue a claim for the same in the manner hereinafter provided.

Employment of
road surveyor and
payment for
services.

SEC. 20. That the taxes levied in section 17 of this act shall be expended in the following manner: All taxes derived from each of the respective townships in the county shall be spent to improve, build and keep up the roads and bridges of the township from which they are derived, and no other. That it shall be the duty of the road overseer of any road district, when said money or any part of the same is needed for the said purposes, to give an order, signed by himself as road overseer, addressed to the board of county commissioners, stating the township and road district from which issued, the name of the payee, and for what purpose said order was issued, which order shall be taken up by the board of county commissioners upon presentation at their regular meeting, and in lieu thereof they shall issue (if the same be approved by them) a county claim, marked across its face with the words "Road Fund," or "Bridge Fund," as the case may be, together with the name of the township and number of the road district to be charged therewith, and such claim shall be paid by the treasurer of the county (as other county claims are paid) out of the current funds belonging to such road district, and any per-

Taxes, how and
where expended.

son holding such claim may pay the same upon any taxes he may owe to said county.

Road tax may be paid in labor; rate, etc.

SEC. 21. Any person charged with a road tax may discharge the same by labor on the public highways within the district where the same is charged, within the time designated in this act, at the rate of seventy-five cents per day and a ratable allowance per day for any team, implements and material furnished by any such person, under the direction of the overseer of such district, who shall give to such person a certificate specifying the amount of tax paid, and the district and township wherein such labor was performed, which certificate shall in no case be given for any greater sum than was charged against such person, and the county collector shall receive all such certificates in discharge of said road tax.

Penalty on overseer for neglect or refusal to perform duty, etc.

SEC. 22. That each and every road overseer 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 draw any order upon the board of county commissioners, or certificate for labor or for work performed, or money paid, or material furnished, unless the labor shall have been performed or money paid or material furnished prior to the giving or signing of such receipt, order or certificate, shall forfeit for every such offense not less than ten dollars nor more than fifty dollars, to be recovered in an action before any justice of the peace in the county; and it is hereby made the duty of the township trustees to prosecute all offenses against the provisions of this section, and in addition thereto he shall be guilty of a misdemeanor and punished in the discretion of the court: *Provided*, that if any road overseer conceives himself aggrieved by the judgment of such justice of the peace, he may, on giving sufficient security to said justice of the peace for the payment of cost, appeal to the Superior Court, who shall make such order therein as to it may appear just and reasonable.

Penalty, how recovered.

Misdemeanor.
Penalty.

Appeal.

Unlawful to work road not established by law.

SEC. 23. That it shall be unlawful for any road overseer to perform or cause labor to be performed on any road not regularly laid out and established by law.

Road materials—procurement, payment for, etc.

SEC. 24. That the chairman of each board of township trustees, upon application of the road overseer of any district in his township, shall procure for such overseer all necessary stone, timber and other materials needed by such overseer, and shall pay for the same by an order on the board of commissioners as hereinbefore provided; such order to be signed by such road overseer and approved by said chairman.

Compensation of overseers.

SEC. 25. No road overseer shall receive any compensation for his services, except he shall be relieved from paying the amount as assessed against other road hands in his district or performing the labor required of them. He shall be allowed to designate one person who has been duly summoned by him to work the public

Assistant for summing hands.

road, which person may summon all other persons liable for road duty, whose names shall be furnished to him by the road overseer, which persons shall be personally warned by him, or by leaving a written notice at their usual place of abode as hereinbefore mentioned, for which service he shall be excused from performing the labor or paying the money in lieu thereof, as required by this act: *Provided*, that when such road overseer shall be directed by the board of trustees to work persons for hire, then, he shall receive the same wages as such persons receive.

How summoned.

Assistant exempt.

Wages of overseer for working hired hands.

SEC. 26. That at any time during the year when any public highway shall be obstructed, it shall be the duty of the road overseer of the district in which the same may be forthwith to cause such obstruction to be removed, for which purpose he shall immediately order out such number of persons liable to do work or pay tax upon the public highways of his district as he may deem necessary to remove such obstructions. If the person or persons thus called out shall have performed their six days' labor or the amount prescribed upon the public highways, or paid their road tax, the overseer shall give to such person or persons a certificate for the amount of labor performed, and said certificate shall apply on the labor or tax that may be due from such person or persons the ensuing year: *Provided*, that no person who has performed his labor upon the public highways or paid his money in lieu thereof shall be called upon to serve if there be a sufficient number of persons within one-half mile of his residence upon whom service of notice can be had to perform the labor required who have not performed their road duties for that year: *Provided further*, that if any person who has fully performed his road duties for that year shall be required to remove or assist in removing such obstruction, and there be money to the credit of such road district, he shall receive an order from the road overseer as provided in this act, and a claim shall issue by the board of commissioners for such labor, which will be paid out of the current funds belonging to such road district.

Removal of obstructions.

SEC. 27. That if any person or persons, corporation or any conductor of any train or railroad cars, or any other agent or servant of any railroad company, shall obstruct any public highway authorized by any law of this State by permitting any car or cars or locomotive to remain upon or across any such road or highway, or shall permit any timber or wood or other obstructions to remain upon or across the same for any unreasonable length of time, to the hindrance, delay and annoyance of travelers or persons passing along said road or highway, every person or corporation so offending shall be liable for all damages arising to any person or injury to such road or highway: *Provided*, this section shall not apply to obstructions caused by unavoidable accident.

Liability of parties causing obstruction.

SEC. 28. It shall be unlawful for any railroad company to obstruct the drainage of any public road or highway by its road-bed

Unlawful for railroad to obstruct drainage, etc.

Penalty.

or otherwise, or empty the water from its ditches into any public road or highway; and if any railroad company, being warned by the road overseer of the proper district by leaving a written notice with any agent of the said railroad company personally, shall refuse or neglect to remedy the same, it shall forfeit and pay a penalty of fifty dollars, to be recovered by an action at the suit of the township trustees before any justice of the peace of the proper township; and every ten days such railroad company, after being notified, shall neglect or refuse to remedy the same, it shall be deemed as additional offense against the provisions of this act, and the money so collected shall be paid to the road overseer of the district in which the provisions of this section were violated, and it shall be used by said road overseer for the improvement of the roads in his district and accounted for in his annual settlement.

Law governing passing vehicles.

SEC. 29. Whenever persons shall meet each other on any bridge or road traveling with carriages, wagons or other vehicles, each person shall reasonably drive his carriage or vehicle to the right of the middle of the traveled part of such bridge or road, so that the respective carriages or vehicles aforesaid may pass each other without interference. Every person willfully offending against the provisions of this section shall be guilty of a misdemeanor and fined not exceeding fifty dollars, and he shall further be liable to any party for damages sustained by reason of such offense: *Provided*, that every such complaint shall be made within one month after the offense shall have been committed, and that every such action for damages shall be commenced within two months after the cause of action shall have accrued.

Violation a misdemeanor.

Penalty.

Time limit for actions.

Railroad company to maintain crossings.

SEC. 30. It shall be the further duty of each road overseer to cause any railroad company to construct and keep in good repair the road-bed of all public roads and streets across the right of way of said railroad company; and if any railroad company, being duly warned by the road overseer of the proper district by leaving a written notice with any station agent, shall neglect or refuse to construct or repair said road-bed, it shall forfeit fifty dollars, to be recovered by an action at the suit of the township trustees before any justice of the peace in said county, and the money so collected shall be paid to the road overseer of the district in which the provisions of this section were violated, and the money so paid shall be used by said road overseer for the improvement of the roads of his district, and accounted for in his annual settlement; and every five days such railroad company, after being duly notified, shall neglect or refuse to construct or repair said road-bed shall be deemed an additional offense against the provisions of this act.

Duties of overseer.

Penalty for neglect of crossings.

Application.

SEC. 31. That the following streets and parts of the streets in the town of Hendersonville are hereby declared to be public roads within the meaning of this act, to-wit:

Streets
Hendersonville
placed under
provisions of this
act.

- (1) Broad street, west of Main street.
- (2) Anderson avenue, from the Southern Railway track east along county road to incorporation line.
- (3) South Main street, from Transylvania Railway track south along county road to incorporation line.
- (4) North Main street, from fork of road near residence of Joseph Noterman along both Haywood and Buncombe county roads to incorporation line.
- (5) Street leading past Ficker's blacksmith shop across causeway on Spartanburg road and running through land of Theo. G. Barker to incorporation line.
- (6) The Willow and Crab Creek roads, from residence of S. V. Pickens on Main street to the incorporation line, and along each after same divide.
- (7) Park avenue, from Main street to incorporation line.

And it shall be the duty of the road overseer to assist in working said streets or public roads and maintaining all bridges situate thereon when called upon by the municipal authorities so to do, and he shall supervise them at all times as he would any other public road in his district, and he shall spend upon them all amounts necessary to put them in good repair (when there shall be funds in the hands of the county treasurer to his credit): *Provided*, that nothing in this act shall absolve the town commissioners from their duty to aid and assist in working said streets or public roads so declared: *Provided further*, that no other part of said town shall be embraced in this act; nor shall this act divest the mayor or municipal authorities of any jurisdiction or control they may have over the streets or public roads mentioned in this section: *Provided further*, that no person shall be liable to work upon said streets or public roads mentioned in this section except persons living inside the incorporate limits.

Respective duties
and powers of
overseers and
town commission-
ers relative to said
streets.

Who liable to work
on streets.

SEC. 32. That the chairman of the board of trustees of each township, acting with the board of county commissioners (at any time the board of commissioners may desire, and shall give notice to them of the time and place of meeting), shall have the power to discontinue the chain-gang at any time they or a majority of them may see fit, and revive the same at any time they, in their discretion, may deem best for the county. That the chain-gang at all times shall be managed and controlled by the board of county commissioners, and shall be supported out of the general county fund. That while such chain-gang is in force the judge of the Superior Court shall not send any prisoner to another county, and it shall be permissible to send any prisoner to said chain-gang whose sentence shall not exceed five years. That if said chain-

Maintenance and
discontinuance of
chain-gang.

What prisoners to
be placed on chain-
gang.

- gang be discontinued, then prisoners may be sent to other counties as the judge may direct. And in case the said chain-gang should be discontinued, then the commissioners of the said county shall have the right to hire out all convicts in said chain-gang to any county with whom the commissioners may be able to make the most satisfactory arrangements. That it shall be the duty of the board of county commissioners, at the beginning of each road year, to divide the number of working days in the year into as many equal periods as there are townships in the county, and shall allow the board of trustees in each township to work the said convicts in such manner as they may direct upon the roads in each of their respective townships during one of such periods to be assigned to each of them. That the mayor of the town of Hendersonville, if he shall see fit, shall have the right to sentence violators of the town ordinances to the county chain-gang under such terms and conditions as he and the chairman of the county commissioners may agree upon.
- SEC. 33. That the justices of the peace of the several townships in the county of Henderson shall, as soon after the ratification of this act as practicable, meet in their respective townships at a time and place to be fixed by the chairman of the board of county commissioners, and organize themselves under the provisions of this act into a board of township trustees by electing one of their number chairman of their board, who shall be known as "chairman of the board of township trustees" for said township.
- SEC. 34. The Secretary of State shall immediately furnish the chairman of county commissioners of Henderson County with a sufficient number of printed copies of this act for the use of the county commissioners, township trustees and road overseers of said county. The tax levied by the county commissioners under this act shall be levied in accordance with the Constitution of this State, and shall apply to all incorporated towns in the county of Henderson.
- SEC. 35. That this act shall apply only to the county of Henderson.
- SEC. 36. That chapter one hundred and fifty-five of the Public Laws of one thousand nine hundred and three, entitled "An act to regulate the making and working of public roads in Henderson County," is hereby repealed.
- SEC. 37. All laws and parts of laws in conflict with this act are hereby repealed.
- SEC. 38. 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. 1905.
- Right to hire out convicts.
- Allotment of chain-gang to various roads.
- Right of mayor to sentence to chain-gang.
- Justices of peace when to organize under this act.
- Copies to be furnished by Secretary of State.
- Tax levy under this act.
- Application to Henderson county.
- Chapter 155, Laws 1903, repealed.
- Conflicting laws repealed.

CHAPTER 8.

AN ACT FOR THE PROTECTION OF FISH IN THE LAKES
OF BLADEN COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful to set any net or nets, or to put out set-hooks for fish in the waters of White Lake, Black Lake, Singletary's Lake, Salter's Lake, and Jones' Lake in Bladen County.

Places unlawful to set nets, etc.

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

Violation a misdemeanor. Penalty.

SEC. 3. That Ralph P. Melvin be and he is hereby appointed patrol for said lakes, and shall enter upon the discharge of his duties immediately after the ratification of this act, and continue in office until the appointment of his successor. That the Commissioners of Bladen County shall, on the first Monday in January, 1906, and annually thereafter appoint some suitable person as patrol for said lakes.

Ralph H. Melvin appointed patrol.

Provisions for successor.

SEC. 4. That the patrol of said lakes may appoint as many assistants as he may deem necessary to aid him in the discharge of his duties in the enforcement of this act.

Assistants.

SEC. 5. That the said patrol and his assistants may destroy all nets and set-hooks found in the waters of said lakes.

Powers.

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 17th day of January, A. D. 1905.

CHAPTER 9.

AN ACT TO AMEND CHAPTER 184, PUBLIC LAWS 1885, TO
ENFORCE BETTER DRAINAGE OF CERTAIN LANDS IN
LINCOLN COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That section three of chapter one hundred and eighty-four, Public Laws of one thousand eight hundred and eighty-five, be amended to read as follows: The boundary of this act shall be on Indian Creek from Batty's Bridge up the creek, and on Lenord's Fork and Lick Fork to their sources.

Boundary for act fixed.

Parties in new boundary subject to provisions of act of 1885.

SEC. 2. All parties owning land along the new boundaries shall be subject to all provisions of sections one and two of said chapter one hundred and eighty-four. Public Laws one thousand eight hundred and eighty-five.

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. 1905.

CHAPTER 10.

AN ACT TO PROVIDE FOR THE ERECTION OF MEMORIALS AT APPOMATTOX COURT HOUSE.

Preamble.

WHEREAS, all North Carolinians are justly proud of their State's glorious record in the war between the States, and that her heroic soldiers were "first at Bethel, farthest at Gettysburg and Chickamauga, last at Appomattox";

AND WHEREAS, a deed has been generously given by a gallant officer of the Union army, Major George A. Armes, U. S. A., retired, to Hon. Henry A. London, for three lots or parcels of land on the battlefield of Appomattox Court House for the purpose of placing thereon permanent memorials to commemorate:

(1) The last volley fired by Cox's Brigade of Grimes' Division;

(2) The capture of a battery of artillery by Roberts' Brigade of Cavalry, and

(3) The last skirmish by Captain W. T. Jenkins; and a tender of said lots has been made by said London as a gift to the State of North Carolina; now, therefore,

The General Assembly of North Carolina do enact:

Governor to receive deed.

SECTION 1. That His Excellency, the Governor of this State, is hereby authorized and directed to receive, for the State, a deed from said London (as a gift from said Armes) for the aforesaid three lots of land on the battlefield of Appomattox Court House in the State of Virginia.

Governor to appoint commissioners.

SEC. 2. That the Governor is hereby authorized and directed to appoint every four years five special commissioners, to be known as "The North Carolina Appomattox Commission," who shall serve for four years and until their successors are appointed, with full power to select their chairman, and to fill any vacancy in their number that may occur, and to serve without compensation, except their actual necessary expenses, for a time not exceeding six days in any one year, which are to be paid by the State Treasurer upon the warrant of the State Auditor, who shall issue his warrant when approved by the Governor.

Powers.

SEC. 3. That the said commissioners shall have the charge and control of the said lots, and of the erection thereon of such permanent memorials as they may deem proper, but no cost of such memorials shall be paid by the State, except a sum not exceeding one thousand dollars, which is hereby appropriated for the erection of a monument on the lot where the last volley was fired by Cox's Brigade of Grimes' Division.

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 January, A. D. 1905.

CHAPTER 11.

AN ACT TO RE-ENACT THE LAW RELATING TO THE COLLECTION OF TAXES IN PERSON COUNTY.

The General Assembly of North Carolina do enact:

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

Chapter 306, Public Laws 1903, repealed.

SEC. 2. That chapter one hundred and fifty of the Public Laws of one thousand eight hundred and eighty-three is hereby re-enacted as it relates to the county of Person.

Chapter 150, Public Laws 1883, re-enacted.

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 January, A. D. 1905.

CHAPTER 12.

AN ACT TO AMEND SECTION 2 OF CHAPTER 779 OF THE PUBLIC LAWS OF 1903, RELATING TO HUNTING IN NASH COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section two of chapter seven hundred and seventy-nine of the Public Laws of one thousand nine hundred and three be amended by adding at the end of said section the following words, to-wit: "*Provided, however,* that this act shall not apply to persons hunting foxes with three or more dogs."

Application to fox hunting.

SEC. 2. 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 January, A. D. 1905.

CHAPTER 13.

AN ACT TO PROTECT GAME IN MADISON COUNTY.

The General Assembly of North Carolina do enact:

Unlawful to hunt
without permis-
sion.

Exception.

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 land-owner or his agent: *Provided*, that this section shall not apply to the hunting of wolves, bears, foxes and wild-cats.

Unlawful to trap,
net, or export
quail, etc.

SEC. 2. That it shall be unlawful for any person to take partridges or quail by use of any net or trap, or to export partridges or quail at any season of the year.

Violation a mis-
demeanor.

Penalty.

SEC. 3. That 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 twenty-five dollars, or be imprisoned not less than five days nor more than twenty days.

Application
restricted.

SEC. 4. That the provisions of this act shall apply only to Madison County.

Conflicting laws
repealed.

SEC. 5. That all laws and clauses of laws in conflict with the provisions of 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 20th day of January, A. D. 1905.

CHAPTER 14.

AN ACT TO AMEND CHAPTER 646, PUBLIC LAWS OF 1903,
TO PROVIDE FOR PAYING COURT STENOGRAPHERS FOR
CRAVEN COUNTY.

The General Assembly of North Carolina do enact:

Provision for
expenses for non-
resident stenog-
rapher.

SECTION 1. That chapter six hundred and forty-six, Public Laws of one thousand nine hundred and three, be and the same is hereby amended as follows: First, by inserting in line two, section two of said chapter, between the words "thereof" and "for," the words "and expenses when said stenographer does not reside in New Bern." Second, by adding to the end of said section two the following: "That the said salary and expenses as above provided shall be advanced by the sheriff out of the funds belonging to the county, which sum so paid shall be allowed him in his settlement with the board of commissioners. When the clerk has collected the salary and expenses as above provided he shall pay the same

Salary and ex-
penses, how and
by whom paid.

to the treasurer of the county to reimburse the county for the amount advanced by the sheriff 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 20th day of January, A. D. 1905.

CHAPTER 15.

AN ACT FOR THE RELIEF OF C. M. PACE, CLERK OF THE SUPERIOR COURT OF HENDERSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That C. M. Pace, Clerk of the Superior Court of Henderson County, be and he is hereby exempted from the provision of section one hundred and fourteen of The Code, and from the liabilities and penalties mentioned in section one hundred and fifteen of The Code, during the months of January, February and March of each year: *Provided, however*, that during his absence from his office he shall have a competent deputy: *And provided further*, that he shall not be absent during a term of court.

Clerk allowed to absent himself by.

Must leave competent deputy.

Restriction.

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

In the General Assembly read three times, and ratified this the 20th day of January, A. D. 1905.

CHAPTER 16.

AN ACT TO AMEND CHAPTER 186, PUBLIC LAWS 1903, ENTITLED "AN ACT TO PROVIDE FOR WORKING THE PUBLIC ROADS AND HIGHWAYS OF HALIFAX COUNTY."

The General Assembly of North Carolina do enact:

SECTION 1. That sections four, five, six, seven and ten of chapter one hundred and eighty-six, Public Laws of one thousand nine hundred and three, entitled "An act to provide for working the public roads and highways of Halifax County," are hereby repealed.

Sections 4, 5, 6, 7 and 10, chapter 186, Public Laws 1903, repealed.

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

In the General Assembly read three times, and ratified this the 20th day of January, A. D. 1905.

CHAPTER 17.

AN ACT RELATIVE TO THE SUPERIOR COURTS FOR THE
COUNTY OF MARTIN.*The General Assembly of North Carolina do enact:*Chapter 28, Public
Laws 1901,
'amended.Times for holding
courts changed.

SECTION 1. That so much of chapter twenty-eight, Public Laws of one thousand nine hundred and one, and under division "Fourth District," as relates to the county of Martin, be stricken out and the following inserted in lieu thereof, to-wit: "Second Monday after the first Monday in March, second Monday after the first Monday in June, second Monday after the first Monday in September, and fifteenth Monday after the first Monday in September." Each to continue for one week and to be for the trial of both criminal and civil cases.

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

In the General Assembly read three times, and ratified this the 20th day of January, A. D. 1905.

CHAPTER 18.

AN ACT TO REGULATE THE MANUFACTURE OF WHISKEY
WITHIN THE CITY OF ASHEVILLE.*The General Assembly of North Carolina do enact:*Minimum capacity
for distilleries.To operate of less
capacity misde-
meanor.

Penalty.

License.

SECTION 1. It shall be unlawful for any person, firm or corporation to conduct, maintain, operate or carry on within the city of Asheville any grain distillery unless the same be of a minimum daily capacity of thirty-six (36) bushels, and unless thirty-six bushels of material be actually consumed daily at such distillery.

SEC. 2. Any person, firm or corporation which shall operate within the city of Asheville or elsewhere in Buncombe County any grain distillery of a daily capacity of less than thirty-six bushels shall be guilty of a misdemeanor, and upon conviction shall be fined not less than one hundred dollars (\$100) for each day or part thereof said distillery may be operated, or imprisoned not less than four months.

SEC. 3. No person, firm or corporation shall conduct, operate, maintain or carry on within the city of Asheville any grain distillery until a license therefor has been granted by the Board of Aldermen of the city of Asheville and also by the Board of County Commissioners of Buncombe County, and before such license shall be granted by the Board of Aldermen of the city of Asheville every such person, firm or corporation applying for such license shall first file with the board of aldermen of the

said city a penal bond in the sum of five thousand dollars, with good and sufficient surety and made payable to the State of North Carolina, that the person, firm or corporation so granted license will not, during the period for which said license may be granted, violate any ordinance of the city of Asheville relating to or regulating the manufacture or sale of spirituous, vinous or malt liquors in said city of Asheville or law of the State of North Carolina relating to or regulating the manufacture or sale of spirituous, vinous or malt liquors in said city of Asheville; and providing further, that should there be such violation of any such ordinance or law, the amount of the bond shall be forfeited and paid to the State of North Carolina, to be paid into the county school fund of Buncombe County.

Penal bond to accompany application for license. Conditions.

Forfeiture of bond.

SEC. 4. It shall be unlawful for any person, firm or corporation, their agents or employees, which operates a grain distillery in Asheville or elsewhere in Buncombe County to sell any of the product of the same except in quantities of five (5) gallons or more, and no sale shall be made of any of the product of said distillery to any person, firm or corporation residing or doing business within said Buncombe County, except the person, firm or corporation to whom the same may be sold be a licensed dealer or institution operating under the laws of North Carolina.

Restriction on sale of liquor manufactured.

SEC. 5. Any person, firm or corporation violating section four of this act shall be guilty of a misdemeanor, and for each offense shall be fined not less than one hundred (\$100) dollars, or imprisoned not less than six (6) months, and in addition thereto shall pay a penalty of five hundred (\$500) dollars for each offense, to be recovered in a civil action brought in the name of the State by any person suing therefor, one-half to be paid to the person bringing suit and the other one-half to the county school fund.

Violation of section 4 a misdemeanor. Penalty.

How recovered.

SEC. 6. Every such person, firm or corporation to whom may be granted a license to operate a grain distillery as herein provided shall have a license therefor, renewed every six months, and shall pay to the city of Asheville a special license tax of four hundred (\$400) dollars per year, one-half of which to be paid on the first of January and the other half on the first of July; and they shall also pay to the county of Buncombe and to the State of North Carolina each a special license tax of two hundred (\$200) dollars a year, one-half of which to be paid on the first of January and the other one-half on the first of July.

Renewal of license.

License tax to city.

When payable. Tax to State and county.

When payable.

SEC. 7. This act shall be in force and effect from and after the first day of March, one thousand nine hundred and five.

When act operative.

In the General Assembly read three times, and ratified this the 20th day of January, A. D. 1905.

CHAPTER 19.

AN ACT TO AMEND CHAPTER 374, PUBLIC LAWS OF 1893,
RELATING TO THE APPOINTMENT OF AIDES-DE-CAMP
TO THE COMMANDER-IN-CHIEF.*The General Assembly of North Carolina do enact:*Number of Govern-
or's staff in-
creased.

SECTION 1. That section nine of chapter three hundred and seventy-four of the Public Acts of one thousand eight hundred and ninety-three be amended by striking out in lines six, seven, eight and nine the following words: "The personal staff of the commander-in-chief shall consist of four aides-de-camp with the rank of colonel; and the Governor may appoint his private secretary as his military secretary and commission him with the rank of major," and insert in lieu thereof these words, "The personal staff of the commander-in-chief shall consist of seven aides-de-camp with the rank of colonel, two of them being naval aides; and the governor may appoint his private secretary as his military secretary and commission him with the rank of colonel."

Military secre-
tary's rank.

SEC. 2. 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 January, A. D. 1905.

CHAPTER 20.

AN ACT TO ABOLISH NEUSE RIVER AS A LAWFUL FENCE
IN CRAVEN COUNTY.*The General Assembly of North Carolina do enact:*Boundary in which
not lawful fence.

SECTION 1. That Neuse River on account of low water between the points named in this act, failing to protect the stock running at large within the territory named, to-wit, from the mouth of Core Creek to the mouth of Turkey Quarter Creek in Number Nine Township, be and the same, as a lawful fence heretofore constituted, is hereby abolished.

Land owners to
build fence.

SEC. 2. That in lieu of said river as a boundary, that all persons owning land within the territory embraced by said lines shall cause the same to be fenced as required by law, on both sides of said river.

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

In the General Assembly read three times, and ratified this the 20th day of January, A. D. 1905.

CHAPTER 21.

AN ACT TO APPOINT TWO JUSTICES OF THE PEACE FOR
ANSON COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That R. B. Huntley be and he hereby is appointed a justice of the peace in and for Gullledge Township, Anson County, and J. A. Leonard be and he hereby is appointed a justice of the peace in and for White's Store Township, Anson County, each for a term of two years from the ratification of this act.

R. B. Huntley and
J. A. Leonard ap-
pointed justices of
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 the 20th day of January, A. D. 1905.

CHAPTER 22.

AN ACT AUTHORIZING THE COMMISSIONERS OF SAMP-
SON COUNTY TO CARRY TO THE GENERAL COUNTY
FUND THE SURPLUS, IF ANY, IN THE HANDS OF THE
COUNTY TREASURER, AFTER PAYING OFF THE SPE-
CIAL COUNTY BONDS.*The General Assembly of North Carolina do enact:*

SECTION 1. That the Commissioners of Sampson County are hereby authorized and empowered to carry to the general county fund for general county purposes any surplus in the hands of the treasurer of said county, or coming into his hands by virtue of the taxes levied and collected under chapter three hundred and twenty-nine of the Public Laws of one thousand eight hundred and ninety-seven, after the said treasurer has paid off and cancelled all the bonds and interest thereon issued under said act.

Power granted to
county commis-
sioners.

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 20th day of January, A. D. 1905.

CHAPTER 23.

AN ACT TO APPOINT HUGH DILLARD AND W. D. BOSE-
MAN JUSTICES OF THE PEACE FOR NASH COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That Hugh Dillard be and he is hereby appointed and constituted a justice of the peace in and for Jackson Township, Nash County, and W. D. Boseman is made and appointed a

Appointment.

justice of the peace in and for Stony Creek Township, Nash County.

Terms of office.
Oath of office.

SEC. 2. Their terms of office shall begin upon the ratification of this act, at which time they shall take the oath of office before the clerk of the court of Nash County and enter upon the discharge of their duties. Their term of office shall continue for two years and from and after the ratification of this act.

Termination of office.

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 January, A. D. 1905.

CHAPTER 24.

AN ACT TO PROTECT QUAIL IN RICHMOND COUNTY.

The General Assembly of North Carolina do enact:

Closed season.

SECTION 1. That it shall be unlawful to kill any quail in the county of Richmond between the first day of March and the first day of November of each and every year.

Netting or trapping unlawful.

SEC. 2. That it shall be unlawful to net or trap any quail in the county of Richmond.

Violation a misdemeanor.

SEC. 3. That any person who shall kill any quail in said county of Richmond between the dates mentioned in section one, or shall net or trap any quail in said county, shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days in the county jail for each offense.

Penalty.

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

In the General Assembly read three times, and ratified this the 24th day of January, A. D. 1905.

CHAPTER 25.

AN ACT TO AMEND CHAPTER 150 OF PUBLIC LAWS 1901.

The General Assembly of North Carolina do enact:

Mt. Gilead stricken out.

SECTION 1. That the words Mount Gilead in line two and township in line three be stricken out.

When in force.

SEC. 2. That this act shall be in force from and after April first, one thousand nine hundred and five.

In the General Assembly read three times, and ratified this the 24th day of January, A. D. 1905.

CHAPTER 26.

AN ACT TO PREVENT INJUSTICE BY HASTY AND IMPROVIDENT RESTRAINING ORDERS AND INJUNCTIONS WITHOUT NOTICE.

The General Assembly of North Carolina do enact:

SECTION 1. That section three hundred and forty-four of The Code be and the same is hereby amended as follows: Strike out the words "ten days' notice" after the word "upon," in line two of said section, and insert in lieu thereof the words "notice to be fixed by the court of not less than two nor more than ten days," and after the word "thereof" in line three insert the following: "If he is within the district or in an adjoining district, but if out of the district and not in an adjoining district, then before any judge at the time being in the district, and if there be no judge in the district before any judge in an adjoining district."

Section 344 of Code amended.
Time of notice changed.
Before what judge returnable.

SEC. 2. That section three hundred and forty-six of The Code be amended by striking out the words "upon notice" in line five of said section after the word "vacated" and add the words "after notice, to be fixed by the court, of not less than two nor more than ten days."

Section 346 of Code amended.
Notice.

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

In the General Assembly read three times, and ratified this the 24th day of January, A. D. 1905.

CHAPTER 27.

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF STOKES COUNTY TO APPLY THE OVERPLUS OF FUNDS NOW IN THE HANDS OF R. P. JOYCE, EX-SHERIFF OF STOKES COUNTY, COLLECTED AS TAXES FROM SAURATOWN TOWNSHIP TO PAY THE PRINCIPAL AND INTEREST ON SUBSCRIPTION TO THE CAPITAL STOCK OF THE ROANOKE AND SOUTHERN RAILWAY COMPANY, FOR REPAIRING BRIDGE IN SAID TOWNSHIP.

WHEREAS, Sauratown Township in the county of Stokes heretofore subscribed ten thousand dollars to the capital stock of the Roanoke and Southern Railway Company, for which bonds were issued by said township; and whereas, taxes were levied from time to time by the Board of Commissioners of Stokes County, and collected by the sheriff of said county, to pay the principal and interest and cost of collection thereof; and whereas, upon a

Preamble.

final settlement of the principal and interest due upon said bonds and the cost of collection, there was found to be a surplus of moneys collected for said purpose, to the amount of one hundred and twelve dollars and twenty-eight cents, which is now in the hands of R. P. Joyce, ex-Sheriff of Stokes County; and whereas, there has been built in said township, at Walnut Cove, a public iron bridge across Town Fork Creek, which is often in need of repairs; now, therefore,

The General Assembly of North Carolina do enact:

Sheriff to turn over surplus subscription to county treasurer.

SECTION 1. That R. P. Joyce, ex-Sheriff of Stokes County, pay over to the county treasurer of said county the said sum of one hundred and twelve dollars and twenty-eight cents, now in his hands from the source above named, and take his receipt therefor, and that said receipt shall be a valid voucher in his hands for said amount.

How said sum to be expended.

SEC. 2. That the Board of Commissioners of Stokes County be and are hereby authorized to use and expend the said moneys so turned over to the treasurer in repairing the said public iron bridge at Walnut Cove in said township, and for no other purpose.

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 24th day of January, A. D. 1905.

CHAPTER 28.

AN ACT TO REPEAL CHAPTER 762 OF THE PUBLIC LAWS OF 1903.

The General Assembly of North Carolina do enact:

Taxing dogs in Edgecombe county repealed.

SECTION 1. That chapter seven hundred and sixty-two of the public laws of one thousand nine hundred and three 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 24th day of January, A. D. 1905.

CHAPTER 29.

AN ACT TO AMEND CHAPTER 358, PUBLIC LAWS OF 1903,
RELATIVE TO DISPENSARY IN TOWN OF MARSHALL,
NORTH CAROLINA.*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter three hundred and fifty-eight, public laws of North Carolina, session one thousand nine hundred and three be and the same is hereby amended as follows: Strike out the word "two (2)" in line two, section two, and insert in lieu thereof the word "six"; and in line twenty-nine of said section after the word "the" strike out the words "town of Marshall" and insert in lieu thereof the words "State of North Carolina."

Chapter 358, Public Laws 1903, amended.
Term of office extended.

Treasurer's bond—to whom payable.

SEC. 2. That section three of said act be amended by striking out the words "town of Marshall" after the word "the" in line sixteen and insert in lieu thereof "State of North Carolina."

Manager's bond—to whom payable.

SEC. 3. That section five of said act be amended by striking out the words "one-third" in line ten and insert in lieu thereof the words "five hundred dollars," and strike out all after the word "and" in line eleven of said section down to the word "provided" in line twenty-nine and insert in lieu thereof the following: "one thousand dollars to the treasurer of the County Board of Education of Madison County, and the remainder to be turned over to the county treasurer to be applied on the interest of the county debt until it shall extinguish the same for that year, and if there be more than enough to pay the interest on county debt for any one year such overplus shall go into general county fund."

Section 5 amended—as to application of funds.

SEC. 4. That this act shall take effect from and after June first, one thousand nine hundred and five.

In the General Assembly read three times, and ratified this the 24th day of January, A. D. 1905.

CHAPTER 30.

AN ACT TO INCORPORATE GRANITE FALLS GRADED
SCHOOL.*The General Assembly of North Carolina do enact:*

SECTION 1. The special school tax district number two, Lovelady Township, county of Caldwell, State of North Carolina, with the exception of that part of said district embraced within the corporate limits of the town of Rhodhiss, be and the same is hereby incorporated and known as the Granite Falls School District in Caldwell County.

Limits of school district incorporated.

School trustees.	SEC. 2. The following parties are hereby constituted and appointed the school trustees of the graded school for said graded school district: E. G. Flowers, John W. Hoke, E. E. Cline, D. H. Warlick and A. D. Jones. The first two named trustees shall hold for one year, the second two shall hold for two years, and the last named shall hold for three years from the date on which this act goes into effect, and all vacancies, whether they arise from death, resignation, expiration of terms of office, or otherwise, shall be filled by the remaining trustees, and the majority thereof shall have the power of selection, and such persons so selected to fill vacancies shall hold office for three years from the date of their selection. This board of trustees above named, and their successors in office, shall have sole and exclusive charge of graded school in said territory, 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. Said trustees shall pass such by-laws to regulate their meeting as they shall deem expedient and necessary, and shall select a treasurer, who shall have charge of all moneys coming into their hands, and who shall pay out the same upon such vouchers as they may direct, and who shall receive such compensation, not to exceed two per cent. of funds coming into his hands, and who shall give such bond as said trustees shall require.
Terms of office.	
Vacancies—how filled.	
Powers.	
Treasurer—election and duties.	
Compensation.	
Property—in whom vested.	SEC. 3. All public school property of said graded school district shall become the property of said graded school and shall be vested in board of trustees and their successors in office for said graded school.
Body corporate.	SEC. 4. Said board of school trustees shall be a body corporate under the name of "Board of School Trustees of Granite Falls Graded School," with power to sue and be sued, plead and be impleaded, grant and receive, and do all other acts lawfully belonging to a body corporate, and all papers, instruments and orders shall be deemed sufficiently executed when signed by the chairman and secretary of said board of school trustees, when so authorized by a majority of the said board.
Name.	
Powers.	
Execution of instruments.	
Taxes—collection, etc.	SEC. 5. It shall be the duty of the Sheriff of Caldwell County to collect all taxes belonging to said Granite Falls Graded School District, levied in pursuance of an election held in district number two, Lovelady Township, Caldwell County, in September, one thousand nine hundred and two, and turn over the same to the treasurer of the said board of school trustees of Granite Falls graded school, and all funds apportioned from the county and State, or derived from any other source whatever, for the use and benefit of said graded school shall be turned over to the said treasurer of said board for the exclusive use and benefit of Granite Falls graded school.
How applied.	

SEC. 6. This act shall be in force from and after its ratification.
In the General Assembly read three times, and ratified this the
24th day of January, A. D. 1905.

CHAPTER 31.

AN ACT TO AMEND CHAPTER 318, PUBLIC LAWS OF 1889.

The General Assembly of North Carolina do enact:

SECTION 1. That section three of chapter three hundred and Jones and Warren
counties added.
eighteen of the Public Laws of one thousand eight hundred and
eighty-nine be amended by adding at the end of said section after
the word "Wayne" the words "Jones and Warren."

SEC. 2. That this act shall be in force from and after its ratifi-
cation.

In the General Assembly read three times, and ratified this the
24th day of January, A. D. 1905.

CHAPTER 32.

AN ACT TO CONFER ON JUSTICES OF THE PEACE JURIS- DICTION TO HEAR AND DECIDE OFFENSE OF UNLAW- FULLY RIDING ON RAILROAD TRAINS.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter six hundred and twenty-five, Public Chapter 625, Pub-
lic Laws 1899,
amended.
Laws of one thousand eight hundred and ninety-nine, be amended
by adding at the end of section one after word "misdemeanor"
the following: "And upon conviction thereof shall be fined not ex- Penalty lessened.
ceeding fifty dollars, or imprisoned not more than thirty days."

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

In the General Assembly read three times, and ratified this the
24th day of January, A. D. 1905.

CHAPTER 33.

AN ACT TO MAKE IT UNLAWFUL TO CATCH FISH WITH TRAPS IN THE WATERS OF MOCCASIN RIVER (OR BIG CONTENTNEA CREEK) AND LITTLE CONTENTNEA CREEK IN GREENE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful to catch fish with traps of Made unlawful.
any kind whatsoever in the waters of Moccasin River, otherwise

called Big Contentnea Creek, and Little Contentnea Creek in Greene County.

Violation a misdemeanor.

Penalty.

Conflicting laws repealed.

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

SEC. 3. 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 24th day of January, A. D. 1905.

CHAPTER 34.

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

The General Assembly of North Carolina do enact:

Made unlawful.

Proviso as to druggists.

Plan of delivery made place of sale.

Proviso as to delivery to druggist.

Unlawful to duplicate prescription.

Violating provisions a misdemeanor.

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 Richmond: *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.

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

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.

SEC. 4. That any person, firm or corporation violating the provisions of this act shall be guilty of a misdemeanor, and upon

conviction shall be fined or imprisoned for each and every offense, Penalty, 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 in the Penalty. discretion of the court. Physician giving unnecessary prescription guilty of misdemeanor.

SEC. 6. That all liquors or mixtures thereof, by whatever name called, that will produce intoxication, shall be considered and held to be intoxicating liquors within the meaning of this act. Intoxicating liquors defined.

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

SEC. 8. That this act shall be in force from and after July the first, one thousand nine hundred and five.

In the General Assembly read three times, and ratified this 24th day of January, 1905.

CHAPTER 35.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF HENDERSON COUNTY TO SELL REAL ESTATE, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of Henderson County shall be and they are hereby empowered to sell, either at public or private sale, whenever they may deem it for the best interests of the county, and execute title to the following described real estate: First tract, being the farm upon which the home for the aged and infirm is now situated, which is fully described in a deed from Pennel Gilreath to Henry T. Farmer, chairman of the county court, which deed is dated fifth day of October, one thousand eight hundred and fifty-four, and duly recorded in the office of the register of deeds of said county in deed book five, at page five hundred and ninety-four. Second tract, being that lot of land situated in the town of Hendersonville, and fully described in a deed from M. M. P. Arledge and C. M. Arledge to A. Caumon, B. F. Posey and R. A. Freeman, commissioners, which deed is dated twentieth day of June, one thousand eight hundred and eighty-nine, and duly recorded in the office of the register of deeds of said county in deed book twenty-five, at page three hundred and forty-one. Said board of commissioners is also hereby authorized and empowered to sell the old court-house building which stands immediately in front of the new one now in course of construction, as a whole, including all fixtures therein, or if Authorized to sell home for aged and infirm. Certain lot in Hendersonville. Old court-house building and fixtures.

they deem it best to do so, they may, in their discretion, sell the brick and other material of which said old building is constructed, including the fixtures in same, by the piece and in quantities.

Application of
proceeds.

SEC. 2. That when the real estate described in the first section of this act is sold, if the same at any time be sold under the provisions of this act, the board of commissioners of said county shall expend the proceeds arising from such sale in the purchase of a suitable tract or lot of land near the town of Hendersonville, and the erection and equipping thereon of as good building or buildings as it is possible to build and equip with the money so derived, as a home for the aged and infirm of said county. And the money derived from the sale of the old court-house building and fixtures shall be turned into the county treasury to be paid out, upon orders of the commissioners, for general county purposes: *Provided, however*, that said board of commissioners shall, if they deem it proper and so desire, apply a part or all of the money derived from the sale of said old court-house building and fixtures to the purchase price of a clock to be placed in the dome of the new court-house which is now in course of construction.

Special tax for
indebtedness
authorized, also
for bridges.

SEC. 3. That the board of commissioners of said county may, and if they find it necessary to do so, are hereby authorized and empowered to levy each year at the time the general levy is made, for three successive years, a special tax sufficient only to pay off the outstanding indebtedness owing on account of the purchase, erection and repair of bridges in said county; and in making said levy the commissioners shall observe the constitutional equation between the property tax and the poll tax.

Collection of such
taxes.

SEC. 4. That the special taxes to be levied under and by virtue of section three of this act shall be collected by the sheriff or tax collector of said county of Henderson in the same manner and under the same rules and regulations as are prescribed by law for the collection of State and county taxes.

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

In the General Assembly read three times, and ratified this the 24th day of January, A. D. 1905.

CHAPTER 36.

AN ACT TO CHANGE THE TOWNSHIP BOUNDARY LINE BETWEEN SCOTCH-IRISH AND UNITY TOWNSHIPS OF ROWAN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the township boundary line between Scotch-Irish and Unity Townships, Rowan County, be and the same are

hereby changed so as to run as follows: That the line between Scotch-Irish and Unity Townships begin to run from the point where the present line crosses Fourth Creek to the bridge on Beaver Dam on Wilkesboro Road; thence with Beaver Dam to South Yadkin River. Boundary as changed.

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

In the General Assembly read three times, and ratified this 24th day of January, A. D. 1905.

CHAPTER 37.

AN ACT TO AMEND CHAPTER 488, SECTION 4, PUBLIC LAWS OF 1899, SO AS TO PROVIDE FOR THE ELECTION OF COMMISSIONERS OF GRANVILLE COUNTY BY THE PEOPLE.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter four hundred and eighty-eight, section four, Public Laws of one thousand eight hundred and ninety-nine be amended by striking out the words Granville. Caswell and Montgomery in line two. Granville, Caswell and Montgomery counties exempted from provision of chapter 488, Public Laws 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 24th day of January, A. D. 1905.

CHAPTER 38.

AN ACT TO AMEND SECTION 1727 OF THE CODE, RELATING TO THE NUMBER OF JURORS TO BE DRAWN FOR THE SECOND WEEK OF THE SUPERIOR COURT OF IREDELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section one thousand seven hundred and twenty-seven, volume one of The Code, be and the same is hereby amended by striking out the word "eighteen" in line twelve of said section, and inserting in lieu thereof the words "twenty-four:" *Provided*, that this act shall only apply to Iredell County and Rowan County. Twenty-four jurors instead of eighteen.

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 24th day of January, A. D. 1905.

CHAPTER 39.

AN ACT TO AMEND CHAPTER 125, PUBLIC LAWS OF 1901,
RELATIVE TO THE KILLING OF DEER IN MONTGOMERY
COUNTY.*The General Assembly of North Carolina do enact:*Ten years instead
of five.

SECTION 1. That the word "five" in line three of section one be stricken out and the word "ten" be added in its stead.

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

In the General Assembly read three times, and ratified this 24th day of January, A. D. 1905.

CHAPTER 40.

AN ACT TO AMEND CHAPTER 280, PUBLIC LAWS OF 1897,
SO AS TO PAY JURORS SUMMONED ON SPECIAL VENIRE
IN CAPITAL CASES IN CRAVEN COUNTY.*The General Assembly of North Carolina do enact:*Craven county
exempted from
operation of chap-
ter 280, Public
Laws 1897.

SECTION 1. That chapter two hundred and eighty, Public Laws, one thousand eight hundred and ninety-seven, be amended by triking out the word "Craven" in line fourteen in section one of said chapter.

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

In the General Assembly read three times, and ratified this 24th day of January, A. D. 1905.

CHAPTER 41.

AN ACT TO AMEND CHAPTER 58 OF THE PUBLIC LAWS
OF 1903 BY BRINGING ROWAN COUNTY WITHIN THE
PROVISIONS OF SAID CHAPTER AND TO REQUIRE
STENOGRAPHERS TO FAITHFULLY PERFORM THEIR
DUTIES.*The General Assembly of North Carolina do enact:*Chapter 58, Laws
1903, applicable to
Rowan county.

SECTION 1. That section one of chapter fifty-eight of the Public Laws of one thousand nine hundred and three be and the same is hereby amended by inserting after the word "county" and before the word "as" in line three of said section the words "and also of the Clerk of the Superior Court of Rowan County."

SEC. 2. That section two of said chapter be amended by striking out the words "and twenty-five" after the word "hundred" in line thirteen thereof. Minimum type-writing speed.

SEC. 3. That section four of said chapter be amended by striking out the word "practicable" in line fourteen and inserting in lieu thereof the words "requested by counsel of either party during the trial if possible." Copy of notes—when furnished.

SEC. 4. That section eight of said chapter be amended by adding after the word "cases," the last word of said section, the words "Provided, that no costs or fees in any case for the term shall be paid to any stenographer for any term of court, if it shall be made by affidavit to appear to the clerk thereof that such stenographer has failed or refused to furnish to the court or counsel of either party the copies of his or her notes taken in any case during the term as provided for by said chapter and the amendatory acts thereof." Typewriter not to be paid. When.

SEC. 5. That all laws and clauses of laws in conflict with this act shall be and the same 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 24th day of January, A. D. 1905.

CHAPTER 42.

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF STOKES COUNTY TO LEVY SPECIAL TAXES.

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 one thousand nine hundred and five to levy an additional special tax sufficient in amount to pay off the Stokes County bridge bonds issued on the seventh day of September, one thousand nine hundred and three, aggregating the sum of six thousand dollars, together with interest on said bonds, and interest on twenty-nine thousand dollars, Stokes County court-house and jail bonds, issued on the second day of May, one thousand nine hundred and four, as of the fourth day of April one thousand nine hundred and four, with costs and charges incident to the collection and disbursement of the same; and that at the time of levying the general State and county taxes for said county for the year one thousand nine hundred and six, and at said time in each succeeding year thereafter, as may be necessary, the said board Application of special tax. Additional special tax.

Application of same.

of county commissioners for said county be and it is hereby authorized and empowered to levy an additional special tax sufficient in amount to pay off the said Stokes County court-house and jail bonds issued as above set forth, aggregating twenty-nine thousand dollars, as the same shall mature and become payable in the discretion of said board, together with interest on said bonds, and 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.

Constitutional equation.

Collection by sheriff.

Payment to county treasurer.

SEC. 2. That the said special taxes hereinbefore recited shall be collected by the sheriff of said county, whose official bond shall be liable therefor as for other county taxes, and he shall pay over the same to the county treasurer in like manner as other county taxes are paid.

Duties of county treasurer relative thereto.

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 bridge, court-house and jail bonds, and interest thereon, together with the costs and charges incident to the collection and disbursement of said special taxes.

Conflicting laws repealed.

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

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

In the General Assembly read three times, and ratified this 24th day of January, A. D. 1905.

CHAPTER 43.

AN ACT CONCERNING WORKING THE PUBLIC ROADS IN LINCOLN COUNTY.

The General Assembly of North Carolina do enact:

Public roads, how to be worked.

SECTION 1. That the manner of working the public roads in Lincoln County shall continue as at present, viz.: In North Brook and Howard's Creek Township under the general road law of the State except as modified by this act; in Lincolnton Township by labor and taxation; in Catawba Springs and Ironton Townships by taxation, under the provisions of chapter five hundred and eighty-one, laws of one thousand eight hundred and ninety-nine and laws amendatory thereof as relate to Lincoln County, except as modified by this act.

Power of county commissioners to change method in North Brook or Howard Creek township.

SEC. 2. Upon the petition of a majority of the voters of either North Brook or Howard's Creek Township, as shown upon the last registration at a general election, the commissioners may change

the mode of working to either labor and taxation, or taxation, as may be expressed in said petition, and a township in which change is made shall be subject to the provisions of this act as in such case provided.

SEC. 3. Upon petition of one-third of the registered voters of Lincolnton, Ironton or Catawba Springs Townships, as shown upon the last registration of the township petitioning at a State election, the county commissioners shall submit the question in regard to working the roads as stated in the petition to an election of the qualified voters of the township as provided in section five, chapter four hundred and ninety-six, laws of one thousand nine hundred and three. In such election the registration shall be that used at the last State election, corrected so as to represent the voters in such township at the time of such special election.

Provisions as to Lincolnton, Ironton or Catawba Springs townships for election.

SEC. 4. The county commissioners shall at the March session one thousand nine hundred and five and annually thereafter elect a county superintendent of public roads and bridges, who shall hold office for one year, and whose duty it shall be to direct and inspect the working of the roads, building and repairing of bridges, location of roads in the county under the supervision of the commissioners. He shall direct the overseers, supervisors and inspectors or road-makers as to the working of the portions under the supervision of each and shall report to the commissioners at their March and October sessions the condition of the roads and bridges in the county, and shall at any time report all failures of any overseer, supervisor or inspector to keep his portion of the road in good condition and to work upon them as he shall direct. Any person refusing or failing to do the work as directed shall be guilty of a misdemeanor, and upon conviction before a justice of the peace shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

County superintendent of public roads.
Duties.

Refusal to work
misdemeanor.

Penalty.

SEC. 5. The superintendent shall receive such compensation as shall be fixed by the commissioners, to be paid out of the county taxes; he shall give bond in the sum of five hundred dollars for the faithful discharge of his duties and be removable from office by a majority of the board of commissioners, who shall have power to fill all vacancies.

Compensation and bond of superintendent.

Removal.

Vacancies.

SEC. 6. The public roads shall be of the width required by the general road law of the State, but the superintendent may reduce width of any portion when he deems best.

Width of roads.

SEC. 7. All appropriations for building or repairing bridges, culverts or other drains and for costs in locating roads shall be paid out of the county taxes, and the commissioners are authorized to refund from the county taxes such amount as they deem just to the road tax fund of any township for advances heretofore made for this purpose.

Appropriations, how paid, etc.

SEC. 8. The superintendent shall require the supervisors and overseers to erect sign-boards and mile-posts, and may order the

Sign-boards and watering places.

preparation of watering places for stock near the public road. But no contract for such purpose involving expenditure shall be valid until approved by the commissioners.

Inspectors, powers,
duties, etc.

SEC. 9. The superintendent shall appoint inspectors, or "road-walkers," whose duty it shall be to traverse the section of road assigned to each at designated times, with necessary tools, and remove leaves, stones or other obstructions from the road-bed or ditches likely to make mud-holes or do other damage, and shall fill the holes with sand or rocks, or causeway them so as to cover them. But in no case shall mud or clay from the ditches be put in these places. Each inspector or road-walker shall receive such pay as the superintendent stipulates, subject to approval of the commissioners. In townships where there is no road tax this may be by exemption from other road duty for a designated time.

Compensation.

Location of roads.

SEC. 10. When it is proposed to locate any portion of a road the superintendent shall attend to the location and report to the commissioners, and upon their approval he shall direct the overseer, supervisor or contractor to construct the road as located; upon completion of the work he shall report to the commissioners the amount of any damages he deems due to any person on account of establishing the road, which, upon approval of the commissioners, shall be paid, if accepted by the parties interested. If not approved by the commissioners or accepted by the parties, the commissioners shall proceed to appoint three disinterested persons to assess damages as provided by law in the location of roads.

Damages.

Assessment
thereof.

Road tax, levy,
collection, etc.

SEC. 11. The commissioners are authorized, each year, at the time the county taxes are levied, to levy in those townships in which a road tax is authorized a road tax of not less than five nor more than twenty-five cents on the one hundred dollars worth of property, and a poll tax, observing the constitutional equation as stated in section one, article five of the Constitution, upon the property and polls in the township, which tax shall be collected by the sheriff and accounted for as other taxes are collected, and the sheriff shall settle for the same annually at the March session of the board of commissioners. The rate of tax may be different in different townships if the commissioners so elect.

Rate in different
townships.

Township taxes,
how kept and
where expended.

SEC. 12. The county treasurer shall keep the taxes from each township as a distinct fund, to be known as the road tax fund of the township, and it shall be expended only in the township from which collected.

How and for what
expended.

SEC. 13. The money shall be expended upon orders or accounts approved by the board of commissioners for the betterment of the public roads, in payment for tools, machinery, material, labor, hire of teams and supervision, or otherwise.

Road sections.

Section super-
visors.

SEC. 14. The board of commissioners may divide the different townships into sections and appoint a supervisor over each section, who shall hold office for one year, unless sooner removed by

the board. The supervisor shall give bond in the sum of three hundred dollars for the faithful performance of his duties, and he shall receive such compensation as the commissioners may determine, or they may let the working of the whole or any part of the roads of a township to contract for not less than one nor more than three years. When a contract embraces parts of roads in more than one township it shall be paid from the funds of the respective townships in such sums as the board determine.

Bond and compensation.

Working by contract.

Payment on contracts.

SEC. 15. The superintendent, under direction of the board and subject to their approval, shall let all contracts, stating therein the portion of road, the work to be done and particularly specifying what is to be done at designated places. Each contractor shall give bond in such sum as they may fix for the performance of the contract. Contractors shall be supervisors of the portion of road under their supervision and liable to penalties as such.

Contracts, by whom let, contents, etc.

Contractor's bond.

Contractors, powers, penalties, etc.

SEC. 16. Contracts shall be let at the March session of the board, but may be let at any other time. Applications for contracts, with statement of portion of road desired and amount for which it is proposed to keep it in condition stated in contract, shall be filed with the clerk of the board prior to the March session, and all on file shall be opened by the chairman in open session, or the board may advertise for bids and let to contract any portion of road or bridge as stated in the advertisement, reserving the right in all cases under this section to reject any and all bids and to award the contract as they deem for the best interests of the county.

Contracts, when let.

Applications for contracts.

Advertisement for bids.

Power to reject bids, etc.

SEC. 17. All claims for money under this act, before payment, shall be approved by the superintendent with a certificate that he has examined the work, material, etc., upon which it is based, and that the account is just and true. The board, if they approve the accounts, shall order them paid, but shall reject any they deem excessive or unjust.

Approval of claims.

SEC. 18. The superintendent shall have control of all property of the townships or county purchased in connection with road-working. He shall, at the March and October meetings, submit a report, accompanied by a list of the properties, to the board. He shall take a receipt from all persons to whom any of the property is entrusted, and they shall be liable to the county for injury or loss of the same caused by their carelessness or neglect.

Powers and report of superintendent.

SEC. 19. All laws or clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 20. This act shall be in force from and after February 1, 1905.

In the General Assembly read three times, and ratified this 24th day of January, A. D. 1905.

CHAPTER 44.

AN ACT TO AMEND CHAPTER 488, PUBLIC LAWS 1899, PERMITTING THE ELECTION OF COUNTY COMMISSIONERS OF BERTIE COUNTY BY VOTE OF THE PEOPLE.

The General Assembly of North Carolina do enact:

Bertie exempt
from operation of
chapter 488, Public
Laws 1899.

SECTION 1. That section four, chapter four hundred and eighty-eight, Public Laws one thousand eight hundred and ninety-nine, be and is hereby amended by striking out "Bertie."

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 24th day of January, A. D. 1905.

CHAPTER 45.

AN ACT TO APPOINT COLUMBUS F. MORRISON AND JOHN R. CAFFEY JUSTICES OF THE PEACE IN WILKES COUNTY.

The General Assembly of North Carolina do enact:

Appointment.

SECTION 1. That Columbus F. Morrison be and he is hereby appointed a justice of the peace in Wilkesboro Township, Wilkes County, and that John R. Caffey be and he is hereby appointed a justice of the peace in North Wilkesboro Township, Wilkes County.

Terms of office.

SEC. 2. That each of the above-named persons shall hold said office of justice of the peace for and during the term of six years.

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

In the General Assembly read three times, and ratified this 24th day of January, A. D. 1905.

CHAPTER 46.

AN ACT TO AMEND CHAPTER 569, PUBLIC LAWS 1903, RELATING TO THE PUBLIC ROADS OF MORVEN TOWNSHIP, ANSON COUNTY.

The General Assembly of North Carolina do enact:

Chapter 569, Public
Laws 1903,
amended.

SECTION 1. That chapter five hundred and sixty-nine, Public Laws of one thousand nine hundred and three, be and the same is hereby amended by striking out the figure three in line three of

section twelve of said act and inserting the figure five in its place, ^{1905 substituted for 1903.} by striking out the figure three in line three of section sixty-one and by inserting the figure five in its place, and by striking out the figure three in line seventeen of said section sixty-one and inserting the figure five in its place.

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

In the General Assembly read three times, and ratified this 24th day of January, A. D. 1905.

CHAPTER 47.

AN ACT TO REGULATE THE KILLING OF DEER IN THE COUNTIES OF PERSON, GRANVILLE AND VANCE.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful to kill or hunt with dogs ^{Closed season.} or guns any deer in the counties of Person, Granville or Vance between the fifteenth day of January and the first day of September of each and every year: *Provided*, that it shall be lawful to hunt ^{Proviso.} or kill them up to the twenty-second day of January, nineteen hundred and five: *Provided further*, any person may kill them on his ^{Proviso.} own premises at any season of the year when found destroying his crops.

SEC. 2. That any person violating the provisions of this act ^{Violation a misdemeanor.} shall be guilty of a misdemeanor, and upon conviction shall be ^{Penalty.} fined or imprisoned at the discretion of the court.

SEC. 3. That all acts in conflict with this act, so far as they ^{Conflicting laws repealed.} affect the counties of Person, Granville and Vance, 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 24th day of January, A. D. 1905.

CHAPTER 48.

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 ^{Amount of tax.} 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 and personal and polls of said county, for

Years of levy.	the years one thousand nine hundred and five and one thousand
Time of levy.	nine hundred and six. Said special tax shall be levied at the same
	time that other taxes are levied in said county for the same years,
Collection.	and shall be collected by the sheriff under the same penalties, and
Application.	shall be applied to the payment of the indebtedness of said county
	and to no other purpose.

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 24th day of January, A. D. 1905.

CHAPTER 49.

AN ACT TO AMEND SECTION 1 OF CHAPTER 276 OF THE PUBLIC LAWS OF 1903, MAKING IT UNLAWFUL TO SELL OR DISPOSE OF, FOR GAIN, ANY SPIRITUOUS, VINOUS OR MALT LIQUORS WITHIN ONE MILE OF THE CHURCHES IN COLUMBUS COUNTY NAMED IN SAID SECTION 1 OF THE LAWS OF 1903.

The General Assembly of North Carolina do enact:

Section 1, chapter 276, Public Laws 1903, amended, "unlawful" substituted for "lawful."

SECTION 1. That chapter two hundred and seventy-six of the Public Laws of one thousand nine hundred and three be and the same is hereby amended by striking out in line fifteen of section one of said act the word "lawful" and inserting in lieu thereof the word "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 24th day of January, A. D. 1905.

CHAPTER 50.

AN ACT TO REPEAL CHAPTER 675 OF THE PUBLIC LAWS OF 1903, RELATIVE TO GAME LAWS IN CABARRUS COUNTY.

The General Assembly of North Carolina do enact:

Chapter 675, Public Laws 1903, repealed.

SECTION 1. That chapter six hundred and seventy-five of the Public Laws of one thousand nine hundred and three 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 25th day of January, A. D. 1905.

CHAPTER 51.

AN ACT FOR THE RELIEF OF B. R. LACY, STATE
TREASURER.

The General Assembly of North Carolina do enact:

WHEREAS, W. H. Martin, institutional clerk in the State Treas- Preamble.
ury Department under W. H. Worth, the predecessor of B. R.
Lacy, present State Treasurer, was retained by the said Lacy
after his induction into office for a short period of time until the
successor of the said W. H. Martin could become acquainted with
the duties of such institutional clerk; and

WHEREAS, The said Martin embezzled funds belonging to the Preamble.
State of North Carolina to the amount of sixteen thousand four
hundred and thirty-four dollars and eighty-eight cents—sixteen
thousand and sixty dollars and four cents under the administra-
tion of ex-Treasurer Worth and three hundred and seventy-four
dollars and eighty-four cents during the time the said Martin re-
mained in the office of the said B. R. Lacy, Treasurer, for the pur-
poses aforesaid; and

WHEREAS, It appears that the said B. R. Lacy, Treasurer, was Preamble.
not guilty of any negligence in the premises, but on the contrary
by his diligence discovered the peculations of said Martin and
afterwards secured his conviction and sentence to a term in the
State's Prison, which he is now serving; and

WHEREAS, The said B. R. Lacy has paid into the State Treasury Preamble.
the sum of three hundred and seventy-four dollars and eighty-four
cents; and

WHEREAS, His Excellency the Governor of North Carolina, both Preamble.
in his message to the General Assembly at its session of one thou-
sand nine hundred and three and also to the General Assembly
now in session, after fully reciting the facts, has recommended
that the sum thus paid by the said B. R. Lacy be refunded to him;
now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the State Auditor be authorized and directed Auditor authorized
to issue his warrant to B. R. Lacy for the sum of three hundred to issue warrant.
and seventy-four dollars and eighty-four cents.

SEC. 2. That the State Treasurer is hereby authorized to pay Treasurer author-
the said warrant out of any moneys in the treasury not otherwise ized to pay same.
appropriated.

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

In the General Assembly read three times, and ratified this the
25th day of January, A. D. 1905.

CHAPTER 52.

AN ACT TO VALIDATE A DEED FROM THE STATE TO
P. H. HUGHES.

Preamble.

WHEREAS, In the year one thousand eight hundred and ninety-one, Hon. Thomas M. Holt, then Governor of North Carolina, sold and conveyed by deed to P. H. Hughes a certain lot in the city of Raleigh belonging to the State for the sum of five hundred dollars, the said lot, together with other lots in the city of Raleigh, being sold to raise money to erect the present Governor's Mansion; and

Preamble.

WHEREAS, The purchase-money for said lot was received by Governor Holt and paid by him into the State Treasury and used for the purpose aforesaid, the deed to said lot being recorded in book one hundred and twelve, page six hundred and seventy-eight, of the register of deeds' office for Wake County; and

Preamble.

WHEREAS, Doubts have arisen as to the power and authority of Governor Holt to execute said deed, and the owner of said lot desires to have the action of Governor Holt validated and confirmed; therefore

The General Assembly of North Carolina do enact:

Deed from Gov.
Holt to P. H.
Hughes validated.

SECTION 1. That the action of Governor Holt in executing the said deed to P. H. Hughes, as hereinbefore recited, be and the same is hereby authorized, validated 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 26th day of January, A. D. 1905.

CHAPTER 53.

AN ACT TO EXEMPT THE TOWN OF FOUNTAIN IN THE
COUNTY OF PITT FROM THE OPERATION OF A CER-
TAIN ACT PROHIBITING THE SALE OF LIQUOR WITHIN
TWO MILES OF LANG'S SCHOOL-HOUSE.

The General Assembly of North Carolina do enact:

Chapter 554, Public
Laws 1901, not
applicable to town
of Fountain, Pitt
county.

SECTION 1. That the town of Fountain shall be and the same is hereby exempted from the operation of chapter five hundred and fifty-four of the Public Laws of one thousand nine hundred and one, wherein the sale of liquor is prohibited within two miles of Lang's School-house in Pitt County, and the said chapter five hundred and fifty-four of the Public Laws of one thousand nine hundred and one, so far as it relates to the territory within the corporate limits of said town of Fountain, is hereby repealed, but said act is to remain in full force and effect as to the territory other

Effective as to all
other territory.

than that contained within the corporate limits of said town of Fountain.

SEC. 2. All laws and clauses of laws in conflict with the provisions of the above section 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 26th day of January, A. D. 1905.

CHAPTER 54.

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

WHEREAS, at the general election held for the county of Alleghany on the first Tuesday in November, one thousand nine hundred and four, the following persons were voted for and declared elected justices of the peace for said county, to-wit: Gap Civil Township, J. C. Roup, C. W. Edwards, J. B. Doughton, H. M. Crouse, Joseph Johnson and L. W. Fender; Whitehead Township, D. C. Whitehead, J. A. Osborne and J. W. Roup; Cranberry Township, H. C. Edwards, S. C. Caudill and J. J. Miller; Cherry Lane Township, R. A. Holbrook, G. B. Gillespie and G. W. Miller; Glade Creek Township, W. L. Norman, T. J. Carico, G. T. Jordan and J. L. Joines; Panther Creek Township, W. H. Weaver, J. K. Taylor, R. A. Price, W. E. Sturgill and J. S. Owens; Piney Creek Township, F. N. Roup, B. F. Wagoner, P. C. Phipps, W. F. Parsons and F. J. Pugh; and Gap Civil Township.
Cranberry.
Cherry Lane.
Glade Creek.
Panther Creek.
Piney Creek.

WHEREAS, doubt has arisen as to the legality of such election because the number of persons voted for and declared elected were greater than said townships were authorized by law to elect; Preamble as to legality of election.
therefore

The General Assembly of North Carolina do enact:

SECTION 1. That the election so held for the justices aforesaid is hereby declared valid, and all their official acts are declared valid and legal for the term for which they are voted for and declared elected. Election validated.

SEC. 2. That the terms of office of said justices of the peace shall be counted as beginning first Monday in December, one thousand nine hundred and four, and continue for two years. Terms of office.

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 January, A. D. 1905.

CHAPTER 55.

AN ACT FOR THE RELIEF OF COUNTY COMMISSIONERS.

Preamble.

WHEREAS, the boards of commissioners of many counties in the State, through inadvertence or mistake, have failed to comply with the provisions of section seven hundred and fifty-four of The Code of North Carolina in the manner of auditing accounts and claims against their several counties, while no injustice or wrong has been done said counties; and

WHEREAS, some of said commissioners are threatened with vexatious litigation for penalties on account of their failure to have every account verified strictly in accordance with the provisions of said section seven hundred and fifty-four of The Code; and

WHEREAS, the records and proceedings of said commissioners have always been open to the inspection of the public; now, therefore,

The General Assembly of North Carolina do enact:

County commissioners released from provisions of section 754 of Code, and penalties.

SECTION 1. That all persons who now are or have heretofore been duly elected members of the board of commissioners of their respective counties be and they are hereby released, whether as individuals or in their corporate capacity, from any and all provisions of section seven hundred and fifty-four of The Code of North Carolina, and from any and all penalties incurred by reason of their failure heretofore to comply with the provisions of the said section.

Not applicable to acts after ratification.

SEC. 2. That this act shall not apply to any act that may be committed by said commissioners after 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 27th day of January, A. D. 1905.

CHAPTER 56.

AN ACT TO DIVIDE THE NET PROCEEDS OF THE DISPENSARIES OF JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

One-half to county school fund.

SECTION 1. That one-half of the net proceeds or profits accruing from the sale of spirituous, vinous or malt liquors by the dispensaries now established in Johnston County, or any that may hereafter be established, shall be paid to the treasurer of said county and by him placed to the credit of the general school fund of said county for the use of the public schools therein.

SEC. 2. That the remaining one-half of said net profits of each dispensary shall be paid to the treasurers of the respective towns in which said dispensaries are situate, and shall be subject to the order of the board of town commissioners, and shall be appropriated by said commissioners to the use of the public schools in said town and to such other town expenses as they may elect.

One-half to school fund of town where located.

SEC. 3. That each and all dispensary managers in Johnston County shall, on the first Mondays in January and July of each year, meet with the county board of education of said county at the county-seat in Smithfield, and with said board adjust a semi-annual settlement with the county treasurer on behalf of the public schools of the county: *Provided*, that the dispensary commissioners may effect settlement with the board of education in lieu of the managers: *And provided further*, that the expenses incurred by this service shall be paid and charged to the expense of the dispensaries.

Semi-annual settlement of dispensary commissioners.

Expense of settlement, how paid.

SEC. 4. That at the semi-annual meetings provided for in section three of this act it shall be the duty of the managers of all dispensaries to produce the registers and books of record kept by said managers in said dispensaries, said registers and books of record showing date and amount of purchases made, prices paid, amount and date of sale, and expenses of operation, to the end that just and satisfactory settlement may be effected between the county board of education and dispensaries: *Provided*, that the registers and books of record shall at all times be opened to the inspection of the county board of education.

Method of settlement, books, records, etc., to be produced.

Records, books, etc., open to inspection.

SEC. 5. That all dispensary laws in Johnston County shall remain in full force and effect, under the same regulations as they did operate previous to the establishment of this act, except as herein provided.

Johnston county dispensary laws in effect subject to this act.

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

Conflicting laws repealed.

SEC. 7. That this act shall be in force and effect from and after the first day of July, 1905.

In the General Assembly read three times, and ratified this the 27th day of January, A. D. 1905.

CHAPTER 57.

AN ACT DIRECTING THE STATE TREASURER TO CANCEL CERTAIN BONDS AND RETURN THE SAME. TOGETHER WITH THE COUPONS ATTACHED, TO THE COUNTY OF ALEXANDER.

WHEREAS, the State Treasurer was by chapter four hundred Preamble.
and one, Public Laws of one thousand eight hundred and ninety-

one, directed to surrender to the Commissioners of Alexander County the coupons attached to certain bonds upon the payment of the principal of the said bonds according to the tenor of the said chapter; and

Preamble.

WHEREAS, the said county of Alexander has paid off and fully discharged the principal of the said bonds, amounting to the sum of thirteen thousand seven hundred and fifty dollars,

The General Assembly of North Carolina do enact:

State Treasurer to
cancel and deliver
bonds.

SECTION 1. That the State Treasurer be and he is hereby authorized and directed to stamp or mark by perforation upon the said bonds the word "paid," and to deliver same, together with the coupons thereto attached, to the chairman of the Board of County Commissioners of the County of Alexander.

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 January, A. D. 1905.

CHAPTER 58.

AN ACT FOR ELECTION OF COMMISSIONERS IN FRANKLIN COUNTY.

The General Assembly of North Carolina do enact:

Five county com-
missioners to be
elected.

SECTION 1. There shall be elected in the county of Franklin at the general election to be held in the year one thousand nine hundred and six, and every two years thereafter, by the duly qualified electors thereof, five persons to be chosen by the body of the county, who shall be styled the Board of Commissioners for the County of Franklin.

Conflicting laws
repealed.

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

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

In the General Assembly read three times, and ratified this the 28th day of January, A. D. 1905.

CHAPTER 59.

AN ACT TO AMEND CHAPTER 439, PUBLIC LAWS OF 1903, RELATING TO STOCK RUNNING AT LARGE IN ASHE COUNTY.

The General Assembly of North Carolina do enact:

Stock damaging
crop or property,
liability of owner.

SECTION 1. That section two of chapter four hundred and thirty-nine, Public Laws of one thousand nine hundred and three, be

repealed and the following be enacted in its stead: That if any person or persons in the county of Ashe shall allow his or their stock to damage or in any way injure the growing crop of other property belonging to another person or persons, the owners of said stock shall be liable in damages to two-thirds of the cash value of the crops or property so damaged. The owner of the crops or other property so damaged shall have the right to impound and hold the stock damaging his crop or other property until he is paid the said amount of damages for injuries to his crops or other property, cost of impounding said stock and the charges for keeping same; and if the owner of the stock and the owner of the crops or other property cannot agree upon the value of the damages to said crops or other property, each one shall select a disinterested person, and they together shall determine the damage to said crops or other property; and if they cannot agree they shall select a third disinterested and impartial person, who shall assist them in assessing said damages, and an agreement of any two of them as to the amount of damages to said crops or other property shall be received as the value of the crops or other property so damaged, and the owner of the crops or other property so damaged shall receive for impounding said stock and keeping the same the fees now allowed by law for impounding stock. If the owner of any stock so impounded cannot be found the person or persons who take up said stock shall dispose of same according to the law for disposing of impounded stock.

Right of property owner to impound stock.

Assessment of damages.

Sale of stock for damages and costs.

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 and effect from and after its ratification.

In the General Assembly read three times, and ratified this the 28th day of January, A. D. 1905.

CHAPTER 60.

AN ACT TO AMEND CHAPTER 50, PUBLIC LAWS OF 1901, AND CHAPTER 368, PUBLIC LAWS OF 1903, TO REGULATE HIGHWAYS AND PUBLIC ROADS IN ASHE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred and sixty-eight, Public Laws of one thousand nine hundred and three, be and the same is hereby amended by striking out the word "ten" in line six, section one, and inserting in lieu thereof "six," which shall be applicable only to all public roads now established in the county of

Chapter 368, Public Laws 1903, amended.
Time for road duty decreased.

Public roads to be constructed, time of road duty.

Compensation for road work.

Road duty decreased.

Application restricted to Ashe county.

Ashe, all public roads now in course of construction or to be hereafter constructed in said county of Ashe, and all hands within five miles of said roads shall be assigned to work on said roads only two days in each year. Hands for working on roads allowed seventy-five cents per day when paid in money.

SEC. 2. That section two of chapter three hundred and sixty-eight, Public Laws of one thousand nine hundred and three, be amended by striking out the word "ten" in line two and inserting in lieu thereof the word "eight."

SEC. 3. That chapter fifty, Public Laws of one thousand nine hundred and one, and chapter three hundred and sixty-eight, Public Laws of one thousand nine hundred and three, as amended by this act shall only apply to the county of Ashe.

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 January, A. D. 1905.

CHAPTER 61.

AN ACT TO AMEND CHAPTER 279 OF THE PUBLIC LAWS OF 1899, RELATIVE TO HUNTING IN ROWAN COUNTY. MAKING THE SAME ACT APPLY TO HERTFORD COUNTY.

The General Assembly of North Carolina do enact:

Applicable to Hertford county.

SECTION 1. That chapter two hundred and seventy-nine of the Public Laws of one thousand eight hundred and ninety-nine be and the same is hereby amended as follows: Strike out the word "county" in line two of section one, and insert in lieu thereof the words "and Hertford 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 28th day of January, A. D. 1905.

CHAPTER 62.

AN ACT TO PREVENT FAST DRIVING OVER THE PUBLIC BRIDGES IN RANDOLPH COUNTY.

The General Assembly of North Carolina do enact:

Made unlawful.

SECTION 1. That it shall be unlawful for any person to ride or drive over any of the bridges on the public roads of Randolph County at a gait faster than a walk.

SEC. 2. That any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than one nor more than ten dollars for each offense.

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 28th day of January, A. D. 1905.

CHAPTER 63.

AN ACT TO PREVENT THE MANUFACTURE AND SALE OF ANY SPIRITUOUS, VINOUS OR MALT LIQUORS WITHIN THE TOWN OF SCOTLAND NECK AND ADJACENT TERRITORY.

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, for gain, any spirituous, vinous or malt liquors or intoxicating bitters within the town of Scotland Neck: *Provided*, this act shall not be construed to forbid the sale of such spirituous, vinous or malt liquors by a duly licensed druggist for sickness, upon the written prescription of a regular practicing physician having such person under his charge: *Provided further*, that this act shall not apply to wine or cider manufactured from grapes, berries or fruits raised on the lands of the person manufacturing it in the manner regulated by law.

Made unlawful.

Exception as to drug stores.

Inapplicable to home manufactured wine and cider.

SEC. 2. That the place of delivering any spirituous, vinous or malt liquor or intoxicating bitters within Scotland Neck shall be the place of sale: *Provided*, this section shall not prevent the delivery of any spirituous, vinous or malt liquors to a legally licensed druggist in a sufficient quantity for medical purposes only, and to any church for sacramental purposes.

Place of delivery place of sale.

Exception.

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 selling within the meaning of this act.

Druggist duplicating prescription liable.

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, or both, for each and every offense.

Violation 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

Physicians giving unnecessary prescriptions liable.

Penalty.

this act, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both.

Conflicting laws repealed.

SEC. 6. That all laws and parts of laws in conflict with this act, in so far as they apply to the territory herein mentioned, are hereby repealed.

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 28th day of January. A. D. 1905.

CHAPTER 64.

AN ACT TO AMEND CHAPTER 581, PUBLIC LAWS OF 1899, RELATING TO THE ROAD LAW OF RIVER, JUDKINS AND ROANOKE TOWNSHIPS IN WARREN COUNTY.

The General Assembly of North Carolina do enact:

Special road commissioners for said township.

SECTION 1. That in this act as applied to townships of River, Judkins and Roanoke in the county of Warren, J. J. Myrick, T. D. King and Frederick Shearin for River Township, and J. L. Wright, E. P. Nicholson and J. B. Harris for Judkins Township, and H. B. Mosley, J. L. Dilbridge and R. E. Bradley for Roanoke, are 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 upon the recommendation of the remaining members of the respective road board, 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 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 supervisors of the road elected by the said road commissioners and deposited by them for road purposes in such manner and with such person or board, and expended as may be designated by the said road commission of the respective townships.

Duties, rights and powers.

Tax levy for said township.

Expenditure therefor.

Vacancies, how filled.

Compensation.

Money in lieu of road labor, disposition thereof.

SEC. 2. That in each township the said road board may elect Road supervisors.
one or more road supervisors.

SEC. 3. That chapter four hundred and sixty-two, Public Laws Chapter 62, Public
of one thousand nine hundred and one, be and the same is hereby Laws 1901,
repealed. repealed.

SEC. 4. All laws and clauses of laws in conflict with this act Conflicting laws
are hereby repealed. 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
28th day of January, A. D. 1905.

CHAPTER 65.

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 All sheriffs allowed
their office, have had tax lists for the purpose of collecting the taxes to collect arrears
of their respective counties, cities, towns or townships in their of taxes.
hands for the years one thousand eight hundred and ninety-nine, For what years.
one thousand nine hundred, one thousand nine hundred and one,
one thousand nine hundred and two, and one thousand nine hun-
dred and three, and in cases of death or default, their personal
representatives, bondsmen or any agent they may designate, are
hereby authorized and empowered to collect arrears of taxes for
each of the years aforesaid, under such rules and regulations as
are now or may hereafter be provided by law for collection of
taxes.

SEC. 2. That no person shall be compelled to pay any tax, under Who exempt from
the provision of this act, who holds a receipt in full for the years payment under
named in section one of this act, or who will make affidavit before this act.
any officer authorized to administer oaths that the tax attempted
to be collected has been paid, nor shall any executor, administrator
or guardian be compelled to pay any tax under the provisions of
this act after he shall have made a final settlement: *Provided*, that
this act shall not authorize the sale of any land for taxes which has Lands exempt
been conveyed to a purchaser for value, and without actual notice from sale.
of the non-payment of the taxes.

SEC. 3. That nothing herein contained shall be construed to re- Sheriffs or bonds-
lieve sheriffs or tax collectors, their representatives, or bondsmen men not released
from the liability imposed by law to pay the State, county and other from liability.
taxes at the time and place required by law.

SEC. 4. That the authority herein given shall cease and determine When provisions of
on the thirty-first day of December, one thousand nine hundred and this act cease.
five.

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 January, A. D. 1905.

CHAPTER 66.

AN ACT TO AMEND CHAPTER 79, PUBLIC LAWS OF 1899, RELATING TO THE COMMISSIONER OF WRECKS.

The General Assembly of North Carolina do enact:

Section 17, chapter
79, Public Laws
1899, amended.

SECTION 1. That section seventeen, chapter seventy-nine, Public Laws of one thousand eight hundred and ninety-nine, be amended by inserting after the word "sales" in line eight of said section the following: "and in addition thereto he shall receive his actual expenses incurred in going and returning from the place of said wreck, or where said property is stranded, to be paid out of the gross amount of said sales"; and by adding after the word "property" and before the word "which" in line twelve of said section, "and in addition thereto his actual expenses for the purposes herein provided."

Expenses of
commissioners of
wrecks to be paid.

Section 25
amended.

SEC. 2. That section twenty-five of said chapter be amended by adding at the end of the said section the following: "And any person who willfully and unlawfully resists, delays or obstructs the said commissioner in discharging or attempting to discharge his duties as said commissioner shall be guilty of a misdemeanor and fined or imprisoned in the discretion of the court."

Punishment for
resisting or ob-
structing commis-
sioner in discharge
of his duties.

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 30th day of January, A. D. 1905.

CHAPTER 67.

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 the provisions of chapter five hundred and forty of the Public Laws of North Carolina, session of one thousand eight hundred and ninety-nine, to increase the number of the members of the board of directors of the North Carolina institution for the edu-

Terms of office of
directors, begin-
ning, length of,
appointment of
successors.

cation of the deaf and dumb and the blind, to regulate their duties and privileges and to provide for their successors be re-enacted: *Provided*, that the successor of one of the additional members shall be appointed for a term of six years; the successors of two of them shall be appointed for a term of four years, and the successor of the fourth one shall be appointed for a term of two years from the first of March, one thousand nine hundred and five: *Provided further*, that their successors, at the expiration of their respective terms of office, shall be appointed for terms of six years: *And provided further*, that the directors so appointed shall hold until their successors are appointed and qualified.

SEC. 2. That the provisions of section one, chapter seven hundred and seven, Public Laws of North Carolina, session of one thousand nine hundred and one, shall apply in the appointment and confirmation of the said directors, provided for in section one of this act.

Section 1, chapter 707, Public Laws 1901, applicable to appointment of directors.

SEC. 3. That all laws and sections of laws in conflict with the provisions of 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 30th day of January, A. D. 1905.

CHAPTER 68.

AN ACT TO AMEND CHAPTER THREE HUNDRED AND TWENTY-ONE OF PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THREE.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred and twenty-one of the Public Laws of one thousand nine hundred and three be amended as follows: In lines four and five of section four of said chapter strike out the following words: "not less than thirty cents and," also in line seven of said section and chapter strike out the following words: "less than ninety cents nor."

Chapter 321, Public Laws 1903, creating Thomas M. Holt's School District, Alamance county, amended.

Minimum rate of taxation changed.

SEC. 2. That section seven of said chapter be also amended by inserting after the word "schools" near the end of line eight of said section as follows: "That said trustees shall have power to borrow money and issue bonds, notes or other evidences of debt to an amount not exceeding four thousand dollars, and to secure the faithful payment of principal and interest of such bonds, notes or other evidence of debt the said trustees shall have full power and authority to execute a deed of trust, to such person as they shall select, upon the graded school building and the land on which it is situated, described by metes and bounds, with power of sale upon such terms as may be agreed on in case of default in payment of principal or

Power given trustees to borrow money and secure the same.

Trustees, appointment of successors.

interest as the same shall become due, and authority to such trustees so selected, in case of sale, to execute title to the purchaser. In case of death or removal of such trustee a successor shall be appointed in like manner."

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

In the General Assembly read three times, and ratified this the 30th day of January, A. D. 1905.

CHAPTER 69.

AN ACT TO REPEAL CHAPTER SEVEN HUNDRED AND THIRTY-SIX OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND ONE, RELATIVE TO SEPARATING THE WEBSTER AND DILLSBORO PUBLIC SCHOOL DISTRICTS FOR THE COLORED RACE IN JACKSON COUNTY.

The General Assembly of North Carolina do enact:

Repealed.

SECTION 1. That chapter seven hundred and thirty-six of the Public Laws of one thousand nine hundred and one be and the same hereby is 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 30th day of January, A. D. 1905.

CHAPTER 70.

AN ACT TO REPEAL CHAPTER TWO HUNDRED AND FORTY-ONE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THREE, AND TO RE-ENACT CHAPTER THREE HUNDRED AND FIFTY-FOUR OF THE PUBLIC LAWS OF ONE THOUSAND EIGHT HUNDRED AND NINETY-ONE, WHICH IS AN ACT TO PROVIDE FOR WORKING THE PUBLIC ROADS AND HIGHWAYS IN CLAY AND OTHER COUNTIES.

The General Assembly of North Carolina do enact:

Chapter 241, Public Laws 1903, repealed.

SECTION 1. That chapter two hundred and forty-one of the Public Laws of one thousand nine hundred and three be and the same is hereby repealed.

Chapter 354, Public Laws 1891, re-enacted.

SEC. 2. That chapter three hundred and fifty-four of the Public Laws of one thousand eight hundred and ninety-one be and the same is hereby re-enacted.

Section 17 amended.

SEC. 3. That section seventeen of said chapter so re-enacted be amended as follows: Strike out the word "that" at the beginning of

line one in section seventeen, and insert at the beginning of said section the following words: "that on petition of a majority of the qualified voters of Clay County"; and also amend section twenty-seven of said chapter so re-enacted by striking out the words "Macon, Swain, Graham, Cherokee" in line two of said section: *Provided*, that if a majority of the qualified voters of Clay County do not petition the commissioners as provided in section seventeen of the chapter re-enacted by this act, then upon petition of a majority of the qualified voters of any township in Clay County the commissioners of said county shall levy and assess for such township or townships the same tax as is authorized by said section seventeen of said act to be levied and collected in the same manner as provided by said chapter.

When tax levy authorized for county or township.

Macon, Swain, Graham and Cherokee counties stricken out.

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 the first day of May, one thousand nine hundred and five.

In the General Assembly read three times, and ratified this the 30th day of January, A. D. 1905.

CHAPTER 71.

AN ACT TO AMEND CHAPTER SEVEN HUNDRED AND THIRTY OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THREE BY PROVIDING FOR THE FAITHFUL PERFORMANCE OF THE DUTIES OF STENOGRAPHERS.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter seven hundred and thirty of the Public Laws of one thousand nine hundred and three be and the same is hereby amended by adding after the word "county" in the last line of section one of said chapter the words, "*Provided*, that if it shall be made to appear upon affidavit to the said board of county commissioners that any stenographer has failed or refused to furnish the copies of his notes required by chapter fifty-eight of the Public Laws of one thousand nine hundred and three, and all acts amendatory thereof, either to the court, or to counsel for any party to any action, at any term, then it shall be the duty of said board to refuse to pay or order to be paid any such stenographer for any services rendered during such term.

Relative to stenographers for Union and Buncombe counties.

When county commissioners may refuse to pay stenographer.

SEC. 2. That all laws and clauses of laws in conflict with this act shall be and they 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 30th day of January, A. D. 1905.

CHAPTER 72.

AN ACT TO AUTHORIZE WINSTON TOWNSHIP AND OTHER TOWNSHIPS OF FORSYTH COUNTY TO ISSUE BONDS TO AID IN THE CONSTRUCTION AND EQUIPMENT OF A STREET RAILWAY FROM HIGH POINT, NORTH CAROLNA, TO WINSTON-SALEM, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Petition for election on bond issue in Winston township.

Amount of issue.

Purpose.

Commissioners to order election, when.

Notice.

New registration.

Election, how conducted.

Registrars and judges; appointment, duties, etc.

Result and returns.

Form of ballots.

SECTION 1. That upon the presentation of a written petition to the Board of Commissioners of Forsyth County, signed by as many as twenty of the resident tax payers of Winston Township, Forsyth County, requesting that an election be called for the said township to vote on the question of issuing bonds in the amount of thirty-seven thousand five hundred dollars, with interest coupons, to aid in the construction and equipment by the corporation now known as the High Point Interurban Street Railway Company of an electric railway from the town of High Point, North Carolina, to the city of Winston-Salem, North Carolina, said petition to be recorded on the minutes of the board, it shall be the duty of said board of commissioners to order an election to be held within ninety days after the presentation of said petition, at the various polling places in the said township, and submit to the voters of said township the question of issuing bonds for said purpose, the bonds to be issued upon the terms and conditions hereinafter set out. The said board of commissioners shall, for at least thirty days preceding the election, give public notice of the election and the purpose thereof by publication in one or more newspapers published in said township.

SEC. 2. That the said board of commissioners shall order a new registration of the voters of said township for said election; that the registration and challenge of voters shall be conducted, and the election shall be held and conducted in the same manner as is now or may hereafter be prescribed by law for holding elections for members of the General Assembly, except as herein otherwise provided: *Provided*, that the said board of commissioners shall appoint the registrars and judges of election and any other election officers; that the registrars and judges shall at the close of the polls count the votes, certify the result and on or before the second day after the election shall make returns to the board of county commissioners, and said board shall on or before the fourth day after the election canvass and determine the returns, declare the result and cause the same to be entered on the minutes of the board.

SEC. 3. That at said election the ballots tendered and cast by the qualified voters shall have written or printed on them the words "For bond issue," or "Against bond issue," and all qualified electors who favor the issue of the bonds upon the conditions and terms set out in this act shall vote "For bond issue," and all qualified electors opposed thereto shall vote "Against bond issue."

SEC. 4. In the event that the majority of the qualified voters of said township shall at said election vote "For bond issue," the said board of commissioners shall have prepared bonds in such denominations as said board may determine, the total amount to be thirty-seven thousand five hundred dollars, with interest coupons attached, the rate of interest to be determined by said board, provided the same shall be not less than four and one-half and not exceeding five per cent. per annum, payable semi-annually during the time said bonds shall run, and the principal of said bonds shall be payable twenty years from the date of issue; said bonds and coupons shall be payable at the office of the treasurer of Forsyth County; both the bonds and coupons shall be numbered consecutively and shall be signed by the chairman of the board of county commissioners and countersigned by the secretary of said board, and the said bonds shall have impressed upon them the official seal of the register of deeds of Forsyth County. The said bonds shall be styled "Winston township bonds to aid in the construction and equipment of an electric railway from High Point, North Carolina, to Winston-Salem, North Carolina," and the said bonds and coupons shall express upon their face that they are issued for and on account of said township, and that they are payable out of the taxable property and polls of said township.

Majority of qualified votes favorable, bond issue authorized.

Form of bonds. Interest.

When due.

Where payable.

How numbered.

How executed.

Style of bonds.

SEC. 5. Said bonds shall be delivered to the president or duly authorized agent of the corporation now known as the High Point Interurban Street Railway Company upon the receipt by said board of commissioners of guaranties, satisfactory to said board, of the completion and equipment of an electric railway from High Point, North Carolina, to Winston-Salem, North Carolina, and upon the delivery to said board of the first mortgage bonds of the said corporation, amounting to thirty-seven thousand five hundred dollars par value, running not longer than twenty years, with interest coupons at the rate of not less than four and one-half per cent. per annum, payable semi-annually; said bonds and the first mortgage securing the same to be duly executed by said corporation, the mortgage to cover the entire railway and equipment and all other property of said corporation used in connection with said railway from High Point to Winston-Salem; the total amount of bonds secured by said first mortgage not to exceed three hundred and sixty thousand dollars par value. Said first mortgage bonds and coupons shall be received, held and collected or disposed of by said board of commissioners for and on account of said township, and the proceeds thereof applied upon the interest of said township bonds, and any surplus to the sinking fund created to pay off said township bonds when they shall fall due.

When and to whom delivered.

Security of bonds.

Mortgage security bonds, how held, collected and disposed of.

SEC. 6. It shall be the duty of said board of commissioners to levy annually on the taxable property and polls of said township a separate tax, the proceeds of which shall be applied: First, to payment of the interest on said township bonds as it accrues, and second, to

Tax levy for interest and sinking fund.

Collection. the creation of a sinking fund for the redemption of said bonds; said tax to be collected in the manner as other taxes.

Provisions for election in other townships. SEC. 7. Upon the presentation of a petition by not less than twenty resident tax payers of any other township in Forsyth County through which said railway shall pass, asking that an election be called for such township to vote on the question of issuing bonds to an amount set out in the petition to aid in the construction and equipment of said railway, it shall be the duty of said board of commissioners to order an election for said township, and submit said question to the qualified voters thereof, the election to be ordered, advertised, held and conducted, and the returns to be made, canvassed and the result declared in the manner as hereinbefore prescribed in the case of Winston Township; and if the majority of the qualified voters of such township shall vote in favor of the bond issue the said board shall issue and deliver the bonds for and on account of such townships to the amount voted, with interest coupons, upon the same terms and conditions, and shall annually levy a separate tax on the taxable property and polls of such township, to be collected in the manner as other taxes, the proceeds thereof to be applied for the same purposes as hereinbefore prescribed and set out in the case of Winston Township.

Bond issue for other townships.

Tax levy for such other bonds.

Townships subscribing incorporated. SEC. 8. That any township of Forsyth County, upon the majority of the qualified voters therein having voted in favor of the issue of bonds as hereinbefore set out, shall be constituted a corporation with full power and authority, through the board of county commissioners of said county, to issue the bonds of such township and to provide for the levy and collection of taxes on property and polls to pay the accruing interest on said bonds and the principal when it falls due, in the manner and upon the terms and conditions hereinbefore set forth.

Powers, etc.

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 31st day of January. A. D. 1905.

CHAPTER 73.

AN ACT TO PROVIDE FOR THE ELECTION OF COUNTY COMMISSIONERS AND JUSTICES OF THE PEACE FOR THE COUNTY OF WARREN.

The General Assembly of North Carolina do enact:

Section 716, chapter 17, The Code, vol. 1, repealed.

SECTION 1. That section seven hundred and sixteen of chapter seventeen, volume one of The Code of North Carolina, and all amendments thereto be and the same are hereby repealed, and the following

substituted in lieu thereof, viz.: There shall be elected in the county of Warren, in the State of North Carolina, at the general election to be held for election of members of the General Assembly in the year one thousand nine hundred and six, and every two years thereafter, by the duly qualified electors thereof, five persons to be chosen from the body of said county, who shall be styled "The Board of Commissioners of Warren County," and who shall hold their office for two years from the date of their qualification, which shall be the first Monday in December, one thousand nine hundred and six, and until their successors shall be elected and qualified. And they shall be qualified by taking the oath of office before the clerk of the superior court of said county, or some judge or justice of the peace. The register of deeds of said county shall be *ex officio* clerk of the said board of commissioners.

Provisions for election of county commissioners of Warren county.

Term of office.

How to qualify.

Clerk to board.

SEC. 2. That upon a petition of two-thirds of the qualified electors in any township in Warren County, North Carolina, the board of commissioners of said county shall call an election at the time and in the manner appointed for the election of members of the General Assembly in the year one thousand nine hundred and six, and every two years thereafter, for the election of not more than five nor less than three justices of the peace, as the petition shall designate, to be voted for and elected by the voters of the said township in which they reside, and who shall hold their office for two years, and until their successors are elected and qualified. The said justices of the peace shall be qualified by taking the oath of office before the clerk of the superior court of said Warren County.

Provisions for election of justices of peace.

Term of office.

Qualification.

SEC. 3. That chapter three hundred and thirty-three of the Public Laws of one thousand eight hundred and ninety-nine be and the same is hereby repealed.

Chapter 333, Public Laws 1899, repealed.

SEC. 4. All laws and clauses of laws in conflict with this act 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 the 31st day of January, A. D. 1905.

CHAPTER 74.

AN ACT TO PREVENT THE OBSTRUCTION OF THE PUBLIC ROAD IN THE TOWN OF KEYSER IN MOORE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons, corporation, or any conductor of any train of railroad cars, or any other agent or servant of any railroad company to obstruct unnecessarily the public road in the town of Keyser in Moore County by permitting any railroad car or cars or locomotives to remain

Unlawful to obstruct road by train, timber, etc.

upon or across said public road for a longer period of time than five minutes; or to permit any timber, wood or other obstruction to remain upon or across said public road to the hindrance or inconvenience of any person or persons passing along or upon said public road.

Penalty.

SEC. 2. Every person or corporation so offending shall forfeit and pay any sum not exceeding twenty-five dollars nor less than ten dollars and all costs, and shall be liable for all damages arising to any person or persons from such obstruction to said public road. Damages to be recovered on the suit of person or persons injured.

Conflicting laws repealed.

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

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

In the General Assembly read three times, and ratified this the 31st day of January, A. D. 1905.

CHAPTER 75.

AN ACT TO ABOLISH THE SECOND WEEK OF LINCOLN COUNTY SPRING TERM OF THE SUPERIOR COURT.

The General Assembly of North Carolina do enact:

Chapter 28, Public Laws 1901, amended.

SECTION 1. That chapter twenty-eight of the Public Laws of one thousand nine hundred and one be amended by striking out the words "to continue two weeks" on page one hundred and seventy-two in section relating to Lincoln 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 31st day of January, A. D. 1905.

CHAPTER 76.

AN ACT TO REGULATE THE HOLDING OF COURTS IN HERTFORD COUNTY.

The General Assembly of North Carolina do enact:

Provisions for hearing civil causes at August term.

SECTION 1. That all civil causes and actions not requiring a jury trial may be heard and determined at the August Term of the Superior Court of Hertford County, just as at any other regular term of said court.

Jury cases may be tried by consent.

SEC. 2. That jury cases on the civil docket of said court may be tried by consent of all parties at said August terms.

Fall term, beginning and length.

SEC. 3. That the fall term of said court shall begin on the sixth Monday after the first Monday in September, and continue for two weeks, unless sooner adjourned by the court.

SEC. 4. That the county commissioners of said county shall draw fifteen extra jurors to serve as jurors during the second week of said court. The jurors of the first week shall not be required to serve as regular jurors longer than the first week, unless engaged in the trial of an action that goes over into the second week, and on the determination of any such action they shall be discharged.

Extra jurors for second week.
Service of first week jurors.

SEC. 5. That on Friday of the first week of said court the court shall have it announced at the court-house door whether the court will continue for the second week or not. If the court orders that no court will be held during the second week then the jurors summoned for jury service for that week shall not be required to attend and shall not be entitled to any pay.

Announcement for second week.
Attendance and pay of jurors for second week.

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

In the General Assembly read three times, and ratified this the 31st day of January, A. D. 1905.

CHAPTER 77.

AN ACT TO PROTECT DEER, SQUIRRELS AND BIRDS WITHIN CERTAIN DATES IN CERTAIN COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. It shall be unlawful to hunt, kill, shoot, trap or net any partridge, quail, doves, robins, wild turkeys, wild ducks and other water fowls between the first day of March and the first day of November in each year.

SEC. 2. It shall be unlawful to shoot or kill any woodcock between the first day of January and the first day of October in each year.

Closed season.
Closed season for woodcock.

SEC. 3. It shall be unlawful to shoot or kill any squirrel between the first day of March and the first day of October in each year.

Closed season for squirrels.

SEC. 4. It shall be unlawful to hunt with gun or chase with dogs, or kill, or destroy any deer between the first day of February and the first day of September in each year. Any one violating any of the provisions of this act shall be guilty of a misdemeanor, and shall be fined not exceeding fifty dollars.

Closed season for deer.

Violation a misdemeanor.
Penalty.

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

Conflicting laws repealed.

SEC. 6. This act shall apply to the following counties only: Craven and Jones.

Application restricted to Craven and Jones counties.

SEC. 7. This act shall take effect from and after its ratification.

In the General Assembly read three times, and ratified this the 31st day of January, A. D. 1905.

CHAPTER 78.

AN ACT TO AMEND CHAPTER 97 OF THE PUBLIC LAWS OF 1903, BEING "AN ACT TO PROVIDE A BETTER SYSTEM OF WORKING THE PUBLIC ROADS OF JACKSON COUNTY."

The General Assembly of North Carolina do enact:

Section 6 amended.

Time fixed for dividing townships into road districts.

Time for electing supervisors.

Section 31 amended.

Chapter 46, Public Laws 1887, made applicable.

Application to tram-ways.

Sections 2056 and 2057 of Code, as amended by chapter 46, Laws 1887, part of this act.

SECTION 1. That section six of chapter ninety-seven of the Public Laws of one thousand nine hundred and three be and the same hereby is amended by inserting between the word "thereafter" and the word "make" in line four thereof the words "on the first Monday in March"; and by inserting between the word "thereafter" and the word "shall" in line ten of said section the words "on the first Monday in March."

SEC. 2. That section thirty-one of said act be amended by inserting in line one of said section after the figures "2057" and before the word "shall" the words "as each are amended by chapter forty-six of the public laws of one thousand eight hundred and eighty-seven"; and by inserting in line two of said section thirty-one after the word "cart-way" and before the word "except" the words "trams and tram-ways"; and the said sections two thousand and fifty-six and two thousand and fifty-seven of The Code, as amended by said chapter forty-six of the public laws of one thousand eight hundred and eighty-seven, shall be taken as a part 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 2d day of February, A. D. 1905.

CHAPTER 79.

AN ACT TO AMEND CHAPTER 89, LAWS OF 1879, AND FOR THE RELIEF OF J. T. DONOHO, EX-SHERIFF OF CASWELL COUNTY

The General Assembly of North Carolina do enact:

Sections 1 and 2, chapter 89, Laws 1879, repealed.

Application of taxes collected in Milton township to pay subscription to Milton and Southerlin Narrow Gauge R. R. Co.

SECTION. 1. That sections one and two of chapter eighty-nine of the Laws of one thousand eight hundred and seventy-nine be and are hereby repealed.

SEC. 2. That all taxes levied by the Board of Commissioners of Caswell County on property in Milton Township to pay the subscription of said township to the Milton and Southerlin Narrow Gauge Railroad Company, and collected by the sheriff of said county, shall annually be paid over to the treasurer of said county and by said treasurer paid out as directed in section four of chapter seventy-five, Laws of one thousand eight hundred and seventy-six and seven.

And in case the treasurer is not able to purchase bonds at par, then the money remaining in his hands, and not used by him in payment of said bonds at par and coupons upon said bonds, shall become a sinking fund for the payment of said bonds at maturity.

SEC. 3. That all bonds and coupons paid off by said treasurer shall be burned by said treasurer in the presence of the board of county commissioners while in session, and a record of said bonds and coupons so destroyed shall be made upon the journals of said board. Cancelled bonds to be burned.
Record thereof.

SEC. 4. That the sum of one thousand eight hundred and seventy-eight dollars and thirty-two cents, collected by J. T. Donoho while sheriff of Caswell County from taxes levied upon property in said Milton Township to pay its subscription to the said Milton and Southerlin Narrow Gauge Railroad Company, and now remaining in the hands of J. T. Donoho, ex-sheriff, be paid over to the treasurer of the county to be used as in section two of this act directed. Application of amount collected by J. T. Donoho while sheriff.

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

In the General Assembly read three times, and ratified this the 2d day of February, A. D. 1905.

CHAPTER 80.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF RUTHERFORD COUNTY TO LEVY AND COLLECT SPECIAL TAXES.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of Rutherford County be and it is hereby authorized and empowered to levy and collect yearly, for as many years as may be necessary for the purposes herein named, not to exceed a period of five years, a special tax not to exceed seven cents on the one hundred dollars valuation of taxable property and twenty-one cents on each taxable poll within the county, for the purposes of paying the bonds of the county which were issued in payment of repairs of the county courthouse, and which amount in the aggregate to nine thousand seven hundred dollars. Special tax authorized.
Amount.
For what to be used.

SEC. 2. That the tax herein authorized shall be levied and collected in the same manner as State and county taxes are levied and at the same time and place, and, in making said levy, the Board of Commissioners of Rutherford County shall observe the constitutional equation between the property tax and the poll tax. Levy and collection.

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. 1905.

CHAPTER 81.

AN ACT RELATING TO DAMAGING BRIDGES ON PUBLIC
ROADS IN CHATHAM COUNTY BY TRACTION ENGINES.*The General Assembly of North Carolina do enact:*Persons running
engines liable for
damages.

SECTION 1. That all persons, firms or corporations operating or running traction engines on the public roads in Chatham County shall be liable for all damages and injuries done to the bridges therein by crossing or attempting to cross thereon with a traction engine.

Repairing damage.

SEC. 2. That any damage or injury done to such bridges thereof shall be immediately repaired by such person, firm or corporation so operating the same.

Penalty for failure
to comply.

SEC. 3. That any person, firm or corporation failing to comply with provisions of this act shall be fined not less than five nor more than fifty dollars.

SEC. 4. The provisions of 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. 1905.

CHAPTER 82.

AN ACT TO AUTHORIZE THE COUNTY BOARD OF EDUCA-
TION OF MECKLENBURG COUNTY TO BORROW MONEY
AND MORTGAGE THE PUBLIC SCHOOL BUILDING IN
DISTRICT No. 2, CHARLOTTE TOWNSHIP, TO SECURE
THE PAYMENT THEREOF AND TO SUBSCRIBE FOR
BUILDING AND LOAN STOCK TO THE AMOUNT OF \$6,000,
TO PROVIDE A FUND FOR THE REPAYMENT OF SAID
LOAN.*The General Assembly of North Carolina do enact:*Amount author-
ized.From whom bor-
rowed.

Purpose of loan.

Security.

SECTION 1. That the County Board of Education of Mecklenburg County be and it is hereby authorized and empowered to borrow the sum of six thousand dollars from the Mutual Building and Loan Association of Charlotte, North Carolina, for such time as it may deem advisable, to raise a fund for the purpose of paying off and liquidating the balance due for building the public school-house for white people in District Number Two of Charlotte Township, and to execute such mortgage, deed of trust, or other instrument, as shall be necessary and said board shall deem advisable, upon the said school building and lot, for the purpose of securing the repayment of said loan at maturity, and as an incident to the negotiation of

said loan to subscribe for sixty shares of the capital stock in said association of the par value of one hundred dollars each, and to pay from the funds derived from the special tax levied in said district for school purposes so much as shall be necessary to pay the interest accruing upon said loan and the dues upon said stock in said association.

SEC. 2. That all laws in conflict with this act shall be repealed.

Subscription to stock in building and loan authorized.
Conflicting laws repealed.

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

In the General Assembly read three times, and ratified this 2d day of February, A. D. 1905.

CHAPTER 83.

AN ACT TO EXTEND THE PROVISION OF CHAPTER 152, PUBLIC LAWS 1903, TO GATES COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and fifty-two, Public Laws of one thousand nine hundred and three, be amended by adding after the words Craven County in line four in section one the words "and Gates County."

SEC. 2. This act to take effect from its ratification.

In the General Assembly read three times, and ratified this 2d day of February, A. D. 1905.

CHAPTER 84.

AN ACT TO AMEND CHAPTER 426, PUBLIC LAWS 1903, BEING "AN ACT TO ESTABLISH A CONVICT SYSTEM OF WORKING THE PUBLIC ROADS OF GREENE COUNTY."

The General Assembly of North Carolina do enact:

SECTION 1. That chapter four hundred and twenty-six, Public Laws of one thousand nine hundred and three, being "An act to establish a convict system of working the public roads in Greene County," be amended as follows: Insert after section four of said act the following, which shall be numbered section 4a: That whenever in the discretion of the Board of Commissioners of Greene County the number of convicts so employed upon the public roads shall be deemed insufficient to prosecute said work to advantage, the board of commissioners shall have the privilege, and they are hereby authorized and empowered to hire, let or contract such convict or convicts to the board of commissioners or other proper authorities of any county with which they may contract, for such length of time as the Board

Provision for hiring convicts to other counties.

- For what purpose
convicts hired. of Commissioners of Greene County shall see fit: *Provided*, that such convicts thus hired or contracted shall be employed upon the public roads of the county or counties to which contracted and upon no other work: *Provided further*, that no convict shall be hired or contracted for a greater length of time than his actual sentence imposes.
- Proviso.
- Application of
funds paid for
convicts. 4b. That any funds which may arise from the operations of this section shall go to establish a fund for the better working of the public roads of Greene 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 2d day of February, A. D. 1905.

CHAPTER 85.

AN ACT TO REGULATE THE SALE OF COCAINE, OPIUM AND MORPHINE.

The General Assembly of North Carolina do enact:

- Unlawful to sell
or give away except
on prescription. SECTION 1. That it shall be unlawful for any person, firm or corporation to sell by retail, or give away any cocaine, opium or morphine except upon the written prescription of a reputable practicing physician, veterinary surgeon or dentist licensed under the laws of the State, which said prescription shall not be refilled unless so directed by the attending physician, except in cases of emergency and in the absence of a physician: *Provided*, that the provisions of this act shall not apply to sales at wholesale by any manufacturer or wholesale dealer who shall sell to the retail druggist, firm or corporation in original packages only, nor to sales of laudanum and paregoric, or other preparation containing not more than thirty per cent. of cocaine, morphine or opium.
- Refilling prescription.
- Exceptions.
- Violation a misdemeanor.
Penalty. SEC. 2. That any person, firm, or corporation violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be imprisoned not exceeding thirty days, or fined not exceeding fifty dollars. That no veterinary surgeon shall be allowed to prescribe for a human being or to sell, give away, or in any manner dispose of the drugs mentioned in this chapter except for the use of dumb animals.
- Restriction as to
veterinary surgeons.
- Conflicting laws
repealed. SEC. 3. That all laws and clauses of laws in conflict herewith are hereby repealed.
- SEC. 4. This act shall be in force from and after its ratification.
- In the General Assembly read three times, and ratified this the 2d day of February, A. D. 1905.

CHAPTER 86.

AN ACT TO REPEAL CHAPTER 414, PUBLIC LAWS 1903, RELATIVE TO THE SHELL-FISH INDUSTRY IN BRUNSWICK COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter four hundred and fourteen (414) of the Public Laws of one thousand nine hundred and three be and the same is hereby repealed. Repealed.

SEC. 2. That it shall be unlawful for any person, firm or corporation to take any clams from the waters of Brunswick County for the purpose of selling, shipping or marketing, or to pound or bed any clams in the waters of Brunswick County between the first day of April and the first day of November of each year. Closed season for shipping, marketing, bedding or pounding clams.

SEC. 3. That any person, firm or corporation violating the provisions of this act shall be guilty of a misdemeanor. Violation a misdemeanor.

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 February. A. D. 1905.

CHAPTER 87.

AN ACT TO AMEND CHAPTER 176, PUBLIC LAWS OF 1903, IN RELATION TO THE WORKING OF THE PUBLIC ROADS IN CHEROKEE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and seventy-six (176), Public Laws of one thousand nine hundred and three, be amended as follows, viz.: Amend section five (5) by inserting after the word "necessary" and before the word "and" in line seven the words "and shall require all hands belonging to his section to work at least six days in each year"; amend section seven (7) by striking out the words "twelve (12)" in lines one and two and insert in lieu thereof the words "ten (10)"; amend section eight (8) by striking out the words "seven (7)" in lines six and seven and insert instead the words "eight (8)"; amend section eighteen by adding at the end thereof the following words: "*And provided further, that said special tax may be levied only in such townships as may ask for the same by petition or otherwise.*" Amend section nineteen (19) by adding at the end thereof the following: "and the board of county commissioners are also authorized to pay to the respective members of the township supervisors a *per diem* of one dollar per day for the time they are necessarily engaged in the discharge of

Section 5 amended.
Number of days of road service.
Section 7 amended.
Section 8 amended.
Special tax, when levied.
Compensation of supervisors.

Deduction.

the duties enjoined under the provisions of this act, first deducting therefrom the exemption which said supervisors may be entitled to under section six at the rate of seventy-five cents per day, said accounts to be verified by said supervisors respectively."

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 2d day of February, A. D. 1905.

CHAPTER 88.

AN ACT TO AMEND SECTION 2058 OF THE CODE OF 1883, RELATIVE TO ERECTING GATES ACROSS A PUBLIC HIGHWAY.

The General Assembly of North Carolina do enact:

Advertisement
necessary for
erection of gates.

SECTION 1. That section two thousand and fifty-eight of The Code of one thousand eight hundred and eighty-three be and is hereby amended by inserting after the word "court-house" and before the word "until" in line four of said section the following: "And on the lands of the person so applying and at three public places in said township."

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

In the General Assembly read three times, and ratified this the 2d day of February, A. D. 1905.

CHAPTER 89.

AN ACT TO PREVENT THE CATCHING OF BEAR IN TRAPS IN SWAIN COUNTY.

The General Assembly of North Carolina do enact:

Unlawful.

SECTION 1. That it shall be unlawful to catch bear in the county of Swain in steel or other traps.

Penalty.

SEC. 2. That any person convicted for the above offense shall be fined for each and every offense not more than twenty-five 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 2d day of February, A. D. 1905.

CHAPTER 90.

AN ACT TO AMEND SECTION 1892 OF THE CODE, SO AS TO PROVIDE FOR THE PARTITION OF MINERAL INTERESTS WHEN TITLE TO THE SAME HAS BECOME SEPARATED FROM THE SURFACE.

The General Assembly of North Carolina do enact:

SECTION 1. That section one thousand eight hundred and ninety-two of the Code be and the same is amended by adding at the end thereof the following: And when the title to the mineral interests in any land has become separated from the surface in ownership the tenants in common of such mineral interests may have partition of the same, distinct from the surface, and without joining as parties the owner or owners of the surface; and the tenants in common of the surface may have partition of the same, in manner provided by law, distinct from the mineral interests and without joining as parties the owner or owners of the mineral interests. And in all instances where the mineral interests and surface interests have thus become separated in ownership, the owner or owners of the mineral interests shall not be compelled to join in a partition of the surface interests, nor shall the owner or owners of the surface interests be compelled to join in a partition of the mineral interests, nor shall the rights of either owner be prejudiced by a partition of the other interests.

Separate and distinct partition of mineral interests and surface interests provided.

SEC. 2. That in case of the partition of mineral interests in all instances where it shall be made to appear to the court that it would be for the best interests of the tenants in common of such interests to have the same sold, or if actual partition of the same cannot be had without injury to some or all of such tenants in common, then it shall be lawful for and the duty of the court to order a sale of such mineral interests and a division of the proceeds as the interests of the parties may appear.

Sale of mineral interest for partition authorized.

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 2d day of February, A. D. 1905.

CHAPTER 91.

AN ACT TO AMEND CHAPTER 281, PUBLIC LAWS OF 1901, AND CHAPTER 620, PUBLIC LAWS OF 1903.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two hundred and eighty-one, section five of the Public Laws of one thousand nine hundred and one is hereby stricken out, so far as it applies to Graham County.

Section 5, chapter 281, Public Laws 1901, not applicable to Graham county.

Section 1, chapter 620, Public Laws 1903, amended, maximum number of work days reduced.

SEC. 2. That section one of chapter six hundred and twenty, Public Laws of one thousand nine hundred and three, is hereby amended by striking out the word "twelve" in line four and inserting in lieu thereof the word "six."

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 3d day of February, A. D. 1905.

CHAPTER 92.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF CUMBERLAND COUNTY TO ESTABLISH A BOARD OF FENCE COMMISSIONERS FOR CROSS CREEK STOCK LAW TERRITORY, AND OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Fence commissioners, number and appointment.

SECTION 1. It shall be the duty of the Board of Commissioners of Cumberland County, at their first meeting after the ratification of this act, to appoint three freeholders residing within the limits of the territory known as the "Cross Creek Stock Law Territory" and without corporate limits of the city of Fayetteville, as fence commissioners of said stock law territory, who shall constitute and be known as the "Cross Creek Stock Law Commissioners."

Organization of commission.

SEC. 2. Within ten days after the appointment of said commissioners they shall meet and organize by electing one of their number chairman and one secretary, and notify the clerk of the board of county commissioners of their organization.

Duties of commissioners.

SEC. 3. It shall be the duty of the said commissioners to ascertain and report in writing to said county commissioners on the first day of June each and every year the amount of assessments, in their opinion, necessary to be levied on all property within said territory subject to assessment for the purpose of maintaining the fence of said territory: *Provided*, that said board of county commissioners shall levy such an assessment upon said property as in their discretion they may deem proper, not to exceed the amount now provided by law.

Tax levy for maintaining fences.

Collection and disposition of said taxes.

SEC. 4. The Sheriff of Cumberland County shall collect said assessments as other taxes are collected, and the same shall be paid by him to the treasurer of said county, who shall keep it as a separate fund, known as the "Cross Creek Stock Law Fund," and pay it out only upon vouchers signed by the chairman and secretary of said board of stock law commissioners.

Report of commissioners.

SEC. 5. It shall be the duty of said stock law commissioners to make a written itemized report, duly verified, to the said county commissioners, on or before the first day of June of each year, of

all disbursements made by them for the preceding year, to whom and for what purpose.

SEC. 6. All outstanding indebtedness of said stock law territory shall be assumed by said stock law commissioners, and shall be paid out of the fund belonging to said stock law territory. Provision for payment of indebtedness.

SEC. 7. That said fence commissioners shall receive two dollars *per diem* for attending upon meetings of their board, to be paid out of the funds belonging to said stock law territory: *Provided*, that they shall not receive pay for more than four meetings in one year. Compensation.

SEC. 8. That the term of office of said fence commissioners shall expire on the first day of December, one thousand nine hundred and six, or when their successors are appointed and qualified; and their successors shall serve for a term of two years and shall be appointed by the said county commissioners every two years thereafter. Term of office.

SEC. 9. All the words after the word "divided" in line eleven of section three, chapter four hundred and twenty, Public Laws of one thousand eight hundred and ninety-seven, are hereby stricken out and repealed; and all of section four of chapter five hundred and eighty-two, Public Laws of one thousand nine hundred and three, is hereby repealed. Section 3, chapter 420, Public Laws 1897, amended.

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

In the General Assembly read three times, and ratified this 3d day of February, A. D. 1905.

CHAPTER 93.

AN ACT TO VALIDATE JUDGMENTS UNDER WHICH SALES OF CONTINGENT REMAINDERS HAVE BEEN MADE.

The General Assembly of North Carolina do enact:

SECTION 1. That in all cases wherein property has been conveyed by deed, or devised by will, upon contingent remainder, executory devise or other limitation wherein a judgment of a Superior Court has been rendered authorizing the sale of such property discharged of such contingent remainder, executory devise or other limitation in actions or special proceedings wherein all persons in being who would have taken such property if the contingency had then happened were parties, such judgment shall be valid and binding upon the parties thereto and upon all other persons not then in being: *Provided*, that nothing herein contained shall be construed to impair or destroy any vested right or estate. Provisions for validation. Not to impair vested rights.

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

In the General Assembly read three times, and ratified this the 3d day of February, A. D. 1905.

CHAPTER 94.

AN ACT TO AMEND CHAPTER 208 OF THE PUBLIC LAWS OF 1903.

The General Assembly of North Carolina do enact:

Regulating sale of
scrap metal made
applicable to
"Moore" and
"Wake" counties.

SECTION 1. That chapter two hundred and eight of the Public Laws of one thousand nine hundred and three be amended as follows: In line six, section three, change the word "county" to "counties," and add in the same line the words "Moore and Wake" after the word "Forsyth."

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

In the General Assembly read three times, and ratified this the 3d day of February, A. D. 1905.

CHAPTER 95.

AN ACT TO FIX THE TIME FOR LEVYING ON REAL AND PERSONAL PROPERTY AND COLLECTING THE TAXES IN MADISON COUNTY.

The General Assembly of North Carolina do enact:

When sheriff
authorized to levy
and sell personal
property.

SECTION 1. That the Sheriff of Madison County be and he is hereby authorized and empowered to levy upon and sell, after the first day of November of each and every year, personal property for taxes due said county and State, but only in the manner provided by law for the collection of taxes.

When real estate.

SEC. 2. That said sheriff be and he is hereby authorized and empowered to levy upon and sell, after the first day of March of each and every year, real estate for taxes due said county and State, but only after the notice and in the manner provided by law for the collection of taxes.

Conflicting laws
repealed.

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

Future conflicting
laws inoperative.

SEC. 4. That no law passed at the present session of the General Assembly shall have the effect of repealing, by implication, any of the provisions of this act.

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

In the General Assembly read three times, and ratified this the 3d day of February, A. D. 1905.

CHAPTER 96.

AN ACT TO REPEAL CHAPTER 513 OF THE PUBLIC LAWS OF 1899, RELATING TO THE SALE OF LIQUORS ON THE ATLANTIC HOTEL PROPERTY IN MOREHEAD CITY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter five hundred and thirteen of the Public Laws of one thousand eight hundred and ninety-nine be and the same is hereby repealed. Law authorizing sale of liquors repealed.

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 3d day of February, A. D. 1905.

CHAPTER 97.

AN ACT TO FIX THE TIME FOR SELLING REAL ESTATE FOR TAXES IN THE COUNTY OF JACKSON.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall also be lawful for the sheriff or tax collector of Jackson County to sell real estate for delinquent taxes due in said county on the first Monday in February of each year, after having first given the notice required by law. Time fixed for selling real estate.

SEC. 2. That all such sales of real estate heretofore made in said county for delinquent taxes on the first Mondays in the months of February in the years one thousand eight hundred and ninety-four to one thousand nine hundred and four, inclusive, are hereby ratified, confirmed and declared to be legal sales, and the same are declared to be as valid to all intents and purposes as if the same had been made on the first Mondays in May of the respective years mentioned. Former sales validated.

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

Application restricted.

SEC. 4. That the provisions of this act shall apply only to the county of Jackson.

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 3d day of February, A. D. 1905.

CHAPTER 98.

AN ACT TO AMEND CHAPTER 28 OF THE PUBLIC LAWS OF 1901, SO AS TO GIVE THE FEBRUARY TERM OF THE SUPERIOR COURT OF CUMBERLAND COUNTY JURISDICTION OF CRIMINAL CASES.

The General Assembly of North Carolina do enact:

Provisions for criminal and civil jurisdiction at February term Cumberland court.

SECTION 1. That section one of chapter twenty-eight, Public Laws of one thousand nine hundred and one, be and the same is hereby amended by inserting after the word "March," being the first word in line nine of the subdivision of said section, entitled "Cumberland County," the following words, viz., "for the trial of both criminal and civil cases," and by striking out the word "each," being the last word in said line nine of said subdivision of said section.

County commissioners authorized to draw jury.

SEC. 2. That the Board of Commissioners of Cumberland County are hereby authorized and empowered to meet in special session at any time after the ratification of this act and before the February Term, one thousand nine hundred and five, of the Superior Court of Cumberland County, and draw a sufficient number of jurors to constitute, together with any jurors heretofore drawn to serve at said term, the full complement of jurors required by law to constitute a grand jury and petit jury for said term; and said jury so drawn shall be a lawfully constituted jury, qualified to serve at said term, from the body of which a grand jury shall be selected as provided by law.

Number of jurors.

Conflicting laws repealed.

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

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

In the General Assembly read three times, and ratified this 3d day of February, A. D. 1905.

CHAPTER 99.

AN ACT TO PROTECT GAME IN PAMLICO COUNTY.

The General Assembly of North Carolina do enact:

Closed season for game.

SECTION 1. That it shall be unlawful for any person or persons to hunt or kill deer between the first day of February and the

fifteenth day of July, or to hunt or kill squirrels between the first day of March and the first day of October, or to hunt or kill quail or partridges between the first day of March and the first day of November in each and every year.

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 more than twenty-five dollars or imprisoned not more than ten days, or both, at the discretion of the court, for each day's violation.

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

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 February, A. D. 1905.

CHAPTER 100.

AN ACT TO AMEND CHAPTER 58 OF THE PUBLIC LAWS OF 1903.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter fifty-eight of the Public Laws of one thousand nine hundred and three be amended as follows: By adding the words "also Clerk of the Superior Court of Richmond County" after the words "Buncombe County" in section one, line three of said act, and by adding the word "Richmond" after the word "Union" in section nine. line three 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 the 4th day of February, A. D. 1905.

CHAPTER 101.

AN ACT TO PROTECT DEER AND TURKEYS IN RICHMOND COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person to hunt, catch, trap or kill deer or turkeys in the county of Richmond between the first day of January and the first day of October of any year.

SEC. 2. That any person violating this act shall be guilty of a misdemeanor, and upon conviction shall pay a fine of not less than five nor more than ten dollars.

Pub.—8

SEC. 3. 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. 1905.

CHAPTER 102.

AN ACT TO PREVENT DRUNKENNESS IN CHATHAM COUNTY.

The General Assembly of North Carolina do enact:

Penalty for drunkenness or boisterous conduct on public highway, etc.

SECTION 1. That any person who shall be guilty of drunkenness and boisterous conduct on any public highway or any public gathering or place off his own premises shall, upon conviction thereof, be fined not less than five dollars nor more than twenty-five dollars for each offense.

Application restricted.

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

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. 1905.

CHAPTER 103.

AN ACT TO PREVENT FELLING OF TREES IN MOORE'S CREEK PENDER COUNTY.

The General Assembly of North Carolina do enact:

Made unlawful.

SECTION 1. It shall be unlawful for any person or persons or corporation to fell or cut any timber, logs or tree tops or other obstructions and leave the same in the run of Moore's Creek, in Pender County.

Violation a misdemeanor.

SEC. 2. Any person, persons or corporation violating section one of this act, upon conviction, shall be guilty of a misdemeanor and fined not less than five dollars nor more than thirty dollars for each and every offense.

Penalty.

When effective.

SEC. 3. This act shall take effect from and after the first day of April, one thousand nine hundred and five.

In the General Assembly read three times, and ratified this the 4th day of February, A. D. 1905.

CHAPTER 104.

AN ACT TO AMEND SECTION 1027 OF THE CODE.

The General Assembly of North Carolina do enact:

SECTION 1. That section one thousand and twenty-seven of The Code be amended by striking out all of the words following after the word "made" in line sixteen, to-wit: "This offense shall be punishable as in the preceding section." Punishment reduced for failure to apply property, etc., to debt after written promise.

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 February, A. D. 1905.

CHAPTER 105.

AN ACT TO AMEND CHAPTER 424 OF THE PUBLIC LAWS OF 1887, IN REGARD TO REIDSVILLE SCHOOL DISTRICT IN ROCKINGHAM COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the school committee of Reidsville School District, in Rockingham County, heretofore incorporated under the name of "The School Committee of Reidsville School District, Reidsville, North Carolina," are hereby authorized and empowered, if they deem it best, to submit to the qualified voters of the territory embraced in the said Reidsville School District the question whether the said committee shall be permitted to change the maximum amount now allowed to be levied and collected for school purposes under the provision of chapter four hundred and twenty-four, section two, of the Public Laws of eighteen hundred and eighty-seven, from twenty cents on the one hundred dollars valuation of property to thirty-six cents, and from sixty cents on the poll to one dollar and eight cents; and the said school committee may, after four weeks' notice in some newspaper published in the town of Reidsville, or, if there be no such newspaper, after thirty days' notice posted at five public places in said town of Reidsville, order an election to be held at the town hall or some other public place in said town, and appointing the time and place for such election. Election on change of maximum authorized.

SEC. 2. The school committee aforesaid shall, in case an election is ordered, appoint a registrar and two judges of election, who shall have the power now or hereafter conferred by the laws of this State in such persons, so far as the same may be applicable to this election. There shall be an entirely new registration of voters for the election herein provided for, of which the school Appointment of registrars. New registration provided for.

Who qualified to vote.	committee aforesaid shall give ten days' notice, posted in five public places in the town of Reidsville, and all persons residing in the territory of the Reidsville School District who are entitled to vote shall be registered by the registrar. All persons entitled to vote for members of the General Assembly and who reside within the limits of the Reidsville School District shall be entitled to vote under this act.
Notice of registration.	SEC. 3. The registrar shall give ten days' notice, posted at five public places in the town of Reidsville, of the time and place of registration, which shall be at the town hall or some other public place in the town of Reidsville. The registration books shall be kept open for ten days immediately preceding the election.
Registration books, when kept open.	
Election, how held.	SEC. 4. The election herein provided for shall be subject to the law as provided for the election of members of the General Assembly, so far as the same may be applicable. Those in favor of allowing the school committee aforesaid to increase the taxes as provided in this act shall vote a ticket, without device, on which is printed or written the words "For Tax," and those opposed shall vote a ticket, without device, on which is printed or written the words "Against Tax."
Form of ballot.	
Polls open.	SEC. 5. The polls shall be open from sunrise to sunset on the day of election, and when the election is concluded the registrar and judge of election shall count the votes and certify the result to the aforesaid school committee of the Reidsville School District.
Count and certifying result.	
Increase of tax if vote is favorable.	SEC. 6. If a majority of the qualified voters within the limits of the Reidsville School District shall vote at the election in favor of an increase of the taxes as herein provided for, the school committee aforesaid and their successors in office may, if they deem it best, adopt thirty-six cents on the one hundred dollars valuation of property and one dollar and eight cents on the poll as the maximum of taxes to be levied and collected for school purposes under chapter four hundred and twenty-four, section two, of the Public Laws of one thousand eight hundred and eighty-seven, as herein amended, for the Reidsville School District, and may petition the Board of Commissioners of Rockingham County to levy and collect the amount of taxes herein provided for, in addition to the amount provided for in said chapter four hundred and twenty-four of the Public Laws of one thousand eight hundred and eighty-seven, and the said Board of Commissioners of Rockingham County shall grant the said petition and levy the said taxes, and the sheriff shall collect the same, which shall be applied as provided in chapter four hundred and twenty-four of the Public Laws of one thousand eight hundred and eighty-seven.
Levy and collection.	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 February, A. D. 1905.

CHAPTER 106.

AN ACT TO PROVIDE FOR THE CANCELLATION OF MORTGAGES GIVEN IN LIEU OF BOND FOR APPEARANCE IN CRIMINAL PROCEEDINGS OR FOR SECURITY OF COSTS OR FINE IN CRIMINAL ACTIONS.

The General Assembly of North Carolina do enact:

SECTION 1. Any mortgage given by any person in lieu of bond or undertaking or recognizance for his appearance at any court in any criminal proceeding, or for the security of any cost or fine in a criminal action, which has been registered, when the party made his appearance at the court to which he was bound and did not depart the court without leave, or paid the cost or fine required, may be cancelled or discharged by the clerk of the court of the county where such action was pending by entry of "satisfaction" upon the margin of the record where such mortgage is recorded, in the presence of the register of deeds or his deputy, who shall subscribe his name as a witness thereto, and such release shall have the effect to discharge and release all the right, title and interest of the State of North Carolina in and to the property described in said mortgage.

Method of cancellation prescribed.

Effect of release.

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

Conflicting laws repealed.

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

In the General Assembly read three times, and ratified this the 4th day of February, A. D. 1905.

CHAPTER 107.

AN ACT TO AMEND SECTION 23, CHAPTER 164, LAWS OF 1899, TO ESTABLISH THE NORTH CAROLINA CORPORATION COMMISSION.

The General Assembly of North Carolina do enact:

SECTION 1. That section twenty-three, chapter one hundred and sixty-four, Laws of eighteen hundred and ninety-nine, entitled "An act to establish the North Carolina Corporation Commission," is hereby amended by adding at the end of said section twenty-three the following: "If no appeal is taken from an order or judgment of the Corporation Commission within the time prescribed by law, but the corporation affected thereby fails to put said order in operation, the Corporation Commission may apply to the judge riding the Superior Court district which embraces Wake County, or to the resident judge of said district at chambers,

Provision for peremptory mandamus to enforce judgment, where no appeal taken.

upon ten days' notice, for a peremptory *mandamus* upon said corporation for the putting in force of said judgment or order; and if said judge shall find that the order of said Commission was valid and within the scope of its powers, it shall issue such peremptory *mandamus*. An appeal shall lie to the Supreme Court in behalf of the Corporation Commission, or the defendant corporation, from the refusal or the granting of such peremptory *mandamus*.

Provision for
appeal to Supreme
Court.

Where decree of
appellate court to
embrace man-
damus.

SEC. 2. In all cases in which, upon appeal, a judgment of the Corporation Commission is affirmed, in whole or in part, the appellate court shall embrace in its decree a *mandamus* to the appellant to put said order in force, or so much thereof as shall be affirmed."

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 February, A. D. 1905.

CHAPTER 108.

AN ACT TO REVISE, CONSOLIDATE AND AMEND THE PHARMACY LAW.

The General Assembly of North Carolina do enact:

Body politic.

SECTION 1. That the North Carolina Pharmaceutical Association, and the persons composing the same, shall continue to be a body politic and corporate, under the name and style of the North Carolina Pharmaceutical Association, and by said name shall have the right to sue and be sued, to plead and be impleaded, to purchase and hold real estate and grant the same, to have and to use a common seal, and to do such other things and perform such other acts as appertain to bodies corporate and politic, not inconsistent with the Constitution and laws of the State.

Name.

Corporate powers.

Objects of associa-
tion.

SEC. 2. That the object of said association is to unite the pharmacists and druggists of this State for mutual aid, encouragement and improvement, to encourage scientific research, develop pharmaceutical talent, to elevate the standard of professional thought and ultimately restrict the practice of pharmacy to properly qualified druggists and apothecaries.

Responsibility of
druggists for
purity of drugs, etc.

SEC. 3. That every person who shall engage in the sale of drugs, chemicals and medicines shall be held responsible for the quality of all drugs, chemicals and medicines he may sell or dispense, with the exception of those sold in the original packages of the manufacturers, and also those known as "patent or proprietary medicines"; and should he intentionally adulterate, or cause to be adulterated, or exposed to sale, knowing the same to be adulterated, any drugs, chemicals or medical preparations, he

Intentional adulteration a misdemeanor.

shall be guilty of a misdemeanor and liable to a fine not exceeding one hundred dollars, and in addition thereto his name shall be stricken from the register of licensed pharmacists, provided he be a licensed pharmacist.

SEC. 4. That it shall be unlawful for any person not licensed as a pharmacist within the meaning of this act to conduct or manage any pharmacy, drug or chemical store, apothecary shop or other place of business for the retailing, compounding or dispensing of any drugs, chemicals or poison, or for the compounding of physicians' prescriptions, or to keep exposed for sale at retail any drugs, chemicals or poison, except as hereinafter provided, or for any person not licensed as a pharmacist within the meaning of this act to compound, dispense or sell at retail any drug, chemical, poison or pharmaceutical preparation upon the prescription of a physician or otherwise, or to compound physicians' prescriptions except as an aid to and under the immediate supervision of a person licensed as a pharmacist under this act. And it shall be unlawful for any owner or manager of a pharmacy or drug store or other place of business to cause or permit any other than a person licensed as a pharmacist to compound, dispense or sell at retail any drug, medicine or poison except as an aid to and under the immediate supervision of a person licensed as a pharmacist: *Provided, however*, that nothing in this section shall be construed to interfere with any legally registered practitioner of medicine in the compounding of his own prescriptions, nor with the exclusively wholesale business of any dealer who shall be licensed as a pharmacist or who shall keep in his employ at least one person who is licensed as a pharmacist, nor with the selling at retail of non-poisonous domestic remedies, nor with the sale of patent or proprietary preparations which do not contain poisonous ingredients, nor with the sale of poisonous substances which are sold exclusively for use in the arts or for use as insecticides when such substances are sold in unbroken packages bearing a label having plainly printed upon it the name of the contents, the word "Poison," the vignette of the skull and cross bones and the name of at least two readily obtainable antidotes: *Provided, further*, that in any village of not more than five hundred inhabitants the board of pharmacy may grant any legally registered practicing physician a permit to conduct a drug store or pharmacy in such village, which permit shall not be valid in any other village than the one for which it was granted, and shall cease and terminate when the population of the village for which such permit was granted shall become greater than five hundred: *And provided further*, that the board of pharmacy may, after due investigation, grant to any legally registered practicing physician in towns or villages of not more than five hundred, and not exceeding six hundred inhabitants, a permit to conduct a drug store or pharmacy in such town or village subject to the provisions of this act.

Unlawful for
unlicensed pharmacist to conduct
or manage drug
store, compound
prescriptions, etc.

Unlawful for
owner or manager
to permit the same.

Proviso as to
licensed physician.

Wholesale dealers.

Other exceptions.

Proviso as to towns
under five hundred
inhabitants.

Towns not exceed-
ing six hundred
inhabitants.

Board of pharmacy.	SEC. 5. That the board of pharmacy shall consist of five persons licensed as pharmacists within this State, who shall be elected and commissioned by the Governor as hereinafter provided.
Present board, continuance in office, etc.	SEC. 6. That the members of the present board of pharmacy shall continue in office until the expiration of their respective terms, and the rules, regulations and by-laws of said board, so far as they are not inconsistent with the provisions of this act, shall continue in effect.
Vacancy, how filled.	SEC. 7. That the North Carolina Pharmaceutical Association shall annually elect a resident pharmacist from its number to fill the vacancy annually occurring in said board, and the pharmacist so elected shall be commissioned by the Governor and shall hold office for the term of five years and until his successor has been duly elected and qualified. In case of death, resignation or removal from the State of any member of said board of pharmacy the said board shall elect in his place a pharmacist who is a member of said North Carolina Pharmaceutical Association, who shall be commissioned by the Governor as a member of the said board of pharmacy for the remainder of the term. It shall be the duty of a member of the board of pharmacy, within ten days after receipt of notification of his appointment and commission, to appear before the clerk of the superior court of the county in which he resides and take and subscribe an oath to properly and faithfully discharge the duties of his office according to law.
Oath of office.	
President and secretary and treasurer.	SEC. 8. The board of pharmacy shall organize by the election of a president and a secretary and treasurer, both of whom shall be members of the said board, and they shall hold their offices until their successors shall have been elected and qualified. The secretary and treasurer shall give bond in such sum as may be prescribed by the board, conditioned for the faithful discharge of the duties of his office according to law, and said bond shall be made payable to the North Carolina Board of Pharmacy and approved by the president of said board. The said board shall hold an annual meeting at such time and place as it may provide by rule for the examination of candidates and for the discharge of such other business as may legally come before it, and said board may hold such additional meetings as may be necessary for the examination of candidates and for the discharge of any other business.
Bond of secretary and treasurer.	
Annual meetings.	
Additional meetings.	
Common seal.	SEC. 9. That the board of pharmacy shall have a common seal, and shall have the power and authority to adopt such rules, regulations and by-laws, not inconsistent with this act, as may be necessary for the regulation of its proceedings, and for the discharge of the duties imposed under this act, and shall have power and authority to employ an attorney to conduct prosecutions and to assist in the conduct of prosecutions under this act,
Powers of board.	

and for any other purposes which said board may deem necessary. The said board of pharmacy shall keep a record of its proceedings and a register of all persons to whom certificates of license as pharmacists and permits have been issued, and of all renewals thereof; and the books and register of the said board, or a copy of any part thereof, certified by the secretary, attested by the seal of said board, shall be taken and accepted as competent evidence in all the courts of the State. The said board of pharmacy shall make annually to the Governor and to the North Carolina Pharmaceutical Association written reports of its proceedings and of its receipts and disbursements under this act and of all persons licensed to practice as pharmacists in this State. A majority of the board shall constitute a quorum for the transaction of all business.

SEC. 10. That the secretary of the board of pharmacy shall receive such salary as may be prescribed by the board and shall be paid his necessary expenses while engaged in the performance of his official duties. The other members of the said board shall receive the sum of five dollars for each day actually employed in the discharge of their official duty and their necessary expenses while engaged therein: *Provided*, that the compensation and expenses of the secretary and members of the said board of pharmacy and all disbursements for expenses incurred by the said board in carrying into effect and executing the provisions of this act shall be paid from and out of the fees received by the said board.

SEC. 11. Upon information that any provision of this act has been or is being violated, the secretary of the board of pharmacy shall promptly make investigations of such matters, and, upon probable cause appearing, shall file complaint and prosecute the offender. All fines and penalties prescribed in this act shall be recoverable by suit in the name of the people of the State.

SEC. 12. That the board of pharmacy shall be entitled to charge and collect the following fees: For the examination of an applicant for license as a pharmacist, five dollars; for renewing the license as a pharmacist, two dollars; for issuing a permit to a physician to conduct a drug store in a village of not more than five hundred inhabitants, three dollars; for the renewal of permit to a physician to conduct a drug store in a village of not more than five hundred inhabitants, two dollars. All fees shall be paid before any applicant may be admitted to examination or his name placed upon the register of pharmacists, or before any license or permit or any renewal thereof may be issued by the said board.

SEC. 13. That every person now licensed or registered as a pharmacist under the laws of this State shall be entitled to continue in the practice of his profession until the expiration of the term for which his certificate of registration or license was issued.

Application for license.	Every person who shall hereafter desire to be licensed as a pharmacist shall file with the secretary of the board of pharmacy an application, duly verified under oath, setting forth the name and age of the applicant, the place or places at which and the time he has spent in the study of the science and art of pharmacy, the experience in the compounding of physicians' prescriptions which the applicant has had under the direction of a legally licensed pharmacist, and such applicant shall appear at a time and place designated by the board of pharmacy and submit to an examination as to his qualifications for registration as a licensed pharmacist. The application hereinafter referred to shall be prepared and furnished by the board of pharmacy.
Examination.	
Qualifications of applicants.	SEC. 14. That in order to become licensed as a pharmacist, within the meaning of this act, an applicant shall not be less than eighteen years of age, he shall present to the board satisfactory evidence that he has had three years' experience in pharmacy under the instruction of a licensed pharmacist, and he shall also pass a satisfactory examination before the board of pharmacy: <i>Provided, however,</i> that in the case of persons who have attended a reputable school or college of pharmacy the actual time of attendance at such school or college of pharmacy may be deducted from the time of experience required, but in no case shall less than two years' experience be required for a registration as a licensed pharmacist.
Proviso as to attendance on school or college of pharmacy.	
Minimum experience required.	
When license to be issued.	SEC. 15. That if an applicant for license as a pharmacist has complied with all the requirements of the two preceding sections, the board of pharmacy shall enroll his name upon the register of pharmacists and issue to him a license which shall entitle him to practice as a pharmacist up to the first day of September next ensuing, as provided in this act for the annual renewal of every registration.
License without examination.	SEC. 16. That the board of pharmacy may issue license to practice as pharmacists in this State, without examination, to such persons as have been legally registered or licensed as pharmacists by other boards of pharmacy: <i>Provided,</i> that the applicant for such license shall present satisfactory evidence of the same qualifications as are required from licentiates in this State, and that he was registered or licensed by examination by such other board of pharmacy, and that the standard of competence required by such board of pharmacy is not lower than that required in this State: <i>Provided further,</i> that applicants for license under this section shall, with their application, forward to the secretary of the board of pharmacy the same fees as are required of other candidates for license.
Proviso as to qualification.	
Proviso as to fees.	
Power to refuse license.	SEC. 17. The board of pharmacy may refuse to grant a license to any person guilty of felony or gross immorality, or who is addicted to the use of alcoholic liquors or narcotic drugs to such an extent as to render him unfit to practice pharmacy; and the

board of pharmacy may, after due notice and hearing, revoke a license for like cause or any license which has been procured by fraud.

Revocation of license.

SEC. 18. That every certificate or license to practice as a pharmacist, and every permit to a practicing physician to conduct a pharmacy or drug store in a village of not more than five hundred inhabitants, and every last renewal of such license or permit shall be conspicuously exposed in the pharmacy or drug store or place of business of which the pharmacist, or other person to whom it is issued, is the owner or manager, or in which he is employed. Every licensed pharmacist who desires to continue in the practice of his profession, and every physician holding a permit to sell drugs in a village of not more than five hundred inhabitants shall, within thirty days next preceding the expiration of his license or permit, file with the secretary and treasurer of the board of pharmacy an application for the renewal thereof, which application shall be accompanied by the fee hereinbefore prescribed.

License to be conspicuously exposed.

Application for renewal of license.

SEC. 19. That if the board of pharmacy shall find that an applicant has been legally licensed in this State, and is entitled to a renewal thereof, or to a renewal of a permit, it shall issue to him a certificate attesting that fact. And if any pharmacist shall fail, for a period of sixty days after the expiration of his license to make application to the board for its renewal, his name shall be erased from the register of licensed pharmacists, and such person, in order to again become registered as a licensed pharmacist, shall be required to pay the same fee as in the case of original registration. And if any holder of a permit to sell drugs in a village of not more than five hundred inhabitants shall fail, for a period of sixty days after the expiration of his permit, to make application for the renewal thereof, his name shall be erased from the register of persons holding such permits, and he may be restored thereto only upon the payment of the fee required for the granting of original permit. The registration of every license and every permit issued by the board shall expire on the thirty-first day of August next ensuing the granting thereof.

When renewal to issue.

Failure to apply for renewal, name erased.

After erasure, fee required for renewal.

Failure to apply in towns of less than five hundred inhabitants, erasure and restoration.

Expiration of license.

SEC. 20. That it shall be unlawful for any persons to sell or deliver to any person any of the following described substances or any poisonous compound, combination or preparation thereof, to-wit: The compounds and salts of arsenic, antimony, lead, mercury, silver and zinc, oxalic and hydrocyanic acids and their salts, the concentrated mineral acids, carbolic acid, the essential oils of almonds, pennyroyal, tansy and savine, croton-oil, creosote, chloroform, chloral hydrate, cantharides, or any aconite, belladonna, bitter almonds, colchicum, cotton root, conium, cannabis indica, digitalis, hyoscyamus, nux vomica, opium, ergot, cannabis stramonius, or any of the poisonous alkaloids or alkaloidal salts or other poisonous principles derived from the foregoing, or cocaine

Unlawful to sell certain poisonous substances, except as prescribed in this section.

When lawful.	or any other poisonous alkaloids or their salts, or any other virulent poisons, except in the manner following: It shall first be learned by due inquiry that the person to whom delivery is made is aware of the poisonous character of the substance, and that it is desired for a lawful purpose, and the box, bottle or other package shall be plainly labeled with the name of the substance, the word "Poison," and the name of the person or firm dispensing the substance. And before a delivery is made of any of the following substances, to-wit, the compounds and salts of arsenic, antimony and mercury, hydrocyanic acid and its salts, strychnine and its salts, and the essential oil of bitter almonds, there shall be recorded in a book kept for the purpose the name of the article, the quantity delivered, the purpose for which it is required as represented by the purchaser, the date of delivery, the name and address of the purchaser, the name of the dispenser, which book shall be preserved for at least five years and shall at all times be open to the inspection of the proper officers of the law: <i>Provided, however,</i> that the foregoing provision shall not apply to articles dispensed upon the order of persons believed by the dispenser to be lawfully authorized practitioners of medicine or dentistry: <i>And provided also,</i> that the record of sale and delivery above mentioned shall not be required of manufacturers and wholesalers who shall sell any of the foregoing substances at wholesale; but the box, bottle or other package containing such substances, when sold at wholesale, shall be properly labeled with the name of the substance, the word "Poison," and the name and address of the manufacturer or wholesaler: <i>Provided further,</i> that it shall not be necessary to place a poison label upon or to record the delivery of the sulphide of antimony or the oxide or carbonate of zinc or lead, or of colors ground in oil and intended for use as paint, or Paris green, when dispensed in the original package of the manufacturer or wholesaler, or calomel, paregoric or other preparations of opium containing less than two grains of opium to the fluid ounce, nor in the case of preparations containing any of the substances named in this section when in a single box, bottle or other package, or when the bulk of two fluid ounces or the weight of two avordupois ounces does not contain more than an adult medicinal dose of such poisonous substance.
Record of sale of poison.	
Preservation of record.	
Proviso as to practitioners.	
Manufacturers and wholesale dealers.	
Proviso as to labeling paints.	
Proviso as to poisons in medicinal percentages.	
Prescription files required.	SEC. 21. That every proprietor or manager of a drug store or pharmacy shall keep in his place of business a suitable book or file, in which shall be preserved for a period of not less than five years the original of every prescription compounded or dispensed at such drug store or pharmacy. Upon the request of the prescribing physician, or of the person for whom such prescription was compounded or dispensed, the proprietor or manager of such drug store or pharmacy shall furnish a true and correct copy of such prescription, and said book or file of original prescriptions shall at all times be open to the inspection and examination of
Copy of prescriptions.	
Prescription files open to inspection.	

duly authorized officers of the law or other persons authorized and directed by the board of pharmacy to make such inspection and examination.

SEC. 22. That it shall be unlawful for any person not legally licensed as a pharmacist to take, use or exhibit the title of pharmacist or licensed or registered pharmacist, or the title druggist or apothecary, or any other title, name or description of like import.

Unlawful for non-licentiate to use or exhibit title.

SEC. 23. That any person, not being licensed as a pharmacist, who shall conduct or manage any drug store, pharmacy or other place of business for the compounding, dispensing or sale at retail of any drugs, medicines or poisons, or for the compounding of physicians' prescriptions contrary to the provisions of section four of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than twenty-five dollars nor more than one hundred dollars, and each week such drug store or pharmacy or other place of business is so unlawfully conducted shall be held to constitute a separate and distinct offense.

Conducting drug store, etc., contrary to provisions of this act a misdemeanor.

Penalty.

Each week constitutes separate offense.

SEC. 24. That any person, not being licensed as a pharmacist, who shall compound, dispense or sell at retail any drug, medicine, poison or pharmaceutical preparation, either upon a physician's prescription or otherwise, and any person being the owner or manager of a drug store, pharmacy or other place of business, who shall cause or permit any one not licensed as a pharmacist to dispense, sell at retail or compound any drug, medicine, poison or physician's prescription contrary to the provisions of section four of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars nor more than one hundred dollars.

Compounding contrary to this act a misdemeanor.

Penalty.

SEC. 25. That any license or permit, or renewal thereof, obtained through fraud or by any fraudulent or false representations, shall be void and of no effect in law. Any person who shall make any fraudulent or false representations for the purpose of procuring a license or permit, or renewal thereof, either for himself or for another, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars nor more than one hundred dollars, and any person who shall willfully make a false affidavit or any other false or fraudulent representation for the purpose of procuring a license or permit, or renewal thereof, either for himself or for another, shall be deemed guilty of perjury, and upon conviction thereof shall be subject to like punishment as is now prescribed for the crime of perjury.

Fraudulent license, etc., void.

Fraudulent representations a misdemeanor.

Penalty.

False affidavit or representation perjury.

Penalty.

SEC. 26. That any person, being the holder of a license or permit granted under the provisions of this act, who shall fail to expose such license or permit, or renewal thereof, in a conspicuous position in the place of business to which such permit or license relates, or in which the holder thereof is employed, contrary to the provisions of section eighteen of this act, shall be guilty of a

Failure to expose license or permit, misdemeanor.

Penalty. misdemeanor, and upon conviction thereof shall be fined not less than five dollars nor more than twenty-five dollars, and each day that such license, permit, or renewal thereof, shall not be exposed

Each day separate offense. shall be held to constitute a separate and distinct offense.

Carrying on business after expiration a misdemeanor. SEC. 27. That any person, being a holder of a license or permit granted under this act, who shall, after the expiration of such license or permit, and, without renewing the same, continue to carry on the business for which such license or permit was granted, contrary to the provisions of section eighteen of this act, shall be guilty of a misdemeanor, and upon conviction thereof be

Penalty. fined not less than five dollars nor more than twenty-five dollars.

Selling poisons without label and record misdemeanor. SEC. 28. That any person who shall sell or deliver to any person any poisonous substance specified in section twenty of this act without labeling the same and recording the delivery thereof in the manner prescribed in said section twenty shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less

Penalty. than twenty-five dollars nor more than one hundred dollars.

Misdemeanor for non-licentiate to take, use or exhibit title. SEC. 29. That any person, not being legally licensed as a pharmacist, who shall take, use or exhibit the title of pharmacist, licensed or registered pharmacist, druggist, apothecary or any other title, name or description of like import, contrary to the provisions of section twenty-two of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less

Penalty. than twenty-five dollars nor more than one hundred dollars.

Conflicting laws repealed. SEC. 30. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 31. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this 4th day of February, A. D. 1905.

CHAPTER 109.

AN ACT TO ESTABLISH A GRADED SCHOOL AT PINNACLE, STOKES COUNTY.

The General Assembly of North Carolina do enact:

Pinnacle graded school district boundaries. SECTION 1. That all the territory lying and included within the following boundaries, to-wit: the boundary to include a part of Stokes County, beginning at the Surry line at Mount Zion Church and the corner of the legislative district known as the Phillips District, and running with the line of said district in a northeast direction to the Little Yadkin River, thence with meanderings of said river to J. W. Fleming line, thence with the outside lines of J. W. Fleming, J. W. King, G. W. Bowman, W. H. Boyles, S. J. Cook, T. O. Mickey, V. G. Watson, S. P. Jones, to the Surry County line, thence south with the Surry County line to the beginning—

the lines and outside lines of parties above mentioned shall be known as the said boundary line—shall be and are hereby constituted a public graded school district to be known as the "Pinnacle Graded School District."

SEC. 2. That for the purpose and benefits of this act the provisions of laws governing the assessment of real and personal property, the levy and collection of the same, shall be the same and are hereby extended to said graded school district as in the levy and collection of State and county taxes of the county of Stokes, and all elections shall be held and conducted within said territory for graded school purposes and benefits in the same manner as in the election of county officers of the county of Stokes.

Levy and collection of school taxes.

Elections for graded school purposes.

SEC. 3. That for the purposes of establishing and defraying the expenses of the public graded school provided for in this act the board of trustees hereinafter named shall annually "recommend to the Board of Commissioners of Stokes County the amount of tax to be levied upon persons and property in said district," and at the time of levying the county and State taxes, commencing with the fiscal year beginning the first day of June, one thousand nine hundred and five, the Board of Commissioners of Stokes County shall levy and lay a special tax on all persons and subjects of taxation within the limits of said graded school district, to conform to the recommendations of the said board of trustees, on which the board of commissioners of said county may now or hereafter be authorized to lay and levy taxes for any purpose whatever; said particular tax to be not more than thirty-three and a third cents on the one hundred dollars assessed valuation on property, and not more than one dollar on each taxable poll, which said taxes so levied and assessed shall be collected by the sheriff or tax collector of the county of Stokes at the same time and manner said sheriff or tax collector shall collect the taxes for State and county, and shall pay the said taxes so collected for the graded school purposes over to the treasurer of the board of trustees hereinafter to be named by said board of trustees.

Levy and collection of tax.

Disposition of taxes.

SEC. 4. That E. W. Cullers, N. T. Pettit, H. L. Stone, S. P. Jones and W. A. Sullivan shall be and are hereby constituted and appointed a board of trustees for such graded school in said graded school district; the first two named to serve for a term of two years from the first Monday in May, one thousand nine hundred and five, and until their successors are elected and qualified; the second two named to serve for a term of four years from the first Monday in May, one thousand nine hundred and five, and until their successors are elected and qualified; the last named to serve for a term of six years from the first Monday in May one thousand nine hundred and five, and until his successor is elected and qualified. In the event of a vacancy in said board of trustees occurring before the expiration of the term of office of any mem-

Trustees.

Terms of office.

Vacancy, how filled.

ber or members of said board, said vacancy shall be filled for the remainder of the term of office by the other members of said board of trustees.

Body corporate. SEC. 5. 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 Trustees of Pinnacle Graded School," and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, acquire by gifts, purchase or devise real and personal property, hold, exchange or sell the same, and exercise such other rights and privileges as are incident to other corporations.

Powers of trustees. SEC. 6. That said board of graded school trustees shall have exclusive control of all public schools in said territory, shall prescribe rules and regulations not inconsistent with this act for their own government and for the government of such school; shall prescribe the qualifications, employ and fix the compensation of all officers and teachers of said school, shall cause to be taken from time to time, in accordance with the general school laws of the State, an accurate census of the school population of said district; and shall exercise such other powers as may be necessary for the successful control and operation of said graded schools.

State and county public school funds for said district, disposition of. SEC. 7. That all public school funds derived from the State and from the county of Stokes for the use and benefit of the public schools in said graded school district shall be paid over to the treasurer of the said board of trustees by the treasurer of said county for the use and benefit of the graded public schools in said graded school district; and the property, both real and personal, of the various public school districts, embraced entirely within the limits of said graded school district, shall become the property of said graded school district, and the title thereto shall vest in said board of trustees in trust therefor; and the said board of trustees may in their discretion sell the same or any part thereof and apply the proceeds to the use of the public graded school to be in said school district.

Public school property in said district, title to vest in trustees.

Power to sell the same.

Treasurer. SEC. 8. That said board of trustees shall elect a treasurer, whose duty it shall be to collect and hold all the moneys and funds of said graded school district and to pay out the same in such manner as he may be directed by order of said board of trustees. Said treasurer shall execute his bond in a sufficient amount, to be fixed and approved by the board of trustees of said graded school district, and the compensation of said treasurer for his services shall be fixed by the board of trustees of said graded school district and the same paid out of the funds and money of said district. The treasurer of said board of trustees shall report annually to the board of trustees an account of his dealings with funds of said graded school district.

SEC. 9. That biennially after the first Monday of May, one thousand nine hundred and five, an election shall be held on the first

Monday in May in said graded school district conducted under the general election laws of this State for the purpose of electing members of the board of trustees for said graded school to fill the vacancies occurring by expiration of the terms of office of such members of said board of trustees, those receiving the highest number of qualified votes cast in such election to be declared elected.

SEC. 10. That the Board of Commissioners of Stokes County are hereby authorized and required to call an election on the first Monday in May, one thousand nine hundred and five, after thirty days' written public notice at not less than three public places in said graded school district, to submit to the qualified voters of said graded school district the questions of levying for the support of said graded schools an annual tax on all taxable property and polls within such district, not to exceed thirty-three and a third cents on the hundred dollars assessed valuation of property and one dollar on each taxable poll; that the said board of commissioners shall order a new registration in said district and shall appoint three qualified electors in said district to hold said election, one of whom shall be designated as registrar and two of whom shall be designated poll-holders, and that said election shall in all other respects be held and conducted under the provisions of the laws governing the holding of elections of county officers; that at such election those favoring the levying of such tax shall deposit a ballot containing the written or printed words "For the Graded School," and those opposing the levying of such tax shall deposit a ballot containing the written or printed words "Against Graded School." The result of said election shall be declared in same manner as governs the election of county officers.

SEC. 11. That in case a majority of the qualified voters of said graded school district shall vote in favor of such tax, then all the provisions of this act shall be in full force and effect, and the Board of Commissioners of Stokes County shall annually levy and have collected the tax as hereinbefore provided in this act.

SEC. 12. That this act shall be in full force and effect from and after its ratification and that all laws and parts of laws in conflict therewith are hereby repealed.

In the General Assembly read three times, and ratified this the 4th day of February, A. D. 1905.

CHAPTER 110.

AN ACT TO AMEND CHAPTER 68 OF THE PUBLIC LAWS OF 1903.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter sixty-eight of the laws of one thousand nine hundred and three be amended as follows: That in
Pub.—9

Tax levy to be for roads, in addition to bridges, in Carteret county.

lines three and four of section one of said act, that the words "over and across the navigable waters and elsewhere" be stricken out, and the words "and roads and maintaining roads and bridges already constructed anywhere" be inserted in lieu thereof; that in section two of said act, in line two of said section, insert between the word "bridges" and the word "to" the words "and roads," and in the last line of said section two of said act strike out the words "said bridges" and insert in lieu thereof the words "any bridges or roads in said county"; that in section three of said act, in line two of said section, insert between the word "bridges" and the word "as" the words "and roads, and maintain such as have heretofore been constructed," and in line seven of section three of said act insert between the word "bridges" and the word "and" the words "and roads."

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

In the General Assembly read three times, and ratified this the 6th day of February, A. D. 1905.

CHAPTER 111.

AN ACT TO AMEND SECTION 505, CODE OF 1883, IN RELATION TO HOMESTEAD.

The General Assembly of North Carolina do enact:

Conveyed homestead not exempt from levy as to liens prior to conveyance.

SECTION 1. That section five hundred and five, Code of one thousand eight hundred and eighty-three, be amended by adding at end of said section the following: The allotted homestead shall be exempt from levy so long as "owned and occupied" by the homesteader or by any one for him, but when conveyed by him in the mode authorized by the Constitution (article ten, section eight), the exemption thereof ceases as to liens attaching prior to the conveyance. The homestead right being indestructible, the homesteader who has conveyed his allotted homestead can have another allotted and as often as may be necessary: *Provided*, this act shall not have any retroactive effect.

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 6th day of February, A. D. 1905.

CHAPTER 112.

AN ACT TO ALLOW COMMISSIONERS OF BERTIE COUNTY
TO SELL UNOCCUPIED PART OF JAIL LOT IN TOWN OF
WINDSOR.*The General Assembly of North Carolina do enact:*

SECTION 1. That the Commissioners of Bertie County be and they are hereby authorized to sell the unoccupied portion of the county jail lot in the town of Windsor, that fronts on Queen and Dundee streets adjoining the lot of W. L. Privot. That said sale may be either public or private, in the discretion of the commissioners: *Provided*, said sale may be made any time before January first, one thousand nine hundred and six, and not thereafter. That upon the sale of said property, and upon receipt of the purchase price for the property sold, the said commissioners shall execute a deed to said property to the purchaser or purchasers in fee-simple.

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. 1905.

CHAPTER 113.

AN ACT TO PROTECT FISH WITHIN TWELVE MILES OF
THE SUMMIT OF GRANDFATHER MOUNTAIN IN MITCHELL
COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person or persons to take, catch or kill any kind of fish in the waters of Linville river and any other stream or streams within twelve miles from the summit of Grandfather Mountain in Mitchell County, without the written consent of the owners or lessee of the land through which said streams flow.

SEC. 2. That it shall be unlawful for any persons to throw or empty any matter or substance deleterious or injurious to the life of mountain trout into said river and streams.

SEC. 3. If any person or persons be seen at or near said stream or streams with net, seine, rod or any other kind of fishing tackle, the same shall be *prima facie* evidence of the violation of this act.

SEC. 4. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof

Penalty.

shall be fined not more than fifty dollars or imprisoned for not more than thirty days.

SEC. 5. 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. 1905.

CHAPTER 114.

AN ACT TO AMEND CHAPTER 2, PUBLIC LAWS OF 1901, ENTITLED "AN ACT TO REVISE THE CORPORATION LAW OF NORTH CAROLINA," AND TO PROVIDE THAT IN THE ABSENCE OF THE SECRETARY THE ASSISTANT SECRETARY MAY AFFIX AND ATTEST THE CORPORATE SEAL.

The General Assembly of North Carolina do enact:

Powers of assistant secretary of Corporation.

SECTION 1. That section two, chapter two, Public Laws of one thousand nine hundred and one, be amended by inserting in line nine, after the word "secretary" and before the word "company" the words "or an assistant secretary"; and that section one hundred and ten of said act be amended by inserting after the word "secretary," wherever said word appears in said section, the words "or an assistant secretary."

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. 1905.

CHAPTER 115.

AN ACT TO AMEND CHAPTER 57 OF THE PUBLIC LAWS OF 1897, AS AMENDED BY THE PUBLIC LAWS OF 1899, RELATING TO PUBLIC DRUNKENNESS IN THE COUNTIES OF BUNCOMBE, TRANSYLVANIA AND HENDERSON.

The General Assembly of North Carolina do enact:

Section 2 amended.

SECTION 1. That chapter fifty-seven of the Public Laws of one thousand eight hundred and ninety-seven, as amended by chapter two hundred and eight of the Public Laws of one thousand eight hundred and ninety-nine, be amended by adding at the end of section two the following: "*Provided further*, that this act shall not apply to incorporated towns in the county of Henderson."

Not applicable to incorporated towns in Henderson 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 6th day of February, A. D. 1905.

CHAPTER 116.

AN ACT TO FIX COMPENSATION OF JURORS IN RUTHERFORD COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the regular jurors who attend and serve at any term of the Superior Court of Rutherford County shall each be paid one dollar and fifty cents per day and such mileage as is now allowed by law; and tales jurors shall be paid one dollar per day but no mileage shall be allowed them. Compensation of jurors.

SEC. 2. 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. 1905.

CHAPTER 117.

AN ACT TO CHANGE THE LINE BETWEEN CRABTREE AND SOUTH TOE TOWNSHIPS IN YANCEY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the township line between Crabtree and South Toe townships is hereby changed so as to run as follows: Beginning on top of Celo or the Hutchins Knob and runs southeast course with the top of the ridge to the southwest corner of J. Rickman Young's land, known as the Hutchins tract of land; then east with said land to the southeast corner of said tract; then east to South Toe river; then crossing said river an easterly course, passing the Roberson grave-yard and with the meanders of said ridge to the top of Fawn Knob; then east with the top of said ridge to the sandy gap on the seven-mile ridge; then a direct line to the head of the Wolf branch, then down and with the meanders of said branch to Big Crabtree, and the voting place of South Toe Township is hereby moved to George Autrey's store. Description of altered line.
Voting place of South Toe township.

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

In the General Assembly read three times, and ratified this the 6th day of February, A. D. 1905.

CHAPTER 118.

AN ACT AUTHORIZING THE COMMISSIONERS OF CHATHAM COUNTY TO ISSUE BONDS TO PAY ITS PRESENT FLOATING INDEBTEDNESS INCURRED PRIOR TO THE FIRST DAY OF JANUARY, 1905.

The General Assembly of North Carolina do enact:

Maximum amount of bonds.	SECTION 1. That for the purpose of paying the outstanding floating indebtedness of the county of Chatham which was outstanding on the first day of January, one thousand nine hundred and five, the board of commissioners of said county of Chatham is hereby authorized to issue coupon bonds of the said county to an amount not exceeding twenty thousand dollars, and to be in denominations of not less than one hundred nor more than one thousand dollars; the said bonds shall be payable as follows, to-wit: Two thousand dollars ten years from the date of issue and two thousand dollars annually thereafter until the whole issue is paid, and shall bear interest from their date 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. per annum, payable semi-annually on the first days of April and October in each year. The said semi-annual payments to be represented by coupons attached to each of the said bonds, and to be identified by proper numbers and such other means as said board may determine.
Denominations.	
Maturity.	
Interest rate.	
When payable.	
Coupons.	
Minimum price for bonds.	SEC. 2. No bonds issued under the provisions of this act shall be sold or disposed of otherwise for less than par and accrued interest. Said board of commissioners is hereby authorized to sell or dispose of the said bonds either at public or private sale, as to them may seem best, and in case they sell the same at public sale they shall give notice thereof in one or more newspapers published in Chatham County for at least thirty days.
Sale of bonds.	
Application of proceeds.	SEC. 3. That the proceeds arising from the sale of the bonds issued under the provisions of this act shall constitute a separate and distinct fund, to be applied and appropriated to the payment of the said outstanding indebtedness incurred for necessary expenses of the county prior to the said first day of January, one thousand nine hundred and five; and the said board of commissioners shall cause the treasurer, or disbursing officer acting in place of treasurer in said county, to keep separate accounts of the said funds so that the condition of the same may at all times be shown.
Account of funds.	
Commission for disbursement.	SEC. 4. The treasurer or officer performing the duties of treasurer of said county shall be allowed for disbursing the said bonds an amount not to exceed a per cent. to be fixed by the board of commissioners of said county and by them allowed.

SEC. 5. That in order to pay the interest on said bonds as it may accrue and the principal thereof as it may mature, the board of commissioners of said county 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 may hereafter be, subject to taxation under the laws of the State, and it shall be collected by the officer or officers charged with the collection of other county taxes, and 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.

Special tax for interest and principal.

SEC. 6. That immediately upon the sale of the bonds as herein provided the board of commissioners of said county are permitted to advertise and call in all the present outstanding indebtedness of the county, or that was outstanding on the first day of January, one thousand nine hundred and five, and pay the same out of the proceeds of the said sale; any person holding any outstanding indebtedness and refusing to produce the same for payment shall not receive any interest thereon from and after the time fixed in such notice for presenting same.

Power to call in outstanding indebtedness upon sale of bonds.

No interest on indebtedness after time for presentation.

SEC. 7. That the purchaser or holder of any part of said bonds shall not be required to see to the application of the proceeds of the same.

Bondholders not to look after application of proceeds.

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

In the General Assembly read three times, and ratified this the 6th day of February, A. D. 1905.

CHAPTER 119.

AN ACT TO AMEND CHAPTER 478 OF THE PUBLIC LAWS OF 1903 IN REGARD TO MECHANICS, LABORERS AND MATERIAL-MEN IN WAKE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section three of chapter four hundred and seventy-eight of the Public Laws of one thousand nine hundred and three be amended by striking out the word "Wake" from said section.

Wake county exempted from provisions of chapter 478, Public Laws 1903.

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. 1905.

CHAPTER 120.

AN ACT RELATING TO THE CONTROL AND MANAGEMENT
OF VEHICLES UPON PUBLIC ROADS AND HIGHWAYS
IN MECKLENBURG COUNTY.*The General Assembly of North Carolina do enact:*

Vehicles to turn to the right. SECTION 1. All persons driving carriages or vehicles of any description on any public road or highway of Mecklenburg County shall, on meeting carriages or vehicles of any description, keep to the right, so as to leave half of the road free; and all persons riding on horseback, or on bicycle, tricycle, tandem bicycle, locomobile, automobile or other motor vehicle shall, on meeting carriages or vehicles of any description, other than cycles or motor vehicles, keep to the right, so as to leave two-thirds of the road free: *Provided, however,* that any person operating a locomobile, automobile, motor cycle or other motor vehicle on any public road or highway or in any public place shall not operate the same at a rate of speed greater than is reasonable and proper, having regard to the use in common of such highway or place, or so as to endanger the life or limb of any person; and in no event shall such locomobile, automobile, motor cycle or other motor vehicle be operated at a greater rate of speed than eight miles an hour in the business and closely built up portion of any municipality of or in Mecklenburg County, nor more than fifteen miles an hour in the other portions of such municipalities, nor more than twenty miles an hour outside of such municipalities in said county: *Provided,* that at a sharp curve in any public road, or highway, or at a crossing of the same, the rate of speed shall not exceed eight miles an hour, which rates of speed in any municipality in said county shall not be diminished nor prohibited by any ordinances, rule or regulation of any such municipality, board or other authorities unless the public safety shall require it: *And provided,* that any person or persons operating a locomobile, automobile, motor cycle or other motor vehicle on any such public road or highway, any public street or place in said county, shall at request or on signal by putting up the hand from the person riding, leading or driving a horse, or horses, or other animals, bring such locomobile, automobile, motor cycle or other motor vehicle immediately to a stop, and if traveling in the opposite direction shall remain stationary so long as may be reasonably necessary to allow such horse, horses or animals to pass (and in case such horse, horses or other animal appear to be frightened, and he is requested so to do, the person operating such locomobile, automobile, motor cycle or other motor vehicle shall cause the motor thereof to cease running so long as shall be necessary to prevent accident and insure the safety of persons using such public road, highway or public place), and if traveling in the same

Percentage of road to be left free.

Speed of motor vehicles.

Motor vehicles to be stopped on signal from those driving or riding animals.

Care in passing horses or other animals.

direction, use reasonable care and caution in thereafter passing such horse, horses or other animal, and be under the same restrictions as are herein provided relating to stopping at request or on signal by putting up the hand: *And provided*, that such locomobile, automobile, motor cycle or other motor vehicle shall during the period from one hour after sunset to one hour before sunrise exhibit a lamp, or lamps, showing a white light or lights for a reasonable distance in the direction towards which such vehicle is proceeding, and also showing a red light or lights in the reverse direction, and shall also be provided with (and use at all proper and necessary times) a good and sufficient brake and a suitable bell, horn or other signal; and no person shall, through mischief or without reasonable cause, request any person or persons operating a locomobile, automobile, motor cycle or other motor vehicle, or signal him by putting up the hand to stop. If any person purposely and willfully neglects or refuses to comply with or violates any of the provisions of this section, or in any other manner willfully hinders or purposely obstructs any person in the free passage of any such road or highway he shall be guilty of a misdemeanor, and on conviction thereof before any justice of the peace or other court having jurisdiction for every such offense be fined not more than fifty dollars or imprisoned not more than thirty days.

Signals by lights after dark.

Brakes and other signals.

Violation of provisions of act a misdemeanor.

Penalty.

SEC. 2. That all laws in conflict with this act be and the same are hereby, in so far only as they are in conflict herewith, 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 6th day of February, A. D. 1905.

CHAPTER 121.

AN ACT TO AUTHORIZE THE REMOVAL OF ACTIONS WHERE JUSTICES OF THE PEACE DIE OR BECOME INCAPACITATED BEFORE THE FINAL DETERMINATION OF THE SAME.

The General Assembly of North Carolina do enact:

SECTION 1. If any justice of the peace shall die or become incapacitated by removal, resignation or other cause, having any action, civil or criminal, pending before him, which shall not have been finally determined, such action shall not abate or be discontinued, but the plaintiff in such civil action, or any one on behalf of the State in such criminal action, may remove such action for further and final determination before any other justice of the peace of the same township in which the original action

Provisions for removal, upon death of justice of peace, before whom returnable.

was pending, or before any justice of the peace of the same county when there is no other in the township, by filing the papers in said action with the justice to whom the same is removed and by giving ten days' notice to the defendant of such removal; and if the plaintiff in any civil action shall fail to give such notice of removal within ten days from the happening of the death, removal, or resignation, or incapacity of such justice, then the defendant in such action may remove the same by giving like notice to the plaintiff; and if no notice is given by either party to such action within twenty days, then such action shall stand discontinued without prejudice.

SEC. 2. The justice of the peace before whom such action may be removed shall proceed to try and determine the same, but he shall demand no fees or cost which have theretofore been properly advanced by any party to such action.

SEC. 3. That after such removal either party to such action shall be entitled to all the rights given by section nine hundred and seven of The Code of North Carolina.

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. 1905.

CHAPTER 122.

AN ACT TO MAKE CHAPTER 645 OF THE PUBLIC LAWS OF 1901 RELATIVE TO THE DEPREDACTIONS OF DOMESTIC FOWLS APPLICABLE TO THE TOWN OF MORGANTON, BURKE COUNTY. AND RUTHERFORD COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter six hundred and forty-five of the Public Laws of one thousand nine hundred and one be and the same is hereby amended by inserting before the word "where," in line five of said section, the following: "and within the corporate limits of the town of Morganton, Burke County, and Rutherford County."

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

In the General Assembly read three times, and ratified this the 6th day of February, A. D. 1905.

CHAPTER 123.

AN ACT FOR THE RELIEF OF THE COMMISSIONERS OF ROBESON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Commissioners of Robeson County shall receive as compensation for their services in performing the duties of their office the sum of three dollars per day and ten cents per mile, both ways, for traveling expenses. Compensation of commissioners.

SEC. 2. 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. 1905.

CHAPTER 124.

AN ACT TO ESTABLISH GRADED SCHOOLS IN THE TOWN OF FREMONT.

The General Assembly of North Carolina do enact:

SECTION 1. That all the territory embraced within the following bounds, including the town of Fremont, to-wit: Beginning on Nabunta swamp at the mouth of Mill branch in the line between J. W. Aycock and the heirs of Jesse Aycock and running thence up said branch north, or nearly north, to the road near W. G. Peacock's; thence with said road nearly northwest to Applewhite branch where it crosses the road at Jack Flowers'; thence down said branch to Aycock's swamp; thence down said swamp to the eastern line of E. G. Pippin's farm; thence north, or nearly north, with the said Pippin's line to John Moore's line; thence with said Moore's eastern line to Bass swamp; thence down said swamp to the western boundary line of the Atlantic Coast Line Railroad Company; thence south with said boundary line to the line between J. C. Hooks and A. J. Edmundson; thence west, or nearly west, to Burnt swamp; thence up Burnt swamp to a ditch, the line between J. G. Hooks and John Floars; thence with said ditch to the road near Richard Ward's; thence south, or nearly south, to the head of Copeland's branch, thence down said branch to Nabunta swamp; thence down said swamp to the beginning, shall be and is hereby constituted a public school district for white and colored children, to be known as the Fremont Graded School District. Graded school territory. Name of district.

SEC. 2. That the Board of Commissioners of Wayne County are hereby authorized to submit at any time within six months from the ratification of this act to the qualified voters of said graded Election for special tax.

school district at an election to be held in the town of Fremont the question whether an annual tax shall be levied and collected for the graded schools of said district.

Form of ballot.

SEC. 3. That at the election held under the provisions of this act those favoring the levying and collecting of such tax shall vote a written or printed ballot without device with the words "For Schools" upon it, and those opposed to the levying and collecting of such tax shall vote a written or printed ballot without device

Penalty for illegal voting.

with the words "Against Schools" upon it. The penalty for illegal or fraudulent voting shall be the same as in the election for mem-

Notice of election.

bers of the General Assembly. The board of commissioners shall give twenty days' notice of the time of holding said election in a newspaper published in Wayne County, and by posting said notice

Registrar.

at three public places in said district. The board of commissioners of said county shall appoint a registrar of the voters of said district, who shall be a qualified voter of said district, and who

New registration.

shall make an entirely new registration of such voters; and the said board of commissioners shall appoint two judges of election,

Judges.

who shall be qualified voters of said district, and they, together with the said registrar, shall hold the election herein provided for, which shall be held under the rules and regulations provided by law for the election of the members of the General Assembly, and upon the conclusion of the said election they shall canvass and judicially determine the result, and shall certify to the board of county commissioners the number of votes cast for schools and the number of votes cast against schools, together with the number of qualified voters shown by the registration books of the said district.

If election favorable, tax to be levied and collected.

SEC. 4. That if a majority of the qualified voters of said district shall vote "For Schools," the said tax shall be levied by the board of county commissioners and collected by the tax collectors in said district under the same rules and regulations under which other taxes are levied and collected, and the said tax collectors shall be subject to the same liabilities for the collection and disbursement of said taxes as they may be for other school taxes, and they shall receive as compensation for such services two per centum commission: *Provided*, that the special taxes so levied and collected shall not exceed twenty-five cents on the one hundred dollars valuation of property and seventy-five cents on each poll. The said tax collectors shall pay the amount so collected under this act to a treasurer elected by the board of trustees of said graded school district as hereinafter provided for.

Tax collector, liabilities.

Compensation.

Maximum tax levy.

Taxes paid to school treasurer.

Dispensary proceeds.

SEC. 5. That the one-half of the net profits of the Fremont dispensary heretofore required to be paid to the treasurer of the county of Wayne for the benefit of the public schools of said county shall be paid to the treasurer elected by the board of trustees of said graded school district hereinafter provided for.

SEC. 6. That the special taxes levied and collected under this act and said one-half of the net profits of said dispensary shall be expended in keeping up separate schools for the white and colored children in said district between the ages of six and twenty-one years.

SEC. 7. That the following persons shall constitute the board of trustees of said graded schools: J. T. Hooks, for a term of two years; D. D. Peele, for a term of three years; D. A. Powell, for a term of four years; W. F. Flowers, for a term of five years; J. D. Davis, for a term of six years; E. L. Pippin, for a term of seven years, and O. L. Yelverton, for a term of eight years. That the successor of each of said trustees shall be elected by the Board of Aldermen of Fremont, North Carolina, for a term of four and six years. All vacancies occurring in said board of trustees shall be filled by the board of aldermen of Fremont for the unexpired term of such trustee or trustees whose office may become vacant. Said board of trustees shall have the power to employ and fix the compensation of a superintendent for both of said graded schools, to require the said superintendent to keep a record of all proceedings of the board of trustees, also to examine all applicants applying for the position of teacher in said graded schools. Said board shall have the power to employ and fix the compensation of such teachers as they and the superintendent, upon consultation after examining papers of applicants, shall deem qualified, and to do all such other acts as are necessary to carry on said schools.

Disposition of special tax and dispensary proceeds.

Board of trustees.
Terms of office.

Election of successors.

Vacancies.

Superintendent, employment and compensation.
Duties.

Teachers, compensation, etc.

SEC. 8. That said board of trustees shall elect a treasurer, who shall hold his office for three years, and he shall give a good and sufficient bond in the sum of two thousand and five hundred dollars, to be approved and accepted by the said board of trustees, and the same shall be filed and recorded as other official bonds.

Treasurer.
Bond.

SEC. 9. That the moneys received as aforesaid shall be held by the treasurer, to be disposed of under the direction of said board of trustees, whose warrants, signed by the chairman and two other members of said board of trustees, 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 law.

Duties of treasurer.

SEC. 10. That the public school money which may from time to time be collected and apportioned under the general school law for general school purposes for the children in said district, and moneys to which said school district may be entitled by reason of any special tax, gift, grant, apportionment or otherwise, shall be paid to the treasurer elected by the board of trustees of said school district, and shall be applied to keeping up said graded schools under the order and direction of the board of trustees of said graded schools.

All school moneys to be paid to treasurer.

Application.

SEC. 11. That the board of trustees of the said graded school shall have power to secure, by purchase, rent or otherwise, from

Purchase and improvement of school property.

the stockholders of the Fremont High School Company the high school property, and to secure from the county board of education such reasonable assistance as may be needed to enlarge the school buildings of the graded schools.

Public school
property to vest
in trustees.

SEC. 12. That the property, both real and personal, of the public schools of said district shall become the property of said graded schools, and shall be vested in said board of trustees and their successors in trust for said graded schools: *Provided*, that in case of the discontinuance of said graded schools all the property thereto belonging shall revert to and become the property of the said public schools of said district.

Reversion thereof.

Annual statement.

SEC. 13. That the board of trustees shall publish in a newspaper published in the county of Wayne an annual itemized statement of the receipts and expenditures on account of and for the said graded schools.

Provision for other
elections.

SEC. 14. That if at the election provided for in this act a majority of the qualified voters of said district shall not vote "For Schools," then the Board of County Commissioners of Wayne County shall, at any time, and from time to time upon the petition of one-third of the qualified voters of said school district, submit to the qualified voters within said district the question whether an annual tax shall be levied for the graded schools of the above-named district, and such election or elections ordered by the said board of county commissioners shall be held under the same rules and regulations provided in section three hereof: *Provided*, that after an election shall be held under this act no other election shall be held thereunder for the space of six months.

Time to intervene
between elections.

Tuition fees for
those not entitled
to attend graded
school.

SEC. 15. That the trustees of the said graded schools may, in their discretion, permit persons above the school age or who are not residents of the said district, to attend the said schools upon the payment of such reasonable tuition fees as the board of trustees may establish: *Provided*, there shall be accommodations more than adequate for the children of school age within said district.

Proviso.

Conflicting laws
repealed.

SEC. 16. That all laws and parts of laws in conflict with this act 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 6th day of February, A. D. 1905.

CHAPTER 125.

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 ^{Maximum limit of tax.} special tax in the years one thousand nine hundred and five, and one thousand nine hundred and six, 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 ^{Purpose.} of meeting the ordinary expenses of county.

SEC. 2. That the said special tax be levied at the same time ^{Levy and collection.} with the other levies in said years and collected and accounted for by the sheriff or other tax collector of said county under the same penalties and within the time that the other taxes levied for said county are collected.

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

In the General Assembly read three times, and ratified this the 7th day of February, A. D. 1905.

CHAPTER 126.

AN ACT TO FIX THE WEIGHT OF AND REGULATE THE TRADE IN CORN MEAL.

THAT WHEREAS, the practice in this State of putting up and ^{Preamble.} selling meal in the short-weight packages is against the public welfare and the interest of legitimate trade: now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. The standard weight of a bushel of corn meal, ^{Standard weight per bushel.} whether bolted or unbolted, shall be forty-eight (48) pounds.

SEC. 2. It shall be unlawful for any person or persons to pack ^{Regulations governing sale of meal.} for sale, sell or offer for sale in this State any corn meal except in bags or packages containing by standard weight two bushels or one bushel or one-half bushel or one-fourth bushel or one-eighth bushel respectively. Each bag or package of corn meal shall have plainly printed or marked thereon whether the meal is "bolted" or "unbolted," the amount it contains in bushels or fraction of a bushel, and the weight: *Provided*, the provisions of this ^{Exception.} section shall not apply to the retailing of meal direct to customers from bulk stock when priced and delivered by actual weight or measure.

Violation a misdemeanor.

Penalty.

When act operative.

Conflicting laws repealed.

SEC. 3. Any person or persons violating either of the foregoing sections of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine not exceeding fifty dollars or by imprisonment not exceeding thirty days.

SEC. 4. This act shall be in force and effect from and after June first, one thousand nine hundred and five.

SEC. 5. All acts or parts of acts in conflict with this act be and the same are hereby repealed.

In the General Assembly read three times, and ratified this the 7th day of February, A. D. 1905.

CHAPTER 127.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF DURHAM COUNTY TO EXPEND MONEY FOR THE IMPROVEMENT OF THE COURT-HOUSE PROPERTY OF DURHAM COUNTY.

Preamble.

WHEREAS, there is in the city of Durham, county of Durham, a strip or lot of land, about thirty-seven feet wide, lying between the western line of the court-house property of the county of Durham and Church street of said city of Durham, on which strip or lot of land there are several old wooden buildings which are a fire risk to the court-house of Durham County; AND WHEREAS, the Board of Aldermen of the City of Durham being unable to purchase said strip or lot of land aforesaid between the court-house property of Durham County and Church street of said city, and desiring to widen said Church street to the western line of the court-house property of Durham County, has instituted proceedings to condemn said lot of land between the court-house property of Durham County and Church street of said city for street purposes; AND WHEREAS, it would be of great benefit to the court-house property of Durham County to have said Church street widened to the western line of said court-house property, thereby removing a fire risk to said court-house property and giving to the said court-house property an additional frontage on Church street of said city to the frontage already existing on Main street of said city, and making the court-house property aforesaid a corner lot on Church and Main streets of said city of Durham; therefore,

The General Assembly of North Carolina do enact:

Durham county commissioners authorized to spend county fund to remove buildings and widen Church street.

SECTION 1. That the Board of Commissioners of Durham County be and is hereby empowered and authorized to expend out of the county fund of the county of Durham the sum of four thousand dollars for the purpose of securing the removal of the aforesaid wooden and other buildings between the western line of the

court-house property of Durham County and Church street of said city, and for the further purpose of securing the widening of Church street of said city of Durham to the western line of said court-house property of the county of Durham.

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. 1905.

CHAPTER 128.

AN ACT TO AMEND CHAPTER 186 OF THE PUBLIC LAWS OF 1901 TO PERMIT ADMINISTRATORS OF DECEASED MORTGAGEES AND TRUSTEES TO RENOUNCE THE RIGHT TO FORECLOSE AND TO PROVIDE FOR THE APPOINTMENT OF TRUSTEES TO FORECLOSE INSTEAD OF THE ADMINISTRATOR.

The General Assembly of North Carolina do enact:

SECTION 1. That section one, chapter one hundred and eighty-six (186) of the Public Laws of one thousand nine hundred and one (1901) be amended by adding at the end of said section the following clause, to-wit: *Provided further*, that the executor or administrator of any deceased mortgagee or trustee in any mortgage or deed of trust heretofore or hereafter executed may renounce in writing before the clerk of the superior court, before whom he qualifies, the trust under the mortgage or deed of trust at the time he qualifies as executor or administrator, or at any time thereafter before he intermeddles with or exercises any of the duties under said mortgage or deed of trust, except to preserve the property until a trustee can be appointed, and in every such case of renunciation the clerk of the superior court of any county wherein the said mortgage or deed of trust is registered shall have power and authority, upon proper proceedings instituted before him, as in other cases of special proceedings, to appoint some person to act as trustee and execute said mortgage or deed of trust. That the clerk of the superior court, in addition to recording his proceedings in his book of orders and decrees, shall enter the name of the substituted trustee or mortgagee on the margin of the deed in trust or the mortgage in the book of the office of the register of deeds of said county.

Section 1 amended.

Renunciation in writing before clerk.

Appointment of trustee by clerk.

Record of appointment of substituted trustee.

SEC. 2. That all the 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 7th day of February, A. D. 1905.

CHAPTER 129.

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

The General Assembly of North Carolina do enact:

Purpose of tax. SECTION 1. That the Board of Commissioners of Dare County be and they are hereby authorized and empowered, at their meeting on the first Mondays in June, one thousand nine hundred and five and one thousand nine hundred and six, 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 purposes as the same may be needed.

Tax levy. 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 cents on the one hundred dollars worth of property and Amount. forty-five cents on the poll, and the constitutional equation between property and polls shall always be observed in making the said levies.

Collection. SEC. 3. That said tax shall be collected and accounted for by the sheriff or tax collector 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.

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 February, A. D. 1905.

CHAPTER 130.

AN ACT TO AMEND CHAPTER 349, PUBLIC LAWS 1889, IN RELATION TO KILLING SQUIRRELS IN BERTIE AND MARTIN COUNTIES.

The General Assembly of North Carolina do enact:

Closed season
extended.

SECTION 1. That chapter three hundred and forty-nine, section one, Public Laws one thousand eight hundred and eighty-nine, be and the same is hereby amended by striking out "fifteenth day of August" and inserting in lieu thereof "fifteenth day of October."

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. 1905.

CHAPTER 131.

AN ACT TO LEVY A SPECIAL TAX IN ASHE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of Ashe County Years of levy. are authorized and empowered to levy a special tax for the years of one thousand nine hundred and five, one thousand nine hundred and six and one thousand nine hundred and seven, to pay for the Purpose of levy. building of a court-house and other county indebtedness in said county. The special tax levy shall not exceed in any one year Amount. more than thirty-three and one-third cents on the one hundred dollars valuation of property in said county and one dollar on the poll, and shall be levied at the same time and in the same manner as other taxes are levied on all the taxable property and polls in said county.

SEC. 2. In making said levy the said commissioners shall observe Constitutional equation. the constitutional equation between the property and the poll.

SEC. 3. That the said special tax, when levied, shall be collected Collection, etc. and accounted for as other taxes in said county and shall be applied to no other purpose than that mentioned in section one 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 7th day of February, A. D. 1905.

CHAPTER 132.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF MADISON COUNTY TO ISSUE BONDS FOR THE PURPOSE OF PAYING OFF THE FLOATING DEBT AND OLD BONDS OF SAID COUNTY AND OF CONSTRUCTING A JAIL.

WHEREAS, the county of Madison is indebted to various and Preamble. sundry parties in about the sum of seventy-five thousand dollars (\$75,000), incurred for necessary expenses; AND WHEREAS, the common jail of said county is unsafe and insecure, and it is imperative that said county should have a new and modern jail, which will cost about the sum of fifteen thousand dollars (\$15,000); AND WHEREAS, said county is at the present time unable to settle its said indebtedness and construct said jail; AND WHEREAS, it is to the best interest of the tax-payers of said county that said indebtedness shall be liquidated and said jail constructed

by an issue of bonds at a lower rate of interest than said county is now paying: now, therefore,

The General Assembly of North Carolina do enact:

Bond issue authorized.	SECTION 1. That the Board of Commissioners of Madison County be and they are hereby authorized and empowered to issue coupon
Maximum amount.	bonds, not to exceed in amount the sum of ninety thousand dol-
Denomination.	lars (\$90,000), to be issued in denomination of one thousand or
	five hundred dollars, respectively, at the discretion of the pur-
	chaser or purchasers of said bonds, said bonds to be dated the
Maturity.	first day of July, one thousand nine hundred and five, and to be-
Interest.	come due and payable on the first day of July, one thousand nine
	hundred and thirty-five, and to bear interest from date at the
	rate of five per centum per annum, payable semi-annually on the
	first days of January and July in each and every year until said
Purposes of bond issue.	bonds are paid; said bonds to be issued only to pay off and dis-
	charge outstanding bonds with accumulated interest thereon and
	fund the floating indebtedness of said county incurred prior to
	January first, one thousand nine hundred and five, with accumu-
	lated interest, build a jail and purchase a site to erect same upon,
	and to defray the necessary expenses of issuing and selling the
Where payable.	same; said bonds and coupons to be payable to bearer at the
	treasurer's office of Madison County or at such other place as may
	be agreed upon by said commissioners and the purchasers of said
	bonds.
Coupons.	SEC. 2. That the coupons attached to said bonds shall bear the
	number of the bond to which they shall be attached, and the pur-
	chaser or purchasers of said bonds, or any of them, shall not be
	required to see to the application of the purchase-money thereof.
Execution of bonds.	SEC. 3. That said bonds shall be signed by the chairman of said
	board of commissioners and countersigned by the clerk of said
	board, and shall bear the seal of said county; said coupons to
	bear the lithographed signature of said chairman and clerk.
Taxation exempt.	SEC. 4. That all of the bonds issued under the provisions of this
	act shall be exempt from county and municipal taxation and ex-
	press upon their face that they are issued to defray the necessary
	expenses of said county.
Jail bonds.	SEC. 5. That for the purpose of erecting a new jail at Marshall
	in said county and purchasing a site, if they shall deem the last
	necessary, the said board of commissioners are hereby authorized
	and empowered to expend an amount of said bonds not exceeding
	the sum of fifteen thousand dollars (\$15,000).
Application of bonds not expended for jail.	SEC. 6. That the remainder of said bonds not expended as pro-
	vided in section five of this act, or so much thereof as may be
	necessary, shall be applied by said board of commissioners to the
	payment of the outstanding indebtedness of said county incurred
	prior to the first day of January, one thousand nine hundred and
	five, and to no other purpose except as herein provided.

SEC. 7. That said board of commissioners are hereby authorized and empowered to retire all the bonds issued under chapter three hundred ninety-eight of the Public Laws of one thousand eight hundred and eighty-seven, with interest due thereon, at their par value, or such portion of said issue as may be agreed upon with the holders thereof, and pay off and discharge all of the outstanding indebtedness of said county incurred prior to January the first, one thousand nine hundred and five, and to erect a jail and purchase a site therefor, as hereinbefore provided, by selling so many of the bonds issued under the provisions of this act as may be necessary for such purposes and by applying the proceeds derived therefrom as herein provided. The bonds authorized to be sold under the provisions of this act shall be sold for not less than their par value. All of the said bonds, when executed, shall be placed by said board of commissioners in the hands of the treasurer of said county, whose duty it shall be to sell the same, and when sold the money arising from said sale shall be exclusively applied as in this act provided.

Refunding of old bonds provided for.

Outstanding county indebtedness.

Minimum selling price.

Sale of bonds and application of proceeds.

SEC. 8. That in the event the treasurer of said county is unable to sell said bonds at their par value, then said board of commissioners are hereby authorized and empowered to exchange said bonds at their par value with the creditors of said county for the bonds and other evidence of indebtedness now outstanding against said county coming within the meaning of this act: *Provided, however,* that this section shall be discretionary with said board of commissioners.

Exchange of bonds provided for.

SEC. 9. That for the purpose of ascertaining the amount of the outstanding and unliquidated indebtedness of said county incurred for necessary expenses prior to the first day of January, one thousand nine hundred and five, the said board of commissioners shall meet in special session on or before the seventeenth day of April, one thousand nine hundred and five, to scrutinize and examine all bonds, claims and debts contracted by said county which are still outstanding, unsettled and unliquidated, and credit them with all payments heretofore made and any offsets said county may have. They shall sit together and adjourn from time to time as may be necessary for auditing said indebtedness.

Ascertainment of outstanding bonded and other indebtedness.

SEC. 10. That said board of commissioners are hereby authorized, empowered and directed to adjust on such terms as may be equitable and just all the said floating and unliquidated indebtedness of said county and the respective amounts to be allowed the claimants and creditors of said county whose debt shall be a part of the present floating debt of said county, unliquidated and submitted to them for settlement, and no bonds shall be issued, exchanged or sold in settlement of any part of the unliquidated or floating debt of said county which has not been by them passed upon and allowed.

Liquidation and adjustment of floating debt.

SEC. 11. That the said board of commissioners shall, for thirty days prior to their meeting in special session as hereinbefore pro-

Notice of commissioners' meeting to creditors.

vided for, advertise the time and place for said meeting in some newspaper published in Madison County and at the court-house door in said county, requiring all persons bolding debts against said county incurred prior to the first day of January, one thousand nine hundred and five, to present the same before said board at the time and place mentioned, that the same may be by them inquired into as herein directed; and the chairman of said board of commissioners shall give written notice, by mail, to all non-resident creditors whose place of residence may be known, or their last known address, to appear before said board within the time mentioned and to present their claims to be audited and adjusted as provided by this act.

Record of allowed
indebtedness and
bonds.

SEC. 12. That said board of commissioners shall keep a separate book of accounts, in which they shall cause to be entered every item of outstanding indebtedness incurred by said county prior to the first day of January, one thousand nine hundred and five, audited and allowed by them as herein provided for, together with a complete and accurate record of all the bonds issued under this act, the names of the purchasers thereof, and of their subsequent transfers, as well as a record of all the coupons taken up and cancelled, and said book shall at all times be open to public inspection.

Tax levy for
interest.

SEC. 13. That the board of commissioners of said county are hereby authorized, empowered and directed, on the first Monday in June, one thousand nine hundred and five, at the time of levying other county taxes, and annually thereafter, to levy a special tax in an amount sufficient and for the purpose of paying the interest on the bonds issued under the provisions of this act as it may accrue. Said taxes shall be levied and collected as other county taxes are levied and collected and shall be imposed upon such property, polls and other subjects of taxation as are now or may hereafter be subject to taxation in this State: *Provided*, that in the levy and collection of the same the constitutional equation between property and the poll shall be maintained; and said tax shall be collected by the officer or officers charged with the collection of other county taxes, and who shall in respect thereto be liable officially as well as personally for the collection of said taxes.

Constitutional
equation.

Collection.

Treasurer to keep
separate account
of bond money.

SEC. 14. That the Treasurer of Madison County shall keep a separate book of accounts, in which shall be regularly, promptly and accurately entered all moneys from time to time derived from the collection of taxes authorized in section thirteen of this act, and all the coupons paid upon said bonds and all the disbursements of the said moneys made by him, and shall make an annual statement to said board of commissioners of the sundry moneys received and disbursed by him, and the balance, if any, remaining in his hands, and said book shall at all times be open to the inspection of the public.

Annual statement.

SEC. 15. That should any surplus remain in the hands of the treasurer of said county after paying the interest due on said bonds for the current year, the same shall be held by him and applied to the payment of the interest due the succeeding year, and the tax levy for that year shall be reduced in an amount equal to the surplus money on hand. Application of any annual surplus.

SEC. 16. That the treasurer of said county shall pay the interest on the bonds authorized by this act semi-annually as the coupons become due, out of the moneys derived from the specific taxes levied and collected for that purpose and any other moneys that may be in his hands and available for said purpose. Payment of interest.

SEC. 17. That the bonds issued under this act shall be issued as a complete series, consecutively numbered, in an amount fully sufficient to carry out all the provisions of this act. Bonds to be issued serially.

SEC. 18. That the taxes that have been collected, or which may hereafter be collected, upon the levies heretofore made under section eight (8) of chapter three hundred and twenty-two of the Public Laws of one thousand nine hundred and one, shall be applied by the treasurer of said county to the payment of the interest on the bonds authorized by this act as the coupons become due. Application of taxes collected under section 8, chapter 322, Public Laws 1901.

SEC. 19. That the board of commissioners of said county are hereby authorized, empowered and directed, on the first Monday in June, one thousand nine hundred and fifteen, at the time of levying other county taxes, and annually thereafter, to levy an additional special tax to that hereinbefore provided for, upon all subjects of county taxation in said county, for the purpose of creating a sinking fund for the payment of said bonds at maturity: *Provided*, that in the levy and collection of same the constitutional equation between property and poll shall be maintained: *Provided further*, that such levy shall in no one year exceed fifteen cents on the one hundred dollars worth of property and forty-five cents on each taxable poll. Tax levy for sinking fund.

SEC. 20. That the treasurer of said county may, under the direction of the board of commissioners, if any of the holders of the bonds issued under the provisions of this act are willing to surrender the same for a price not exceeding that actually received for them by the county, annually apply the taxes levied and collected under the preceding section to the payment of said bonds to the amount of said taxes levied and collected as aforesaid. Application of sinking fund.

SEC. 21. That should said moneys levied and collected for the purpose of creating a sinking fund as aforesaid not be expended in the payment of said bonds, as provided in the preceding sections, then the treasurer of said county is hereby authorized and empowered to loan said moneys on good and sufficient securities, under the directions of and to be approved by the board of commissioners of said county, at from four to six per centum per annum: *Provided*, that the amount of no loan made hereunder by said treasurer shall exceed fifty per cent. of the actual market Loan of sinking fund.

Liability of treasurer for loans.	value of said securities upon which said loan may be made at the date of said loan: <i>And provided further</i> , that said treasurer shall be responsible on his official bond for the principal and interest on all moneys so loaned by him, and said bonds shall be increased from time to time so as to cover the money in hand and loaned by him under the terms of this act.
Annual report of treasurer as to loans.	SEC. 22. That said treasurer shall make to said board of commissioners an annual report of all moneys loaned by him under the provisions of this act, setting forth therein to whom said loans have been made, the amount, the nature and kind of security given and the time when due of each and every loan made by him,
Insufficient security, procedure.	and if upon investigation the board of commissioners shall be of the opinion that the security of any of said loans is insufficient or has become impaired, then they are hereby authorized, empowered and directed to declare said loan or loans due and payable and shall order said treasurer to proceed to enforce the collection of the same, and the said treasurer and his bond shall be responsible for any unpaid balance of said moneys so loaned by him.
Collection of special tax.	SEC. 23. That the special taxes provided for in this act shall be collected in the same manner and at the same time and subject to the same penalties and regulations as are the general taxes of said county, and shall be turned over to the treasurer by the sheriff or tax collector of said county, and the said treasurer shall receipt and be liable therefor on his official bond.
Treasurer to give receipt. Liability.	SEC. 24. That the said commissioners shall have the power and they are hereby authorized and directed to require the said Treasurer of Madison County, before the proceeds arising from the sale of any of the bonds issued under this act shall go into his hands as treasurer, to increase his bond in the additional sum of ten thousand dollars (\$10,000), justified and executed, as required by law, with sufficient sureties, conditioned that he will faithfully execute the duties of his office as is now required of him by law, and the said board may in its discretion require that said bond be renewed or re-executed from time to time until all moneys arising from the sale of said bonds shall have been expended.
Increased bond of treasurer.	SEC. 25. That any and all expenses incurred by said county in advertising, printing and selling said bonds, or for other necessary purposes in connection therewith, shall be paid out of the moneys derived from the sale thereof, and the treasurer of said county shall not receive as compensation for performing his duties herein prescribed more than one-half of one per cent. on receipts and one-half of one per cent. on disbursements.
Expenses of bond issue.	SEC. 26. That if any officer of Madison County shall apply the proceeds of any bonds issued under this act, or exchange any such in any other manner or for any other purpose, or shall issue or have issued any more of the bonds provided for in this act than may be necessary for the specific purposes of this act, or shall unlawfully misapply any of the moneys derived from the tax
Compensation of treasurer.	
Misapplication of funds or refusal to perform duties under act, misdemeanor.	

levies herein authorized, or shall fail and refuse to perform any of the duties imposed upon him by the provisions of this act, he shall be guilty of a misdemeanor, and upon conviction thereof Penalty. shall be fined or imprisoned in the discretion of the court.

SEC. 27. That section eight, chapter three hundred and twenty-two of the Public Laws of one thousand nine hundred and one, and chapter two hundred and eighty-nine of the Public Laws of one thousand nine hundred and three, be and the same are hereby repealed: *Provided*, said repeal shall not operate or take effect until the bonds hereby authorized are lawfully issued and sold or exchanged as provided for in this act: *Provided further, however*, that when said board of commissioners shall levy the tax as directed in section thirteen of this act, then they shall not levy the tax heretofore authorized in section eight of said chapter three hundred and twenty-two of the Public Laws of one thousand nine hundred and one. Section 8, chapter 322, Public Laws, 1901, and chapter 289, Public Laws, 1903, repealed. Proviso.

SEC. 28. That this act 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. 1905.

CHAPTER 133.

AN ACT TO AMEND CHAPTER 366 OF PUBLIC LAWS OF 1901 BY PROVIDING FOR THE ELECTION OF ROAD COMMISSIONERS BY THE PEOPLE IN MONROE TOWNSHIP.

The General Assembly of North Carolina do enact:

SECTION 1. That section one (1) of chapter three hundred and sixty-six (366) of the Public Laws of one thousand nine hundred and one be and the same is hereby amended by striking out all of said section after the word "county" in line two of said section and inserting in lieu thereof "and they and their successors shall hold their said office until the next general election in and for said county of Union and until their successors qualify, and there shall be elected at the next general election in 1906 and every two years thereafter in and for Monroe Township in said county three competent persons, who shall be persons qualified under the laws of this State to vote in said township, and at least one of which shall reside in the city of Monroe, which said persons, when so elected, shall, on the first Monday of December thereafter, take an oath of office before the clerk of the superior court of the said county to the effect that they will faithfully and honestly discharge the duties as such road commissioners according to law, and shall then immediately enter upon the discharge of the duties of their respective offices." Monroe township, Union county. Election of road commissioners. Qualifications. Oath of office.

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

In the General Assembly read three times, and ratified this the 8th day of February, A. D. 1905.

CHAPTER 134.

AN ACT PERTAINING TO COURT FEES IN MARTIN COUNTY.

The General Assembly of North Carolina do enact:

Compensation of jurors. SECTION 1. That the County Commissioners of the county of Martin are hereby authorized, in their discretion, to pay all regular jurors summoned by their order two dollars per day and mileage, as now provided by the law.

Special veniremen. SEC. 2. That all special veniremen summoned by order of any superior court and who do attend in obedience to said order shall receive one dollar a day, without any mileage, for each day while in attendance.

Witnesses for the State. SEC. 3. That all witnesses summoned by order of court to appear before the grand jury of the county of Martin, and who do attend in obedience to such order, and all other witnesses who may testify in open court on the part of the State, shall be allowed to prove attendance and collect one-half fees.

SEC. 4. 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. 1905.

CHAPTER 135.

AN ACT TO RESTORE THE NAME OF BRUCE TOWNSHIP IN GUILFORD COUNTY.

The General Assembly of North Carolina do enact:

Name changed. SECTION 1. That the name of Summerfield Township, in Guilford County, is hereby changed to Bruce Township.

Conflicting laws repealed. SEC. 2. That all laws in conflict herewith 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 8th day of February, A. D. 1905.

CHAPTER 136.

AN ACT TO EXEMPT ALL PERSONS UNDER TWENTY-ONE YEARS OF AGE FROM PUBLIC ROAD DUTY IN COLUMBUS AND TYRRELL COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That no person shall be required to work upon the Age limit. public roads in Columbus and Tyrrell Counties who is less than twenty-one years of age.

SEC. 2. That all laws and clauses of laws in conflict with this Conflicting laws repealed. act, so far as they apply to Columbus and Tyrrell Counties, 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 8th day of February, A. D. 1905.

CHAPTER 137.

AN ACT TO PROTECT GAME IN HALIFAX AND WARREN COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person to hunt, Open season. with gun or dog, the following named game at any time except between the time hereinafter stated, to-wit, quail, between November first and March first; deer, between September first and January first; wild turkeys, between November first and March first; doves, between August first and February first; snipe, between February first and May first; robins, between November first and March first.

SEC. 2. That any person violating the provisions of this act Penalty for violation. shall be guilty of a misdemeanor, and upon conviction thereof shall be fined ten dollars for each offense.

SEC. 3. That it shall be lawful to hunt squirrel and rabbits in Squirrel and rabbits. Warren County at any time.

SEC. 4. That this act shall apply to Warren and Halifax Counties only. Application to Warren and Halifax only.

SEC. 5. That all laws in conflict with this act are hereby Conflicting laws repealed. repealed in so far as they affect said counties.

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

In the General Assembly read three times, and ratified this the 8th day of February, A. D. 1905.

CHAPTER 138.

AN ACT TO ENABLE MARRIED MEN WHOSE WIVES ARE
LUNATICS TO SELL THEIR REAL ESTATE.*The General Assembly of North Carolina do enact:*Right to convey
real estate.

SECTION 1. Every man whose wife is a lunatic or insane and is confined in any asylum for lunatics and insane persons in the State of North Carolina shall have the right to sell and convey any of his real estate by deed, except his homestead, without the signature and private examination of his wife: *Provided*, the superintendent of the asylum in which said female covert shall be confined shall certify that she is confined in the asylum of which he is superintendent, and that she is of insane mind and memory, which certificate shall be subscribed and sworn to before the clerk of the superior court of the county in which said asylum shall be situated, which certificate shall be attached to the deed, together with the certificate of the clerk, under his hand and official seal.

Certificate of
superintendent of
asylum.

Probate.

SEC. 2. When a deed executed by a married man whose wife is insane or a lunatic, together with the certificate of the superintendent of the asylum and the certificate of the clerk taken as prescribed in section one of this act, shall be offered for probate before the clerk of the superior court of the county in which the land conveyed is situated, and the execution of such deed shall be acknowledged or proved, the clerk shall adjudge whether the certificates of the superintendent and the clerk are in due form, and if adjudged to be in due form he shall order the registration of the deed and certificates.

Effect of convey-
ance.

SEC. 3. When the deed of a married man whose wife is insane or a lunatic shall be executed, probated and registered in accordance with sections one and two of this act it shall convey all the estate and interest of the grantor in the land conveyed free and exempt from the dower rights and all other interests of his wife: *Provided*, this act shall not apply to the homestead of the husband.

Conflicting laws
repealed.

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

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

In the General Assembly read three times, and ratified this the 8th day of February, A. D. 1905.

CHAPTER 139.

AN ACT TO PROTECT THE STREAMS OF DAVIDSON
COUNTY FROM SAWDUST AND TO FORBID THE FELL-
ING OF TREES IN THE SAME.*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person to erect, construct or establish any saw-mill on any creek, branch or other stream in the county of Davidson for the purpose of using said stream as a means of carrying off the sawdust, and every person so building or constructing a saw-mill who shall dump, pour or place, by machinery or otherwise, the sawdust at any portion thereof in such stream or water-course shall be guilty of a misdemeanor: *Provided*, nothing herein contained shall apply to any saw-mill already erected and in operation, so long as it remains at the site now occupied.

Putting sawdust
in streams misde-
meanor.

SEC. 2. That it shall be unlawful for any person to fell trees in any of said streams of said county of Davidson, and every person so offending shall be guilty of a misdemeanor.

Penalty for felling
trees.

SEC. 3. That all laws and clauses of laws in conflict herewith 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 8th day of February, A. D. 1905.

CHAPTER 140.

AN ACT TO INCREASE THE NUMBER OF COMMISSIONERS
OF CARTERET COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That the number of commissioners for Carteret County is hereby increased to five; their term of office to begin on the first Monday in March, one thousand nine hundred and five.

Number increased.

SEC. 2. That W. N. Bell and Allen Taylor are hereby appointed commissioners to serve until the first Monday in December, one thousand nine hundred and six.

Names of addition-
al commissioners.

SEC. 3. That said additional commissioners shall qualify on or before the first Monday in March, one thousand nine hundred and five, and shall meet with the present three commissioners at that time, and with them shall constitute the Board of Commissioners of Carteret County.

When to qualify.

SEC. 4. The Secretary of State is hereby directed to send a copy of this act, under the seal of the State of North Carolina, to the

Secretary of State
to send copy.

Clerk of the Superior Court and the Chairman of the Board of Commissioners of Carteret County immediately upon its ratification.

SEC. 5. That this act shall apply to Carteret County only.

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 8th day of February, A. D. 1905.

CHAPTER 141.

AN ACT TO AMEND CHAPTER 110, PUBLIC LAWS OF 1883, ENTITLED "AN ACT FOR THE PROTECTION OF CROPS IN CERTAIN LOCALITIES."

The General Assembly of North Carolina do enact:

Boundary of stock
law territory,
Craven county,
changed.

SECTION 1. That section three, chapter one hundred and ten, Public Laws of eighteen hundred and eighty-three, be amended by striking out in the third line of said section all after the word "creek" and inserting in lieu thereof the following: "Commencing near Johnson Point on Neuse River, running west southwest with Summerfield Huskitt's southwardly line to New Bern and Beaufort County Road; then same course with Gabriel L. Hundison's southwardly line to Atlantic and North Carolina Railroad; then same course through I. A. Miller's land to the old stock-law fence; thence south southwest on said I. A. Miller's land to Brice's Creek. The distance from beginning to terminus is about four miles.

SEC. 2. 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. 1905.

CHAPTER 142.

AN ACT TO PREVENT FAST RIDING OR DRIVING OVER THE PUBLIC BRIDGE ACROSS THE CATAWBA RIVER IN CALDWELL COUNTY.

The General Assembly of North Carolina do enact:

Maximum speed
allowed.

SECTION 1. That it shall be unlawful for any person to ride or drive at a greater speed than a walk over the public bridge across the Catawba River at Rhodhiss in Caldwell County.

SEC. 2. It shall be the duty of the Board of Commissioners of Notice. Caldwell County to post a notice of this act at each end of said bridge.

SEC. 3. Any person or persons violating the provisions of this act shall be guilty of a misdemeanor and fined not exceeding fifty dollars or imprisoned not exceeding thirty days, one-half of said fine to be paid to the informant and balance to the public school fund. ^{Penalty for violation.}

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 8th day of February, A. D. 1905.

CHAPTER 143.

AN ACT TO AMEND SECTION 1 OF CHAPTER 103, OF THE PUBLIC LAWS OF 1903, RELATIVE TO KILLING GAME IN CERTAIN COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter one hundred and three of the Public Laws of one thousand nine hundred and three be ^{Gates county added.} and the same hereby is amended by adding after the word "Beaufort" in line four thereof, the word "Gates."

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

In the General Assembly read three times, and ratified this 10th day of February, A. D. 1905.

CHAPTER 144.

AN ACT TO AMEND CHAPTER 43, SECTION 2, OF THE PUBLIC LAWS OF NORTH CAROLINA OF THE YEAR 1903.

The General Assembly of North Carolina do enact:

SECTION 1. That section two of chapter forty-three of the Public Laws of North Carolina of the year one thousand nine hundred and three be amended by striking out the words "raised on his own lands" after the word "grapes" in line three of said section: *Provided*, that this act shall not be construed to permit the sale of brandy manufactured from fruit or grapes in less quantities than five gallons in original packages, as is now provided by law in section one, chapter two hundred and thirty-three of the Public Laws of one thousand nine hundred and three. ^{Sale of brandy regulated.}

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 10th day of February, A. D. 1905.

CHAPTER 145.

AN ACT TO REPEAL CHAPTER 526 PUBLIC LAWS OF 1903.

The General Assembly of North Carolina do enact:

Relative to road working in Yancey county repealed.

SECTION 1. That chapter five hundred and twenty-six of the Public Laws of one thousand nine hundred and three be and the same is hereby repealed.

Chapter 57, Code, not applicable to stock-law territory, Yancey county.

SEC. 2. That section two thousand and fifty-seven of The Code shall have no application, and shall be of no force and effect in any section or portion of Yancey County, which now has or hereafter may have the stock law or no fence law.

Road services prescribed.

SEC. 3. That all persons liable to road duty in said Yancey County shall be required to work on the public roads of said Yancey County not less than six nor more than eight days of eight hours each calendar year.

Amendments to Code applicable to Yancey county.

S53. 4. That section two thousand and fifteen of The Code be amended as follows: Strike out in line four of said section the words "First Saturday of February and August," and insert in lieu thereof the words "First Saturday in June and November," and by striking out in line eight of said section the word "August," and insert the word "November."

Section 2016, Code, amended.

SEC. 5. That section two thousand and sixteen of The Code be and is hereby amended by striking out in line two of said section the word "February," and inserting in lieu thereof the words "first Saturday in June."

Section 2026, Code, repealed as to Yancey county.

SEC. 6. That section two thousand and twenty-six of The Code, in so far as the same applies to the county of Yancey, is hereby repealed.

Section 2044, Code, amended.

SEC. 7. That section two thousand and forty-four of The Code be amended by striking out the word "three" in line two thereof, and inserting in lieu thereof the word "two."

Apportionment of tools.

SEC. 8. That all the road tools and ammunition owned by the said county of Yancey shall be turned over by the supervisors of the several townships to the township board of supervisors who shall apportion said tools among the different overseers of said townships.

Application of general road law.

SEC. 9. That the general Public Law of the State applicable to roads, except as modified or repealed by this act shall apply to the county of Yancey.

SEC. 10. This act shall be in force from and after the thirty-^{When in force.} first day of May, one thousand nine hundred and five.

SEC. 11. This act shall apply only to the county of Yancey.

^{Application re-}
^{stricted.}

In the General Assembly read three times, and ratified this the 10th day of February, A. D. 1905.

CHAPTER 146.

AN ACT TO REGULATE PRIMARY ELECTIONS IN CRAVEN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That every political primary held by any political party, organization or association, for the purpose of choosing candidates for county and city, town and township officers in Craven County, North Carolina, 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. ^{Provisions for hold-} ^{ing primaries.} ^{Managers.} 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 oaths 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. ^{Oath.}

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 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 election 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

^{Ballot boxes.}

^{Poll lists.}

^{Oath of voter.}

Result certified.	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.
Time and place of primary.	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 and result, when and where made.	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.
Penalty for violation of duties by manager.	SEC. 4. Any manager who shall be guilty of willfully violating any of the duties devolved 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
Fraud or corruption, penalty.	guilty of a misdemeanor, and upon conviction thereof 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 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.
Voter swearing falsely, etc., perjury.	SEC. 5. Any voter who shall swear falsely in taking the prescribed oath, or who shall impersonate another person and take the oath in his name in order to vote, shall be guilty of perjury
Penalty.	and punished upon conviction as for perjury.
Party registration for New Bern.	SEC. 6. That in the city of New Bern there shall be a party registration of votes under regulations to be prescribed by the party organization or association.
Duties of party appointees, delegates, etc.	SEC. 7. It shall be the duty of any person who may be appointed by his party in any capacity, 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 by this act.
Penalty for participating in more than one party primary or repeating vote.	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 same 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 offense.

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.

Bribery or influencing vote by intoxicating liquors.

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.

Restrictions on use or sale of liquor on primary day.

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.

Certified copies of registration books.

Sec. 12. That upon the payment of ten 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. The name of each candidate for every office to be printed on a separate ballot; and it shall be the duty of the party chairman to cause the ballot of each candidate for every office to be distributed at each voting precinct in said Craven County, or in the city of New Bern.

Fee for printing and distributing ballots.

Sec. 13. Nothing in this act shall be held or construed to make the holding of primary elections compulsory, except for general county officers and members of the House of Representatives, but it shall be left to the option of the executive committee of each party in said Craven County, or said city of New Bern, to elect whether or not for each party a primary election shall be held instead of a convention; or the executive committee of each party in said Craven County may, at its option, hold a convention instead of a primary, separate and apart, and at a different time from the primary for the purpose of choosing and instructing delegates to State, judicial, congressional and senatorial conventions, and for the election of county and city executive committees. This act shall apply to Craven County only.

When primary compulsory.

When optional.

Application restricted to Craven county.

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 10th day of February, A. D. 1905.

CHAPTER 147.

AN ACT TO AMEND CHAPTER 38, LAWS OF 1885, RELATIVE TO THE PUBLICATION OF NOTICE OF SALES UNDER DEED IN TRUST, MORTGAGE OR OTHER CONTRACT.

The General Assembly of North Carolina do enact:

Publication of notice required.

SECTION 1. That section one of chapter thirty-eight, Laws of one thousand eight hundred and eighty-five, be amended by inserting between the word "Execution" in line three and the word "until" in line four the following: "Deed in trust, mortgage, or other contract hereafter executed."

Relative to cost of publication.

SEC. 2. That said section be still further amended by striking out the words "Proceedings or action" in line eleven and substituting the following: "Action, special proceeding, or proceeding to sell."

When in force.

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

In the General Assembly read three times, and ratified this 10th day of February, A. D. 1905.

CHAPTER 148.

AN ACT TO ELECT THE BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY AND THE JUSTICES OF THE PEACE OF SAID COUNTY BY QUALIFIED ELECTORS THEREOF.

The General Assembly of North Carolina do enact:

Election of Washington county commissioners.

SECTION 1. There shall be elected in the county of Washington, of this State, at the general election to be held in the year nineteen hundred and six, and every two years thereafter, by the duly qualified electors thereof, three persons, to be chosen from the body of the county, who shall be styled "the Board of Commissioners" for the County of Washington, and shall hold their office two years from the date of their qualification and until their successors shall be elected and qualified.

Terms of office.

Election of justices of the peace.

SEC. 2. There shall be elected in the county of Washington, at the general election to be held in the year nineteen hundred and eight (1908), and every two years thereafter, by the duly quali-

fied electors of each township, three persons, justices of the peace from each township in said county, and they shall hold their office for two years from the date of their qualification and until their successors shall be elected and qualified. Terms of office.

SEC. 3. The said board of commissioners and justices of the peace so elected shall qualify and enter upon the duties of their respective offices on the first Monday in December next succeeding their election, and they may take the oath of office before the clerk of the superior court, or some judge or justice of the peace or other person qualified by law to administer oaths. The oaths of office severally taken and subscribed by them shall be deposited with the clerk of the superior court. When to qualify. Oath of office.

SEC. 4. That the board of commissioners in said county shall hold regular meetings at the court-house on the first Monday in every other month after their regular meeting in December next succeeding their election, and the chairman of said board may call special meetings to be held on the first Monday in every month, but shall not continue longer in session than two days. 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 all meetings shall be posted at the court-house door for not less than six days. The board shall receive no compensation for attending such call meetings. Meetings of county commissioners.

SEC. 5. That the board of commissioners and the justices of the peace of the several townships so elected shall have all the power and exercise all the duties that are now conferred by law upon the boards of county commissioners and justices of the peace of the State. Powers of county commissioners and justices of the peace.

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

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

In the General Assembly read three times, and ratified this the 11th day of February, A. D. 1905.

CHAPTER 149.

AN ACT TO AUTHORIZE THE COUNTY BOARD OF EDUCATION OF WAKE COUNTY TO MAKE AN APPROPRIATION OUT OF THE COUNTY SCHOOL FUND TO AID THE WAKE COUNTY WOMAN'S ASSOCIATION FOR THE BETTERMENT OF PUBLIC SCHOOLS.

The General Assembly of North Carolina do enact:

SECTION 1. That the County Board of Education of Wake County may annually appropriate out of the county school fund Appropriation authorized.

a sum not to exceed one hundred dollars for the payment of the necessary expenses incident to the work of the Wake County Woman's Association for the Betterment of Public Schools.

Accounts to be approved.

SEC. 2. That all accounts for such expenses shall before payment be approved by the county board of education.

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 February, A. D. 1905.

CHAPTER 150.

AN ACT TO AMEND CHAPTER 153 OF THE PUBLIC LAWS OF 1903, RELATIVE TO HUNTING ON THE LANDS OF ANOTHER IN ROBESON COUNTY.

The General Assembly of North Carolina do enact:

Made applicable to whole county.

SECTION 1. That chapter one hundred and fifty-three of the Public Laws of one thousand nine hundred and three be amended as follows: Strike out all of section one after the word "agent" in line four of said section.

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 11th day of February, A. D. 1905.

CHAPTER 151.

AN ACT FOR THE BETTER PROTECTION OF THE OWNERS OF SWINE IN TYRRELL COUNTY.

The General Assembly of North Carolina do enact:

Impounding hogs in Columbia.

SECTION 1. It shall be unlawful for the town authorities of the town of Columbia in Tyrrell County, to charge any fees for impounding or feeding any hogs owned or kept by any person residing outside of the corporate limits of said town until after one full day's notice in writing shall have been given the owner or keeper of said hogs of such impounding.

SEC. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

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

In the General Assembly read three times, and ratified this the 11th day of February, A. D. 1905.

CHAPTER 152.

AN ACT FOR THE RELIEF OF PIEDMONT LAND AND MANUFACTURING COMPANY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Sheriff of Rockingham County be and he is hereby authorized to pay to Piedmont Land and Manufacturing Company out of any unappropriated school funds of district number seven (7) for the white race, Madison Township of said county the sum of twelve dollars (\$12), balance due for eight cords of wood furnished said school district. ^{Wood bill to be paid.}

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 February, A. D. 1905.

CHAPTER 153.

AN ACT TO ALLOW A. H. BOYD TO EXECUTE TAX DEEDS FOR LANDS IN CALDWELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be lawful for and the duty of A. H. Boyd, ex-Sheriff of Caldwell County, to make and execute deeds to the holders of the certificates of purchase of lands sold for taxes by G. D. Sherrill, acting as agent for the said A. H. Boyd, in such cases as they may be by law entitled to such deeds. ^{Authorized to execute tax deeds.}

SEC. 2. That all acts in conflict herewith 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 February, A. D. 1905.

CHAPTER 154.

AN ACT TO REGULATE THE TIME OF HOLDING COURTS IN JACKSON COUNTY AND TO DECLARE WHICH SHALL BE FOR THE TRIAL OF CRIMINAL AND WHICH FOR THE TRIAL OF CIVIL CAUSES.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter ninety-two, Public Laws of one thousand nine hundred and three, entitled "An act to regulate the time of holding courts in Jackson County," be and the same is hereby repealed. ^{Chapter 92, Public Laws 1903, repealed.}

Section 17, chapter 29, Public Laws 1901, repealed.

SEC. 2. That section seventeen, chapter twenty-nine, Public Laws of one thousand nine hundred and one, be and the same is hereby repealed.

Chapter 23, Public Laws 1901, amended.

SEC. 3. That all under the heading "Jackson County," in the division headed "Sixteenth District," in chapter twenty-eight, Public Laws of one thousand nine hundred and one, be and the same is hereby stricken out and the following substituted, to-wit:

Times for holding courts in Jackson county.

"That the courts thereof shall be held at the following times: Second Monday before the first Monday in March; eleventh Monday after the first Monday in March; and the fifth Monday after the first Monday in September of each year, each to continue for two weeks. The term beginning on the eleventh Monday after the first Monday in March shall be exclusively for the trial of civil causes, and the terms beginning on the second Monday before the first Monday in March and on the fifth Monday after the first Monday in September shall be for the trial of both civil and criminal causes."

Conflicting laws repealed.

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

When effective.

SEC. 5. That this act, when ratified, shall be in force from and after the first day of March, one thousand nine hundred and five.

In the General Assembly read three times, and ratified this 11th day of February, A. D. 1905.

CHAPTER 155.

AN ACT TO PROVIDE FOR THE PAYMENT OF MISS FANNIE WRIGHT, A SCHOOL TEACHER OF SCOTLAND COUNTY.

The General Assembly of North Carolina do enact:

Preamble.

SECTION 1. WHEREAS, Miss Fannie Wright of Scotland County taught a school in district number five, white, Laurel Hill Township, Scotland County, under lawful contract with the committee, and before her term had expired the General Assembly by chapter one hundred and ninety-seven of the Private Laws of one thousand nine hundred and three, enacted a few days before the proper termination of her contract with the committee, authorized and directed the treasurer of Scotland County to pay seventy dollars of the funds in hand to the credit of that district, to another, which was done, and thereby deprived the district of funds with which to pay Miss Fannie Wright in full, leaving her unpaid for teaching from the eighteenth day of January, one thousand nine hundred and three; to the twenty-seventh day of March, one thousand nine hundred and three, inclusive, and

WHEREAS, the whole matter was referred to the County Board of Education of Scotland County, and the action of the county superintendent in refusing to approve voucher for money not to the credit of the district, was approved by the board and Miss Fannie Wright referred to the General Assembly for her pay. Preamble.

SECTION 1. That the Treasurer of Scotland County shall pay from the school fund to the credit, or which may hereafter come into his hands to the credit of District Number Five, Laurel Hill Township, for whites, or to that district for which said school term was taught, by whatever name or number known, the sum of sixty-seven dollars to Miss Fannie Wright for services as teacher in said district from January eighteenth, one thousand nine hundred and three to March twenty-seventh, one thousand nine hundred and three, inclusive, in full settlement and discharge of her claim against same, taking her receipt in full for same. \$67 to be paid
Miss Fannie
Wright.

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

In the General Assembly read three times, and ratified this 11th day of February, A. D. 1905.

CHAPTER 156.

AN ACT TO PREVENT HUNTING AND FISHING UPON THE LANDS OF ANOTHER WITHOUT WRITTEN PERMISSION OF THE LAND-OWNERS OF GOOSE NEST, POPULAR POINT AND HAMILTON TOWNSHIPS, MARTIN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons to hunt with dog or gun upon any of the lands of Goose Nest, Popular Point and Hamilton Townships in Martin County, or to fish in any of the waters of the lands of another in said townships without first having received written permission to do so from the owner of said land or lands or his or their authorized agents. Written permission
of land owner
necessary.

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

SEC. 3. That any person violating the provisions of this act shall, upon conviction in any court having jurisdiction, be guilty of a misdemeanor and fined not to exceed ten dollars or imprisoned not more than ten days. Penalty for viola-
tion.

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 February, A. D. 1905.

CHAPTER 157.

AN ACT FOR THE RELIEF OF MISS ANNIE CLEGG OF CHATHAM COUNTY.

The General Assembly of North Carolina do enact:

To be paid \$27.80.

SECTION 1. That the Treasurer of Chatham County is hereby authorized and directed to pay Miss Annie Glegg the sum of twenty-seven dollars and eighty cents, with interest from the twenty-sixth day of March, one thousand nine hundred and three, out of the school funds now in his hands or that may come into his hands to the credit of District Number Two for the white race in Oakland Township, in said county, the said sum being due her as balance for teaching in said district in one thousand nine hundred and three.

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

In the General Assembly read three times, and ratified this 11th day of February, A. D. 1905.

CHAPTER 158.

AN ACT TO PREVENT THE KILLING OF SQUIRRELS IN WAKE, DARE AND FRANKLIN COUNTIES.

The General Assembly of North Carolina do enact:

Closed season.

SECTION 1. The close season or time in each year during which no squirrels shall be hunted, killed, or in any way captured, shall be as to the counties hereinafter stated as follows: Wake and Dare, from first of March to first day of November; Franklin, from the first day of March to the first day of September.

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 February, A. D. 1905.

CHAPTER 159.

AN ACT FOR THE RELIEF OF F. L. CASTELLOW.

*The General Assembly of North Carolina do enact:*To be paid \$31.25
out of school fund.

SECTION 1. That the treasurer of the school fund of Bertie County be and he is hereby authorized to pay to F. L. Castellow out of the funds apportioned to Public School District Number Thirteen (13), white race, Windsor Township, the sum of thirty-

one dollars and twenty-five cents (\$31.25) for services as teacher in said school district for one and a quarter months' term, the said services having been rendered by F. L. Castellow through an oversight of the committee in having him teach a longer term than the funds in hand would justify.

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 February, A. D. 1905.

CHAPTER 160.

AN ACT TO AUTHORIZE THE BOARD OF EDUCATION OF YANCEY COUNTY TO REFUND TO N. W. HORTON, EX-TREASURER OF SAID COUNTY, FORTY DOLLARS OUT OF THE GENERAL SCHOOL FUND OF SAID COUNTY FOR MONEY OVERPAID IN EXCESS OF THE SCHOOL FUND IN 1899.

The General Assembly of North Carolina do enact:

SECTION 1. That the County Board of Education of Yancey County be and they are hereby authorized and empowered to refund to N. W. Horton, ex-treasurer of said county, forty dollars for the amount paid by said Horton in one thousand eight hundred and ninety-nine to the public schools in said county in excess of the public school funds allotted to the public schools in said county. Refunding authorized.

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 11th day of February, A. D. 1905.

CHAPTER 161.

AN ACT TO AMEND CHAPTER 581, PUBLIC LAWS OF 1899, RELATING TO THE ROAD LAW OF THE TOWNSHIP OF HAWTREE IN WARREN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That in this act as applied to the township of Hawtree in said county W. R. Coleman, W. P. Rodwell and J. R. Paschall shall be and the same are hereby constituted a special road commission for said township, which road commission, in carrying out the provisions of this act as applied to said township, are hereby vested with all duties, rights and powers (except that of Road commission for township. Powers.

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 township 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 township. Vacancies on said board of road commission shall be filled by the board of county commissioners, and its members shall be paid out of the township road fund of the said township not exceeding one dollar per day each while actually engaged in the necessary work of the commission for not more than three days in any month. Such money as may be paid in lieu of the labor in said township 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.

Tax levy.

Purposes.

Vacancies on road commission.

Compensation.

Money in lieu of labor.

Conflicting laws repealed.

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

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

In the General Assembly read three times, and ratified this 11th day of February, A. D. 1905.

CHAPTER 162.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF CASWELL COUNTY TO SUBMIT TO THE QUALIFIED VOTERS OF SAID COUNTY THE QUESTION OF ISSUING BONDS FOR THE PURPOSE OF MAKING AND IMPROVING, ETC., THE PUBLIC ROADS OF SAID COUNTY.

Preamble.

WHEREAS, the special tax authorized by chapter one hundred and thirty-eight, Public Laws of one thousand nine hundred and three, to be levied by the Commissioners of Caswell County for the years one thousand nine hundred and three and one thousand nine hundred and four is no longer necessary for the general county expenses; AND WHEREAS, the public roads of said county are badly in need of repair: therefore,

The General Assembly of North Carolina do enact:

Election on bond issue.

SECTION 1. That the Board of County Commissioners of Caswell County be and is hereby authorized and empowered and shall submit to the vote of the qualified voters of Caswell County, on the second Tuesday of May next, the question as to whether or not the county of Caswell shall issue bonds in the sum of forty thousand dollars, with interest coupons attached, the proceeds of which

to be used for the purpose of grading and improving the public roads of said county. The said board of commissioners shall, for at least thirty days preceding the election, give public notice of such election, together with the purpose thereof, by publication in one or more newspapers published in the said county: *Provided*, that if the majority of the qualified voters of the said county shall not vote to issue bonds at the election so held, the said board of county commissioners may submit the said question to the qualified voters of said county at any other time or times under the provisions and regulations hereinafter enacted.

SEC. 2. That any election held under the provisions of this act shall be held and conducted in the same manner as is now or may hereafter be prescribed by the law for holding elections for members of the General Assembly: *Provided, however*, that the said board of county commissioners shall appoint the registrars of election and any other election officers, and registration and challenge of voters shall be conducted in the same manner as is now provided or may hereafter be provided for the election of members of the General Assembly, and said county commissioners are not required to order a new registration for any or all of said elections. The vote shall be counted at the close of the polls and returned to the said board of county commissioners on the Thursday next following the election, and said board of county commissioners shall tabulate the result of the election, all of which shall be recorded in the minutes of the board of county commissioners, and no other proceeding and declaration of the result of said election shall be necessary.

Election, how conducted.

Registration, count of vote, returns, etc.

SEC. 3. That at the said election or elections the ballots tendered and cast by the qualified voters shall have written upon them "For Good Roads Bond Issue" or "Against Good Roads Bond Issue," and all qualified electors who favor the issuing of said bonds shall vote "For Good Roads Bond Issue," and all qualified electors opposed to the issuing of the bonds shall vote "Against Good Roads Bond Issue."

Ballots.

SEC. 4. In the event that the majority of the qualified electors of said county shall vote "For Good Roads Bond Issue" at said election, the result shall be recorded and declared as aforesaid, and the Board of Commissioners of Caswell County shall elect five electors, residents of said county, to be known as the Highway Commissioners of Caswell County. One member thereof shall reside in the northern section of said county, one in the southern section, one in the western section, one in the eastern section, one in the central section. At the first election of said Highway Commissioners of Caswell County two members of said commission shall be elected for two years, two members for four years, and one member for six years: *Provided*, that the said board of county commissioners shall have power to fill all vacancies occurring by death, resignation or otherwise for any unexpired term: *Provided*

Highway commission.

Vacancies.

Political complexion of commission.	<i>further</i> , that at least two members of said highway commission shall at all times be members of a different party from that of the majority of said board of county commissioners; said two members to be elected from the political party casting the next highest vote to that political party electing the majority of the said board of county commissioners at the last election held for the election of county officers. That as soon as practicable after the election of said members of the highway commission they shall meet and organize by electing one of their members chairman of said commission and another of their members secretary thereof, and shall pass such rules and regulations for their government as they shall deem best: <i>Provided</i> , that the highway commission shall take an oath before some person authorized to administer oaths to perform their duties of said office to the best of their skill and ability:
Organization.	<i>And provided further</i> , that as the term of office of the said highway commission shall expire the Board of Commissioners of Caswell County shall elect their successors to same for a period of six years.
Oath of office.	
Election of successors.	
Location of highways.	SEC. 5. The highways to be opened, graded and improved by the highway commission under the provisions of this act shall from time to time be determined upon and designated by the highway commission in joint session. In determining upon such highways said joint board shall take into consideration the needs of the entire county and every part thereof, opening and improving those highways which in their opinion will be of benefit to the greatest possible number of people of the county and treating every section of the county with equal justice.
Bonds—preparation, denomination, etc.	SEC. 6. In the event that the majority of the qualified electors of said county shall vote "For Good Roads Bond Issue" at said election, the result shall be declared and recorded as aforesaid, and the Board of County Commissioners of Caswell County shall have prepared bonds in the denomination of one thousand dollars, five hundred dollars or one hundred dollars, the total amount to be that provided for in the first section of this act, and the said bonds shall bear a rate of interest to be determined before the issue thereof by the said board of county commissioners, not exceeding five per centum per annum, with the interest coupons attached, payable semi-annually during the time the said bonds shall run, and the principal thereof shall be payable thirty (30) years from the date of their issue. Said bonds and coupons shall be payable in standard currency of the United States at the office of the Treasurer of Caswell County in the town of Yanceyville, North Carolina, and both the bonds and the coupons shall be numbered consecutively, beginning with the number one, and both bonds and coupons shall be signed by the chairman of the said board of county commissioners and countersigned by the clerk of said board, and the said bonds shall have impressed upon them the
Interest rate.	
Maturity.	
When payable.	
Execution.	

seal of said county. The said bonds shall be styled "Caswell Style of bonds. County Highway Improvement Bonds."

SEC. 7. Immediately upon the preparation and signing of said Sale of bonds. bonds the said Board of Commissioners of Caswell County shall turn over to the chairman of the highway commission all of said bonds, without the county seal having been affixed, and said highway commission shall have the power to advertise and sell any or all of said bonds at such time or times as they shall deem best for the purpose of raising a fund with which to open, grade and improve the public highways of said county as aforesaid. The expenses of said advertising and selling, or any other necessary expenses in regard thereto, shall be paid out of the general county fund: *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 Caswell County, whose duty it shall be to affix the said county seal to the bonds so sold, and no bonds shall be of any value until said seal is so affixed.

SEC. 8. That none of the bonds authorized by this act shall be Price at sale. disposed of by the said highway commission by sale, exchange or otherwise for less than their face value, nor shall said bonds or proceeds be used for any other purpose or purposes than those Proceeds, how used. declared by this act: *Provided, however*, that the purchasers of said bonds shall not be required to see to the application of said fund. When said bonds are issued they shall be numbered con- Numbering bonds and coupons. secutively, 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 Form of bonds. and where payable, and said bonds shall show by what authority they are issued. The said highway commission shall record all Record. their proceedings in respect to said bonds in the minutes of their meetings, and whenever the same are sold the number of bonds and their denomination, to whom sold and the number of coupons attached must be recorded in said minutes: *Provided*, that the minute book and all other books kept by the highway commission Minute books. shall at all times be open to the inspection of the Commissioners of Caswell County.

SEC. 9. When any of said bonds are sold the proceeds of such Proceeds from sale of bonds. sale shall be paid by the purchaser or purchasers of said bonds to the Treasurer of Caswell County, who shall keep said funds and all other funds which may come into his hands under the provisions of this act separate and apart from all other funds which may be in his hands, and he shall keep separate accounts of the same; and said treasurer shall, annually, before any fund Treasurer's bond. provided for in this act be paid over to him, execute an official bond, payable to the county of Caswell, in the usual manner, equal to the greatest amount which may at any time come into his hands during the succeeding year by reason of this act, con-

Road funds, how paid out.	ditioned for his faithful safe-keeping of the same and rendering a due account in respect thereto, and in all things holding and dispensing and accounting for the same as is required under the provisions of this act, which said bond shall be passed upon by the board of county commissioners under the same rules and regulations now governing the bonds of county officials. All orders directed to the treasurer for the payment of money under the provisions of this act shall state on their face that they are highway orders, and to what account they are chargeable, and shall be signed by the chairman and secretary of said highway commission.
Compensation of treasurer.	SEC. 10. The said treasurer shall not be allowed any commissions on receipts of the amount received from the sale of said bonds, but for the paying out said amount he shall be allowed a commission of one-half of one per cent.: <i>Provided, however</i> , he shall be allowed the usual commissions allowed county treasurers for receiving and disbursing the amount annually collected from taxes to pay the interest on said bonds. It shall be the duty of the treasurer to keep the money, or so much thereof as is deemed practical by the said highway commission, deposited in such bank or banks as may be designated from time to time by said highway commission, and only such bank or banks as will pay interest on time deposits shall be designated. The said highway commission shall pay the premium on the official bonds given by the said treasurer for the safe-keeping of the \$40,000 or any part thereof.
Funds, where kept.	
Premium on official bond of treasurer.	
Special road tax.	SEC. 11. That in case the said election shall be in favor of issuing bonds as aforesaid, the said Board of Commissioners of Caswell County shall levy annually the first Monday in June a separate road tax for said county of fifteen and one-third cents on the one hundred dollars worth of property, and forty-six cents on each poll; the subjects of taxation and levying of taxes to be the same on which the said board of county commissioners now or may hereafter be authorized to levy taxes for general county purposes. The taxes so levied shall be collected as other taxes, and the same shall be a separate fund, applied first to the payment of the interest on said bonds, and second to the creation of a sinking fund for the redemption of said bonds. Said sinking fund shall be held by the board of county commissioners on special trust for the payment of the bonds issued under the provisions of this act, and neither the principal thereof nor the interest thereon shall be used for any other purpose. The said board of county commissioners shall manage and invest the said fund on their discretion until paid out for the payment and redemption of bonds in the manner specified in this act: <i>Provided, however</i> , that said board of county commissioners may, in their discretion, from time to time use any of said sinking fund for the purchase in open market of any bonds issued under the provisions of this act.
Sinking fund.	

SEC. 12. That the said highway commission shall use the funds derived from the sale of said bonds for the purpose of constructing and improving the public highways in said county, and shall purchase and hold such tools, machinery, implements and stock and employ such overseers, foremen and laborers as they may deem necessary for said purpose.

Use of funds derived from sale of bonds.

SEC. 13. That said highway commission shall require the treasurer of said county to account to them twice annually for the said highway fund, and may require as often as deemed best reports from officers and employees concerning their progress in their duties, and to what extent and in what manner they have performed the same.

Reports and accounts from treasurer and others.

SEC. 14. That in opening new highways, widening, straightening old roads and improving the same, the highway commission, through its agents, are hereby authorized to enter upon any lands and locate and build such highways and to take charge of and use any and all necessary material necessary for the construction of said roads, and if the highway commissioners and the owner or owners of said lands and material cannot agree as to the damages, if any, the highway commission shall, within sixty days after said highways is completed, cause to have summoned five freeholders, who shall go upon the land and assess damages and benefits under the general road law as it now exists: *Provided further*, that before entering upon lands as authorized by this section, it shall be the duty of the highway commission to serve notice upon the owner or owners of said land, notifying the said owner or owners that the highways are to be located upon such lands under the authority of this act.

Rights of eminent domain.

SEC. 15. That nothing contained in this act shall interfere with the general road law now in effect till January first, one thousand nine hundred and seven, when same shall become null and void in Caswell County.

When act in effect.

SEC. 16. The said highway commission shall be entitled to the same per diem and mileage as the Board of County Commissioners of Caswell County.

Compensation of highway commissioner.

SEC. 17. That any highway commissioner or superintendent making or causing to be made any fraudulent order whereby money is to be paid out of said highway fund herein provided for shall be guilty of a misdemeanor and be fined or imprisoned at the discretion of the court, or both, and shall be removed from office, and any highway commissioner or superintendent failing or refusing to perform the duties imposed by this act shall be guilty of a misdemeanor and be fined not less than twenty nor more than one hundred dollars: *Provided further*, that the board of county commissioners may, for good and sufficient cause, remove any one or more highway commissioners, and the vacancy or vacancies shall be filled as provided in this act for filling vacancies from other causes.

Penalty for fraud or failure to perform duty by highway commissioner.

Removal and filling vacancy.

Expenses of commission.

SEC. 18. That all expenses incurred by the highway commission on account of stationery, clerk hire, attorney's fees, postage, etc., shall be paid upon their order out of the funds provided for by this act.

Bridges.

SEC. 19. That all bridges needed to be built under the provisions of this act shall be paid for out of the general fund of the county.

Maximum amount to be used annually.

SEC. 20. The highway commission shall not use more than the proceeds from the sale of fifteen thousand dollars worth of bonds in any one year over and above the amount paid for machinery, implements and stock, except by a two-thirds vote in a joint meeting of the highway commission and the county commissioners.

SEC. 21. 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 February, A. D. 1905.

CHAPTER 163.

AN ACT TO CONFER POLICE POWERS ON DEPUTY SHERIFFS AND CONSTABLES AT COOLEEMEE, ROWAN COUNTY, AND TO PROHIBIT PUBLIC DRUNKENNESS THERE, AND TO APPOINT J. M. C. PENNIGER A JUSTICE OF THE PEACE.

The General Assembly of North Carolina do enact:

Police powers of deputy sheriffs.

SECTION 1. That it shall be the duty of the deputy sheriff or deputy sheriffs in Rowan County, living and resident on the premises of Cooleemee Cotton Mills in said county, or those appointed by the Sheriff of Rowan County for that section of said county in which Cooleemee premises is situated, and the constable of Unity Township in said county, and he or they shall have power and authority to suppress all disturbances of the quiet and good order of and on the premises of Cooleemee Cotton Mills in said county, and to arrest all offenders against the same, and to prevent, as far as possible, all injury to property in and on the above-mentioned premises. Said deputy sheriff or deputy sheriffs and constable shall have authority and power, if resisted in the execution of his or their official duty, to summon a sufficient number of men to aid him or them in enforcing the law, and if any person so summoned shall refuse to assist, the said deputy sheriff or deputy sheriffs or constables are hereby required to report the name of such person to the proper authority, to the end that he may be dealt with as the law directs. Said deputy sheriff or deputy sheriffs and constables shall have power to enter the enclosure and house of any person on the aforesaid premises without war-

rant when he or they have good reason to believe that a felony or infamous crime has been or is about to be committed, for the apprehension of any person so offending, and if necessary to summon a posse to aid him or them; and all persons so summoned shall have like authority to enter and arrest. Any person arrested by said deputy sheriff or deputy sheriffs or constables for any offense shall, as soon as practicable, be taken before some justice of the peace of Rowan County, when and where formal complaint shall be lodged against such person as prescribed by law, to the end that such person may have a speedy trial and be dealt with as the law directs; and in the meantime, and until the case is disposed of, such person so under arrest may be detained and confined in a guard-house or calaboose provided for that purpose by any of said officers, unless bail is given as provided for by law.

Trials of offenders.

Confinement before trial.

SEC. 2. Such deputy sheriff or deputy sheriffs and constable shall have the same power and authority on said Cooleemee premises as policemen in incorporated cities and towns of this State have and exercise in said cities and towns.

Police powers of deputy sheriffs.

SEC. 3. Such deputy sheriff or deputy sheriffs and constable, when on duty, shall severally wear a metallic shield with the word "Policeman" inscribed thereon, and the said shield shall always be worn in plain view, except when employed as detectives.

Badge.

SEC. 4. That every person found drunk on the streets or roads, or in any public place on said premises, or staggering along said streets or roads, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two nor more than ten dollars or imprisoned not more than ten days.

Drunkenness a misdemeanor.

Penalty.

SEC. 5. That J. M. C. Penninger is hereby appointed a justice of the peace for the term of four years for Unity Township, Rowan County.

J. M. C. Penninger appointed a justice of the peace.

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 13th day of February, A. D. 1905.

CHAPTER 164.

AN ACT TO DRAIN CLEAR CREEK IN HENDERSON COUNTY.

The General Assembly of North Carolina do enact.

SECTION 1. That L. P. Pittillo, J. Z. Stroup, R. A. McKillop, R. J. Brown and M. E. Barnwell be and are hereby appointed water-course commissioners, whose duty it shall be to lay off in convenient sections that water-course known as Clear Creek in the county of Henderson, beginning at a point where the said

Water-course commissioners.

Duties.

Overseers.	Clear Creek enters Mud Creek and continue as far up said creek as in their opinion the same should be drained. That they shall appoint one overseer to each section, who shall hold his office for two years and who shall be a land-owner in said section to which he is appointed overseer. That the said commissioners shall also have power to lay out and drain all tributary creeks entering the said Clear Creek, from their mouths to such point as may be fixed by them.
Drainage of tributaries.	
Chairman and secretary, vacancies.	SEC. 2. 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 county 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.
Revocation of appointment for neglect of duty.	
Division of drainage, labor or cost thereof, between land owners.	SEC. 3. That the said water-course commissioners shall fix the number of acres of bottom land on said water-course and tributaries to be benefited 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 upon the failure of said owner to furnish said hand or hands he shall forfeit and pay two dollars per day on each hand which he so failed 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 be guilty of a misdemeanor: <i>Provided</i> , that the notice to be served by said overseer may be served by delivering the same 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.
Penalty for failure to work or pay. Notice.	
Duties and powers of water-course commissioners.	SEC. 4. It shall be the duty of the said water-course commissioners to determine by a proper survey the location, depth and width of any channel or canal to be cut by the overseer and hands mentioned in section three of this act for the purpose of draining the said Clear Creek or its tributaries; and for said purpose they shall have power to employ a surveyor and such other assistants

as may be necessary. And it shall be the duty of such water-course commissioners to have all timber, bushes and brush and debris of every description removed from the banks of said creek where the same is found thereon, and to remove all logs or other obstructions occurring in said creek and procure the necessary apparatus and tools to remove same; and it shall also be the duty of said water-course commissioners to cause the said creek bed or its tributaries to be sunk at any place they may see fit to a depth necessary to properly drain the land lying upon the same, all of the expense of which shall be paid by an assessment to be made by the county commissioners annually at any time upon request of the water-course commissioners, not to exceed twenty-five cents per acre upon the land to be benefited, and to be placed upon the tax list and collected as other taxes.

Expenses of
drainage.

SEC. 5. That the number of days to be worked by each hand representing said ten acres of land, or fraction thereof, in each year shall be not less than four nor more than twenty-five days, to be fixed by the said water-course commissioners.

Apportionment of
labor.

SEC. 6. That the assessments, penalties and fines collected under the provisions of this act shall be paid into the hands of the county treasurer, to be expended under the orders of the water-course commissioners in defraying the necessary expenses of carrying out this act.

Application of
fines and penalties.

SEC. 7. That if any land-owner subject to the provisions of this act will perform all the work herein required that may be necessary to completely drain his own land in a manner and at a time acceptable in all respects to the said water-course commissioners, he shall thereby be exempt from furnishing hands to do work by the overseer having charge of the section embracing his land.

Effect of land
owner draining
his own and.

SEC. 8. That said commissioners shall begin said work by the first day of March, one thousand nine hundred and five, and continue the same as rapidly as practicable until the same is completed.

Commencement
of work.

SEC. 9. That if any of the water-course commissioners or overseers appointed under the provisions of this act shall, without good cause, fail or refuse to enter upon the duties of their office or to discharge their duties as prescribed under or by virtue of this act, the party or parties so failing or refusing shall be guilty of a misdemeanor and punished by a fine of not more than two hundred dollars or by imprisonment not more than thirty days.

Penalty for fail-
ure to discharge
duties.

SEC. 10. That if any person or persons shall in any way obstruct the said creek bed or canals so as to prevent the free passage of the water in said streams, the party or parties so offending shall be guilty of a misdemeanor.

Obstruction of
drainage a mis-
demeanor.

SEC. 11. That the said water-course commissioners shall estimate the damages which may be sustained by private individuals by the cutting of any canal, to be paid in like manner as provided for the payment of expenses in section four of this act: *Provided,*

Damages.

that litigation about the cleaning out of the said creek bed or cutting of any canal shall not interfere with the continuance of the work as provided for in this chapter: *Provided further*, that this act shall not apply to any mill-dam.

Compensation of
commissioners
and overseers.

SEC. 12. That the water-course commissioners and overseers mentioned in this act shall receive no compensation for their services, but the services of the said commissioners shall be equal to the burden of ten acres of land, and the services of the said overseers shall be equal to the burden of twenty acres of land.

Quorum.

SEC. 13. That a majority of the said water-course commissioners mentioned herein shall constitute a quorum, and a majority of the votes of those present at any meeting shall prevail upon any question under discussion.

Conflicting laws
repealed.

SEC. 14. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 15. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this 13th day of February, A. D. 1905.

CHAPTER 165.

AN ACT TO CHANGE THE TIME FOR HOLDING ELECTION IN THE SCHOOL DISTRICT NUMBER ONE IN THE TOWN OF CHADBOURN IN COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

Chapter 472, Pub-
lic Laws 1899,
amended.

SECTION 1. That section seven of chapter four hundred and seventy-two of the Public Laws of one thousand eight hundred and ninety-nine be and the same is hereby amended by striking out the word "May" in line two of said section and inserting in lieu thereof the word "July."

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

In the General Assembly read three times, and ratified this 13th day of February, A. D. 1905.

CHAPTER 166.

AN ACT FOR THE RELIEF OF M. E. WILLIE.

The General Assembly of North Carolina do enact:

To be paid \$23.00
out of school funds
of Hyde county.

SECTION 1. That the treasurer of the county school fund of Hyde County be and he is hereby authorized to pay to Mary E. Willie out of the funds apportioned to public school district num-

ber one for the colored race in Currituck Township, on the first Monday in January, one thousand nine hundred and five, the sum of twenty-three dollars, balance due her for services as teacher in said district from the eighth day of August, one thousand nine hundred and four, to the second day of September, one thousand nine hundred and four.

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

In the General Assembly read three times, and ratified this 13th day of February, A. D. 1905.

CHAPTER 167.

AN ACT TO PREVENT HUNTING ON THE LANDS OF ANOTHER IN RUTHERFORD TOWNSHIP IN RUTHERFORD COUNTY WITHOUT PERMISSION.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person to hunt game of any kind on land of another in Rutherford Township, Rutherford County, without written permission of land-owners. Written permission necessary.

SEC. 2. Any person violating this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined five dollars for each and every offense. Penalty for violation.

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

In the General Assembly read three times, and ratified this the 13th day of February, A. D. 1905.

CHAPTER 168.

AN ACT TO AMEND SECTIONS 1933 AND 2004 OF THE CODE, RELATIVE TO TAX AND FEES ON INCORPORATION OF RAILROAD COMPANIES.

The General Assembly of North Carolina do enact:

SECTION 1. That section one thousand nine hundred and thirty-three of The Code be amended by striking out all of said section after the word "aforesaid" in line fifteen, and substituting in lieu thereof the following words: "nor until said directors shall pay the taxes and fees provided for in section ninety-six of chapter two of the Public Laws of one thousand nine hundred and one." Corporation fees to be paid.

SEC. 2. That section two thousand and four of The Code, and amendments thereto, be and the same is hereby repealed. Section 2004, Code, repealed.

SEC. 3. That section ninety-seven of chapter two of the Public Laws of one thousand nine hundred and one be amended by in- Copy of bill to be filed with Secretary of State.

serting the words "or railroad company" after the word "corporation" in line two of said section.

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 February, 1905.

CHAPTER 169.

AN ACT TO AMEND THE LAW RELATIVE TO THE DRAINAGE OF MUD CREEK IN HENDERSON COUNTY.

The General Assembly of North Carolina do enact:

Chapter 300, Public Laws 1901, amended.

SECTION 1. That section four of chapter three hundred of the Public Laws of one thousand nine hundred and one be amended as follows: By striking out in lines sixteen and seventeen of said section the words "to be benefited by said surveying, blasting and removing of rock," and by adding to the end of said section the words: "The said money levied, assessed, collected and paid over as mentioned in this section shall be used by said water-course commissioners for the purpose of deepening and widening said canal or canals and removing shoals and obstructions and building jetties in that way which shall appear to them wisest and most effectual."

Use of funds.

In the General Assembly read three times, and ratified this the 13th day of February, A. D. 1905.

CHAPTER 170.

AN ACT TO AMEND CHAPTER 488, PUBLIC LAWS 1903, ENTITLED "AN ACT FOR THE BETTER REGULATION OF THE BUSINESS OF FIRE INSURANCE AND TO INCREASE THE PUBLIC REVENUE."

The General Assembly of North Carolina do enact:

Provisions for non-resident doing business through resident agent.

SECTION 1. Amend section one, chapter four hundred and eighty-eight of Public Laws of one thousand nine hundred and three by adding in section one, fourth line, after the word "issued" and before the word "any," the words "except through a licensed resident agent."

SEC. 2. Amend said act by adding at the end of section two the following: "Provided, that any fire insurance agent licensed in

the State may pay a commission not exceeding five per centum of any premiums collected by him to a licensed non-resident broker.

The Insurance Commissioner is authorized to license a non-resident as a broker when he shall make application therefor on a proper blank of the department and make affidavit that he will not during the fiscal year place directly or indirectly any fire insurance on any property located in North Carolina except through licensed resident agents of the State. The fee for said license and seal shall be three dollars (\$3)."

License to such non-residents.

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 February, A. D. 1905.

CHAPTER 171.

AN ACT TO REGULATE THE PAY OF VENIREMEN AND JURORS IN FORSYTH COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That all veniremen summoned on capital cases in the county of Forsyth shall be paid the sum of one dollar per day and mileage while in attendance as such veniremen.

Compensation of veniremen.

SEC. 2. That the grand jurors and petit jurors summoned to serve in said county shall be paid not less than one dollar and fifty cents nor more than two dollars per day and mileage for such services.

Compensation of jurymen.

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

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

In the General Assembly read three times, and ratified this 13th day of February, A. D. 1905.

CHAPTER 172.

AN ACT TO ENABLE THE COMMISSIONERS OF CUMBERLAND COUNTY TO REFUND THEIR BONDS "KNOWN AS THE JAIL BONDS."

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be lawful, and authority is hereby given, for the Board of Commissioners of Cumberland County to issue bonds in lieu of and in payment of those bonds of said county issued by said board of commissioners on the first day of June, one thousand eight hundred and ninety-six, and sold to

Power to refund jail bonds.

raise a fund with which to build a jail for said county, but such bonds shall not be disposed of for less than par value.

Refunding bonds,
description, inter-
est, etc.

SEC. 2. That the bonds issued under and by virtue of this act shall be in denominations of one hundred dollars, two hundred dollars, five hundred dollars and one thousand dollars, as the said board of commissioners in their discretion may direct, payable in lawful money of the United States, bearing interest at a rate not exceeding six per centum per annum, for which interest-bearing coupons shall be attached, payable on the first day of June and December of each year, until said bonds shall become due, which may be ten years from the date of their issue: *Provided*, the said board of commissioners may issue said bonds and make them payable on the first day of June, one thousand nine hundred and thirteen. Said bonds shall bear interest from the date of their issue.

Execution of
bonds.

SEC. 3. That before said bonds are issued, the said board of commissioners shall cause them to be signed by their chairman and countersigned by their clerk, and have their corporate seal affixed thereto, and it shall be the duty of the clerk of said board to keep a full and complete record of all bonds so issued, giving date of the issue, the number and amount of each bond, to whom issued and what money or bond were received in exchange therefor, and thereafter until said bonds shall be fully redeemed and paid. It shall be the duty of the treasurer of said county of Cumberland to keep an account with each bond showing what coupons and what bonds are paid until they shall be fully redeemed.

Record,

Treasurer's bond
account.

Interest.

Sinking fund.

SEC. 4. That the said board of commissioners of said county shall pay the interest as it becomes due upon said bonds, and shall create and set apart annually a sinking fund which with its accretions will be ample to redeem said bonds at their maturity, and if the current revenues of said county are not sufficient to pay said interest and create said sinking fund, it shall be the duty of the said board of commissioners to levy annually and cause to be collected a special tax sufficient to pay the interest on said bonds and create a sinking fund for their final redemption at their maturity.

Special tax.

Penalty to refuse
to pay interest or
misuse funds.

SEC. 5. That if said board of commissioners shall fail or refuse to pay said interest and set apart a sinking fund for the redemption of said bonds as heretofore directed, or if after having set apart said sinking fund, they or either of them, the county treasurer, sheriff or any other person, shall use or permit to be used said sinking fund or any part thereof for any other purpose than that provided for in this act, they shall be guilty of a misdemeanor.

Right to use
court-house bonds'
sinking fund.

SEC. 6. That the said board of commissioners may, if in their discretion they so elect, purchase the bonds issued under and by virtue of this act with the sinking fund now on hand in said

county, which is held and designated as the sinking fund for the final redemption of their bonds known as the new court-house bonds, and hold the bonds herein authorized in lieu of said sinking fund, and the said commissioners shall, in the event they purchase said bonds with said sinking fund, pay to the said new court-house sinking fund the interest as it shall become due, and create said sinking fund for their final redemption as directed in section four hereof, and in every respect treat said bonds in the same manner as if they had been sold and were held by individual purchasers.

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

In the General Assembly read three times, and ratified this 13th day of February, A. D. 1905.

CHAPTER 173.

AN ACT TO REGULATE THE HUNTING OF PHEASANTS IN RANDOLPH COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful to hunt with gun or dog, Close season. or net, trap or kill, any pheasants between the fifteenth day of December and the fourteenth day of November following for the period of five years.

SEC. 2. That it shall be unlawful for any person or corpora- Unlawful to sell or buy. tion to sell, offer to sell or to buy any pheasants at any time between the first day of November, one thousand nine hundred and five, and the first day of November, one thousand nine hundred and ten.

SEC. 3. That any person violating the provisions of this act Misdemeanor. shall be guilty of a misdemeanor and fined not less than five dol- Punishment. lars or imprisoned not more than thirty days for each pheasant killed, sold, offered to be sold or bought.

SEC. 4. That this act shall not apply to any person who shall Exemption. propagate pheasants in an enclosure and kill them for his private use.

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

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 February, A. D. 1905.

CHAPTER 174.

AN ACT TO AMEND CHAPTER 455, PUBLIC LAWS OF 1903, SO AS TO INCREASE THE NUMBER OF TRUSTEES OF THE MORGANTON GRADED SCHOOL, AND TO PROVIDE FOR THE ELECTION OF THEIR SUCCESSORS BY THE PEOPLE, AND TO PROVIDE FOR AN ISSUE OF BONDS TO PURCHASE A SITE AND BUILD AND EQUIP A GRADED SCHOOL BUILDING IN SAID DISTRICT.

The General Assembly of North Carolina do enact:

Boundaries of
school district.

SECTION 1. That section one, chapter four hundred and fifty-five, Public Laws of one thousand nine hundred and three, be amended by striking out all after the word "place" in line eight of said section and before the first "thence" in line twelve of said section and inserting in lieu thereof the following: "thence the most direct line to the southwest corner of the State Hospital grounds, so as to include J. M. Hines' place; thence with the said hospital line to the Shelby Road; thence a direct line to the ford of Kaylor's Creek, at the said Kaylor's place on Laurel Road; thence down said creek to Hunting Creek."

Trustees.

SEC. 2. That section two of said act be amended by striking out the word "seven" in line three and inserting in lieu thereof the word "nine."

Qualification of
trustees.

SEC. 3. That section three of said act be stricken out and the following inserted in lieu thereof: "That the trustees shall be men of liberal education and good moral character, who shall be residents of said district, and that not more than six of them shall belong to the same political party; that three of said trustees shall be appointed for two years, three for four years and three for six years, except as hereinafter provided; that J. H. Pearson and John M. Mull shall serve as trustees to the expiration of their present term, May the first, one thousand nine hundred and five; that those holding for two years from May first, one thousand nine hundred and five, shall be S. Huffman, R. T. Claywell and J. A. Dickson; that those holding for four years from May first, one thousand nine hundred and five, shall be P. W. Patton, R. G. Pressnell and the successor to J. H. Pearson, who shall be elected as hereinafter provided; that those holding for six years from May first, one thousand nine hundred and five, shall be S. J. Ervin, John Holloway and the successor to John M. Mull, who shall be elected as hereinafter provided, and where a vacancy occurs on said board of trustees, either by death or resignation, it shall be filled by the other members of the board of trustees until the next regular election, as hereinafter provided, at which time said vacancy shall be filled by election in the manner hereinafter provided for the election of trustees; that the successors to the trustees herein appointed shall be elected by the qualified voters

Terms.

Trustees named.

Vacancies filled.

Elections for
successors.

of said district as their several terms shall expire; that an election shall be held in said district as hereinafter provided biennially on the first Monday in May, beginning in one thousand nine hundred and five, for the purpose of electing successors to the trustees as their terms shall severally expire. The trustees elected at such election shall serve for six years, except as hereafter modified, and until their successors are elected and qualified, and the terms of trustees so elected shall begin on the first day of May occurring first after their respective elections.

SEC. 4. That section eight of said act be amended by adding at the end thereof the words "The statement when so audited shall be published in a newspaper published in the town of Morganton."

SEC. 5. That it shall be the duty of the secretary of the Morganton graded School to give notice by publication published for four successive weeks in a newspaper published in said town that an election will be held on the first Monday of May, one thousand nine hundred and five, to elect successors to the two trustees whose terms expire May first, one thousand nine hundred and five, and at said election the successor of one shall be elected for a term of four years and the successor of the other shall be elected for a term of six years. Said election shall also be held to determine whether coupon bonds running forty years from date of issue and bearing interest at a rate not exceeding six per cent., to an amount not exceeding twenty thousand dollars, shall be issued for the purpose of purchasing a site or sites and erecting and equipping a graded school building or buildings thereon, and for levying a sufficient tax not to exceed twenty cents on the hundred dollars valuation of taxable property in said district, and of sixty cents on each taxable poll in said district, for the purpose of paying the interest on said bonds, at which election all those favoring the issuing of said bonds and the levying of said tax shall vote a ballot whereon shall be written or printed the words "For School Bonds," and those opposing shall vote a ballot on which shall be written or printed the words "Against School Bonds," and if a majority of the qualified voters in said district shall vote "For School Bonds," then the trustees shall cause said bonds to be issued in the name of said corporation, to be signed by the president and attested by the secretary, and to be sealed with the common seal of said corporation, to be issued to such an amount not exceeding twenty thousand dollars, as said trustees may deem necessary for purchasing a site or sites and building and equipping a graded school building or buildings in said district. Said bonds shall bear interest coupons payable semi-annually and shall be of such form and tenor and of such denominations as the trustees may determine, and said bonds shall not be sold for less than par. The trustees, in addition to the powers conferred by section two, chapter four hundred and fifty-five, Public Laws of one thousand nine hundred and three,

Statements to be published.

Secretary to give notice.

Election on bond issue and special tax.

Limit of issue.

Form of ballots.

How bonds attested.

Bond not to be sold below par. Trustees to expend proceeds.

shall have power to expend the proceeds of said bonds when issued and sold in purchasing a site or sites and erecting and equipping a graded school building or buildings thereon.

How bond election held.

SEC. 6. That the judges and registrars of said election on the question of issuing said bonds and of electing trustees as provided in section three of this act shall be appointed and the registration held, and the result of said election ascertained and announced and declared, and the expenses of said election paid in the manner provided in section eleven, chapter four hundred and fifty-five, Public Laws of one thousand nine hundred and three.

Special tax if bonds issued.

SEC. 7. That if at said election on the question of issuing said bonds a majority of the qualified voters shall vote "For School Bonds," and the result of said election shall be duly ascertained and declared by the registrars and judges of said election, then the Board of Commissioners of Burke County shall, at their meeting on the first Monday in August, one thousand nine hundred and five, and annually thereafter, add to the levy provided for in section six, chapter four hundred and fifty-five, Public Laws of one thousand nine hundred and three, such per cent. as the trustees of the graded school in Morganton may recommend, not exceeding twenty cents on the one hundred dollars of property valuation and not exceeding sixty cents on each taxable poll in said district for the purpose of paying the interest on said bonds, and the taxes so levied shall be collected and paid over to the treasurer of said graded school in the manner provided in section six, chapter four hundred and fifty-five, Public Laws of one thousand nine hundred and three.

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

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

In the General Assembly read three times, and ratified this 14th day of February, A. D. 1905.

CHAPTER 175.

AN ACT TO SUPPLEMENT HOUSE BILL No. 59.

The General Assembly of North Carolina do enact:

Standard-keeper abolished.

SECTION 1. That House bill number fifty-nine, passed and ratified by the General Assembly, be amended by supplementing after the word "Currituck" the words "and Rutherford," and making the word "county" wherever it appears read "counties."

SEC. 2. This act shall be in force from and after its ratification. In the General Assembly read three times, and ratified this 14th day of February, A. D. 1905.

CHAPTER 176.

AN ACT RELATING TO THE KILLING OF BEAR IN CEDAR CREEK AND BEAVER DAM TOWNSHIPS, CUMBERLAND COUNTY, AND THE COUNTY OF BLADEN.

The General Assembly of North Carolina do enact:

SECTION 1. That the county commissioners be and they are ^{Bounty five dollars.} hereby authorized and empowered to pay to any person or persons the sum of five dollars for each and every bear killed within the limits of Cedar Creek and Beaver Dam Townships, Cumberland County, and within the county of Bladen, upon satisfactory evidence furnished to the county commissioners, and the amount herein named shall be paid out of the funds of said 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 14th day of February, A. D. 1905.

CHAPTER 177.

AN ACT TO AMEND CHAPTER 719, PUBLIC LAWS 1899, RELATING TO THE USE OF WIDE TIRES ON WAGONS IN CERTAIN COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter seven hundred and nineteen (719), ^{Bounty for wide tires extended.} Public Laws one thousand eight hundred and ninety-nine (1899), be amended by striking out in lines two and three in section one the following words: "eighteen hundred and ninety-nine," and inserting in lieu thereof the words "nineteen hundred and ten":

Provided, that this act shall apply only to Edgecombe County.

^{Limited to Edgecombe 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 February, A. D. 1905.

CHAPTER 178.

AN ACT FOR THE BETTER PROTECTION OF PUBLIC TRAVEL IN TYRRELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person to locate ^{Bee-hives prohibited.} or maintain bee-hives within seventy-five feet of any public road in Tyrrell County, and any person convicted of the same shall be

guilty of a misdemeanor and fined not more than fifty dollars (\$50) or imprisoned not more than thirty (30) days.

Misdemeanor.
Penalty.

SEC. 2. This act shall be in force from and after February fourteenth (14), one thousand nine hundred and five.

In the General Assembly read three times, and ratified this the 14th day of February, A. D. 1905.

CHAPTER 179.

AN ACT FOR THE BETTER PROTECTION OF PUBLIC TRAVEL IN TYRRELL COUNTY, AND FOR THE PROTECTION OF SAINT ANDREW'S EPISCOPAL CHURCH IN TYRRELL COUNTY.

The General Assembly of North Carolina do enact:

Prohibition.

SECTION 1. It shall be unlawful for any person to locate or operate any cider-press or wine-press or any establishment or shop for the sale of spirituous, vinous or malt liquors or cider within one mile of Saint Andrew's Episcopal Church in Tyrrell County or within fifty (50) feet of any public road in Tyrrell County.

Misdemeanor.
Penalty.

SEC. 2. Any person violating this act shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars (\$50) or imprisoned not more than thirty (30) days.

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

SEC. 4. This act shall be in force and effect after February fourteenth, one thousand nine hundred and five.

In the General Assembly read three times, and ratified this the 14th day of February, A. D. 1905.

CHAPTER 180.

AN ACT TO PROTECT SHERIFFS WHO HAVE PROSECUTED OR MAY HEREAFTER PROSECUTE PERSONS FOR FAILURE TO PAY CERTAIN TAXES IMPOSED BY THE GENERAL ASSEMBLY WHICH MAY HAVE BEEN OR MAY HEREAFTER BE DECLARED UNCONSTITUTIONAL.

Preamble.

WHEREAS, the General Assembly of North Carolina has enacted various laws imposing certain taxes on persons who are engaged in certain businesses, trades, occupations and professions, and has made it the duty of the sheriffs of the counties to collect such taxes, and made it the duty of such sheriff, upon failure to collect the taxes so imposed, to arrest the person or persons engaged

in such business, trade, occupation or profession, and to prosecute such persons for such failure to pay such taxes; and whereas, certain of such enactments of the General Assembly have been or may be held by the courts to be unconstitutional and void; and whereas, some of the sheriffs of the counties in this State have arrested and prosecuted in good faith and may hereafter in good faith arrest and prosecute persons who are engaged in such businesses, trades, occupations and professions and who have failed or refused or may fail and refuse to pay such taxes: now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That no action for damages shall be prosecuted or maintained by any person against any sheriff or his deputy who in good faith has arrested or who has arrested and prosecuted, or who may hereafter arrest or who may hereafter arrest and prosecute any person or persons who may have refused or may fail or refuse to pay to such sheriff or his deputy any tax or taxes imposed by any act of the General Assembly of North Carolina, whether such act be valid or invalid.

Actions for damages not to be maintained.

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 February, A. D. 1905.

CHAPTER 181.

AN ACT TO AMEND CHAPTER 286 OF THE PUBLIC LAWS OF 1899, IN REGARD TO WORKING AND IMPROVEMENT OF THE PUBLIC ROADS IN WATAUGA, ASHE AND ALLEGHANY COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That section four of chapter two hundred and eighty-six of the Public Laws of one thousand eight hundred and ninety-nine be amended by adding the following proviso to the end of said section, viz.: "*Provided*, that the supervisors of Piney Creek Township in Alleghany County shall hold their regular meetings in each year on Saturday before the first Monday in April, August and December instead of at the time hereinbefore provided."

Meetings of supervisors of Piney Creek township.

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

In the General Assembly read three times, and ratified this the 14th day of February, A. D. 1905.

CHAPTER 182.

AN ACT RELATING TO THE FEES OF COUNTY SURVEYOR
OF WAYNE COUNTY.*The General Assembly of North Carolina do enact:*Three dollars per
day.

SECTION 1. That the fees of the County Surveyor of Wayne County shall be three dollars (\$3) per day for all services done by him in his official capacity.

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 February, A. D. 1905.

CHAPTER 183.

AN ACT TO PROTECT WOODCOCK IN JONES AND CRAVEN
COUNTIES.*The General Assembly of North Carolina do enact:*

Close season.

SECTION 1. That it shall be unlawful for any person to shoot, hunt or kill any woodcock in the counties of Jones and Craven between the first day of February and the first day of November in any year from and after the passage of this act.

Penalty.

SEC. 2. Any person convicted of the violation of this act shall be fined ten dollars or imprisoned ten days for each offense.

Repealing clause.

SEC. 3. That so much of the act passed by the General Assembly of one thousand nine hundred and five and all other laws or clauses of laws in conflict with this act are hereby repealed.

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

In the General Assembly read three times, and ratified this the 14th day of February, A. D. 1905.

CHAPTER 184.

AN ACT TO AMEND CHAPTER 647 OF THE PUBLIC LAWS
OF 1903, RELATIVE TO THE ATTENDANCE OF CHILDREN
IN THE PUBLIC SCHOOLS OF MACON COUNTY.*The General Assembly of North Carolina do enact:*

School age.

SECTION 1. That section one of chapter six hundred and forty-seven of the Public Laws of one thousand nine hundred and three, being an act to provide for the attendance of children in

the public schools of Macon County, be amended by striking out the words "eight and sixteen" in line three thereof and substituting therefor the words "ten and sixteen." That section three and subsection one of section three of chapter six hundred and forty-seven of the Laws of one thousand nine hundred and three be amended by striking out the words "eight and sixteen" wherever the same occur in the same, and substituting the words "ten and sixteen" therefor.

SEC. 2. That section three, subsection three of said chapter six hundred and forty-seven of the Public Laws of one thousand nine hundred and three be amended by adding to the end thereof the following: "And every report of the teacher so verified shall be *prima facie* evidence of the facts therein set forth, and shall be admissible as evidence in the trial of all cases in any court for any violation of the provisions of said chapter six hundred and forty-seven of the Public Laws of one thousand nine hundred and three." Report of teacher evidence.

SEC. 3. That section four of said chapter six hundred and forty-seven of the Laws of one thousand nine hundred and three be amended by adding to the end thereof the following: "*Provided*, that the solicitor shall not send bills to the grand jury until after the expiration of the school year for which any parent, guardian or other person may have been reported by a teacher for violation of the provisions of section one of this act." When bills to be sent to grand jury.

SEC. 4. That section five of said chapter six hundred and forty-seven of the Public Laws of one thousand nine hundred and three be amended by adding at the end thereof the following: "And it shall be the duty of every teacher to find out by personal and careful investigation, before making his or her report, whether the persons failing to comply with the provisions of section one of this act are legally excused under the provisions of this section: *Provided*, that any parent, guardian or other person in Macon County having control of any child or children between the ages of ten and sixteen who has failed to comply with the conditions of section one of this act, and who has not been excused from penalties of this act as provided herein, may be allowed to make a statement under oath setting forth any of the exceptions contained in this act relieving parents, guardians and other persons from the penalties prescribed for the violations of this act, which statement may be filed with the Clerk of the Superior Court of Macon County before the expiration of the school year in which such failure may have taken place, and when such statement is so filed shall have the same force and effect in relieving the parent, guardian or other person making the same from the operations of the penalties prescribed for violation of section one of this act as if the same had been made to and the person excused by the township committeemen as herein provided." Teachers to investigate.
Statements of parent or guardian.

Act to be ratified
by voters.

SEC. 5. That section eight of chapter six hundred and forty-seven of the Laws of one thousand nine hundred and three be further amended by inserting between the words "act" and "shall" in line two thereof the words "as herein amended," and by striking out the word "not" in line two of said section. That said section eight of said law be further amended by striking out the words "in favor of" in line four thereof and inserting the words "opposed to."

Petition of 200
voters necessary
for election.

SEC. 6. That section nine of chapter six hundred and forty-seven of the Public Laws of one thousand nine hundred and three be amended so as to read as follows: "That upon the written petition of as many as two hundred of the qualified voters of Macon County, asking that an election be called after the first Monday in May, one thousand nine hundred and six, to vote upon the question of compulsory attendance upon the schools of Macon County, it shall be lawful for the board of county commissioners of said county to call an election according to the prayer of the petition at such time as the board may designate, and submit the question of compulsory attendance of the schools as provided for in this act to the qualified voters of Macon County.

Former violations
of act of 1903
pardoned.

SEC. 7. That any parent, guardian or other person in Macon County having the control of any child or children who may have failed to comply with the provisions of section one of chapter six hundred and forty-seven of the Public Laws of one thousand nine hundred and three prior to the first day of January, one thousand nine hundred and five, be and are hereby released and relieved from any and all violations of said section one, chapter six hundred and forty-seven of Laws of one thousand nine hundred and three, committed prior to the first day of January, one thousand nine hundred and five. And all persons who have been or may be indicted in the Superior Court of Macon County for any violations of the provisions of said section one of chapter six hundred and forty-seven, Laws of one thousand nine hundred and three, committed prior to the first day of January one thousand nine hundred and five, be and are hereby excused, released and relieved from any crime, fine or penalty incurred by reason of any such violation prior to said date. That any and all officers and other persons charged with the prosecution of any offense committed prior to the first day of January, one thousand nine hundred and five, under section one, chapter six hundred and forty-seven of the Laws of one thousand nine hundred and three, be and are hereby excused from the further prosecution of the same, and all actions instituted or pending in the Superior Court of Macon County for violations of said law are hereby directed to be dismissed.

Prosecutions to be
dismissed.

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 14th day of February, A. D. 1905.

CHAPTER 185.

AN ACT TO AMEND CHAPTER 63, PUBLIC LAWS OF 1901, RELATIVE TO HUNTING UPON THE LANDS OF ANOTHER IN CRAVEN AND JONES COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter sixty-three (63), Public Laws of one thousand nine hundred and one, be amended as follows by adding following sections to said act:

"SEC. 3. That no prosecution under this act shall be maintained except upon complaint of the owner or owners of such lands." No prosecution but on complaint of land-owner.

"SEC. 4. That chapter seven hundred and fifty-six (756), Public Laws of one thousand nine hundred and three (1903), is hereby repealed and chapter sixty-three (63), Public laws one thousand nine hundred and one (1901), as amended by this act, shall also apply to Jones County." Law of 1903 repealed. Law of 1901 extended to Jones.

SEC. 2. This act shall apply to the counties of Craven and Jones only. Limited to Jones and Craven.

SEC. 3. 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 February, A. D. 1905.

CHAPTER 186.

AN ACT TO PROHIBIT THE SALE OF LIQUORS AND SPECULATION 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 corporation to sell any spirituous, vinous or malt liquors within one mile of Flat Swamp Primitive Baptist Church, on the line of Martin and Pitt counties, or Spring Green Primitive Baptist Church, in Martin County. Sale of liquors forbidden. Flat Swamp Primitive Baptist. Spring Grove Primitive Baptist.

SEC. 2. That it shall be unlawful for any person or persons, firm or corporation to sell on any day public worship is held at said churches as above named any lemonade, ginger ale or other Peddling forbidden.

Picture taking
forbidden.

pops, any confectioneries or merchandise of whatever name or description; and it shall be unlawful for any person or persons, firm or corporation to take any pictures within one mile of said churches as above named on any day said churches are at public worship: *Provided*, this section shall not apply to permanent dealers on any day except Sunday within the prescribed limit.

Misdemeanor.

SEC. 3. That any person or persons, firm or corporation violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars (\$50), or imprisoned not exceeding thirty (30) days, at the discretion of the court.

Penalty.

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

In the General Assembly read three times, and ratified this the 15th day of February, A. D. 1905.

CHAPTER 187.

AN ACT TO AMEND CHAPTER 49 OF THE CODE, ENTITLED "RAILROADS."

The General Assembly of North Carolina do enact:

Six corporators
may form railroad
company.

SECTION 1. That the words "twenty-five" in line one of section one thousand nine hundred and thirty-two (1932), chapter forty-nine (49) of The Code of North Carolina, entitled "Railroads," be stricken out and the word "six" be inserted instead thereof, so as to enable six persons to form a railroad company under the general railroad law.

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

In the General Assembly read three times, and ratified this the 15th day of February, A. D. 1905.

CHAPTER 188.

AN ACT TO CHANGE THE TIME OF HOLDING THE COURTS OF FEBRUARY TERM FOR THE COUNTIES OF ROWAN AND DAVIDSON IN THE TENTH JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact:

Rowan county.

SECTION 1. That the Acts of the General Assembly of one thousand nine hundred and one, chapter twenty-eight, be amended as follows: That the words "third Monday before the first Monday in March," in lines thirteen and fourteen of subdivision entitled

"Tenth District," and following the word "Rowan," be and the same are stricken out, and in lieu thereof be inserted the words "first Monday before the first Monday in March."

SEC. 2. That the Acts of the General Assembly of one thousand Davidson county. nine hundred and one, chapter twenty-eight, be amended as follows: That the words "first Monday before the first Monday in March." in lines nineteen and twenty of subdivision entitled "Tenth District," and following the word "Davidson," be and the same are stricken out, and in lieu thereof be inserted the words "third Monday before the first Monday in March."

SEC. 3. That this act shall be in force on and after January In effect from 1906. first, one thousand nine hundred and six.

In the General Assembly read three times, and ratified this the 15th day of February, A. D. 1905.

CHAPTER 189.

AN ACT TO AMEND CHAPTER 268 OF THE PUBLIC LAWS OF 1903, RELATING TO THE PROTECTION OF QUAIL IN IREDELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section three of chapter two hundred and sixty-eight of the Public Laws of one thousand nine hundred and three be and the same is hereby amended by adding after the word "county" in line three of said section the following words: "Provided, that this section shall not be applicable to any person Land-owners may who may sell, or offer for sale, such game as he may have killed sell game. on his own land which he owns in fee-simple."

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 February, A. D. 1905.

CHAPTER 190.

AN ACT TO AMEND CHAPTER 53, PUBLIC LAWS OF 1901, ENTITLED "AN ACT TO ESTABLISH GRADED SCHOOLS IN THE TOWN OF ROCKY MOUNT."

The General Assembly of North Carolina do enact:

SECTION 1. That section ten of chapter fifty-three of the Public Laws of one thousand nine hundred and one be amended by striking out all of said section after the word "each" in line eleven and substituting in lieu thereof the following: "In addition thereto

Additional trustees.

How vacancies filled.

Proviso.
Residents of school district.

Ed. Gorham, whose term of office shall expire on the first Monday in July, one thousand nine hundred and six; and Louis Wacksmuth, whose term of office shall expire on the first Monday in July, one thousand nine hundred and seven, are hereby constituted members of said board of trustees; and their successors shall hold for the term of six years each. That all vacancies occurring by reason of the expiration of the terms of office of the members of said board of trustees or otherwise shall be filled by the board of commissioners of the town of Rocky Mount: *Provided*, that the members of said board of trustees shall not be disqualified from holding any State, county or municipal office whatsoever.

SEC. 2. That section seventeen be amended by adding at the end thereof the following: "*Provided*, that all children of school age having parents residing within the limits of said school district, and all children without living parents, who shall themselves reside within the limits of said school district, shall be deemed to be residents thereof for the purposes 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 15th day of February, A. D. 1905.

CHAPTER 191.

AN ACT TO PROHIBIT THE OBSTRUCTION OF BRUSHY CREEK IN CLEVELAND COUNTY AND THE PLACING OF SAWDUST THEREIN.

The General Assembly of North Carolina do enact:

Unlawful to obstruct creek.

SECTION 1. That it shall be unlawful for any person willfully or negligently to fell any trees or place any brush or other obstruction in Brushy Creek in Cleveland County and let same remain so as to obstruct the natural flow of the water in same.

Unlawful to put sawdust in creek or tributaries.

SEC. 2. That it shall be unlawful for any person willfully or negligently to place in said Brushy Creek or its tributaries any sawdust or shingle dust, or to place same so close to said creek or its tributaries that it will naturally wash into and tend to fill up the bed of said creek, or to permit sawdust or shingle dust from any mill or manufacturing plant owned by him, or in which he has an interest, to be placed as aforesaid.

Misdemeanor.

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

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 15th day of February, A. D. 1905.

CHAPTER 192.

AN ACT TO AMEND CHAPTER 150 OF THE PUBLIC LAWS
OF 1883 BY STRIKING OUT "ORANGE COUNTY" IN LINE
2 OF SECTION 1.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and fifty of the Public Laws of one thousand eight hundred and eighty-three be amended by striking out the word "Orange" in line two of section one thereof. Time of settling
State tax.

SEC. 2. This act shall go into effect on the first day of July, one thousand nine hundred and five.

In the General Assembly read three times, and ratified this the 15th day of February, A. D. 1905.

CHAPTER 193.

AN ACT TO PROTECT WILD TURKEYS IN THE COUNTY
OF DAVIE

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person to hunt, shoot, trap, catch, kill or otherwise destroy wild turkeys or their eggs in the county of Davie for a period of three years from and after the first day of March, one thousand nine hundred and five (1905). Closed season for
three years.

SEC. 2. That this act shall be in force from and after the first day of March, one thousand nine hundred and five (1905). When act in force.

In the General Assembly read three times, and ratified this the 15th day of February, A. D. 1905.

CHAPTER 194.

AN ACT TO INCORPORATE GRASSY CREEK M. E. CHURCH,
SOUTH, IN ASHE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. It shall be unlawful to manufacture, sell, give away or otherwise deliver any spirituous, malt or vinous liquors within two miles of Grassy Creek M. E. Church, South (whose building is now in course of construction), in Ashe County, North Carolina: *Provided, however,* this shall not apply to the use of liquors otherwise than the manufacture or sale in the dwellings in said territory by any family occupying such dwelling as a residence. Prohibition.
Proviso.

Misdemeanor.
Penalty.

SEC. 2. Any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not to exceed fifty dollars or imprisoned not to exceed 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 the 15th day of February, A. D. 1905.

CHAPTER 195.

AN ACT TO AMEND CHAPTER 173 OF THE ACTS OF 1895 IN REGARD TO LUMBER INSPECTORS FOR PAMLICO COUNTY.

The General Assembly of North Carolina do enact:

Law requiring
inspection of saw-
logs repealed as to
Pamlico.

SECTION 1. That section ten of chapter one hundred and seventy-three of the Acts of one thousand eight hundred and ninety-five be and the same is hereby amended by striking out the word "Pamlico" in line two of said section.

SEC. 2. That this act shall be in force and effect from and after the first day of July, one thousand nine hundred and five.

In the General Assembly read three times, and ratified this the 15th day of February, A. D. 1905.

CHAPTER 196.

AN ACT TO WORK THE PUBLIC ROADS OF RUTHERFORD COUNTY.

The General Assembly of North Carolina do enact:

Supervisors to be
appointed.

SECTION 1. That the Commissioners of Rutherford County shall, at their meeting on the first Monday in April of the year nineteen hundred and five, and at their meeting the first week in January annually thereafter, appoint one capable person in each township to be the supervisor of public roads in his township.

Supervisors to
examine roads,
appoint overseers
and apportion
hands.

SEC. 2. It shall be the duty of such supervisor in each township, within two weeks after his appointment, to examine all the public roads in his township, and divide them into sections, and appoint an overseer for each section, and apportion the persons who are required by the general road law of the State to work the public roads to each overseer.

Overseers to warn
hands.

SEC. 3. It shall be the duty of all overseers to give notice to all persons subject to road duty belonging to his section of road two days before the time appointed to work on the road, and the kind

of tool he shall bring; and he shall require and shall have performed six full days' work, of eight hours each, by every person subject to road duty belonging to his section of road: *Provided, however,* that not more than two days' work shall be required at any one working: *And provided further,* that any person warned by the overseer shall have the right to send an able-bodied man, not subject to work on the same section of road, with the required tool, in his stead, or he may, on or before the morning of the day required to work, pay to the overseer the sum of fifty cents in lieu of one day's work.

Six days' work required.
 Proviso.
 Two days at one working.
 Proviso.
 Substitutes allowed.
 Cash commutation.

SEC. 4. That any person subject to road duty and being duly warned by the overseer who shall willfully refuse or fail to work or pay as required by this act shall be guilty of a misdemeanor, and any justice of the peace shall have the authority to try and, if found guilty, to fine him in a sum not exceeding twenty dollars and all costs of trial, and it shall be the duty of the overseer to prosecute any person willfully refusing to work or pay when duly warned.

Failure to work a misdemeanor.
 Penalty.
 Overseer to prosecute.

SEC. 5. The supervisor of each township shall keep a list of the names of all persons in his township who are subject to road duty, and a list of all overseers appointed by him, and the names of all the workers assigned to each overseer in a book supplied by the county commissioners for that purpose, and it shall be the duty of all overseers to report to the supervisor, upon his demand, all changes in his allotment of workers, either by death or removal to or from his section, and the supervisor shall have the right to make such changes in assignment of workers as he may deem proper.

Supervisors to keep lists of road hands and overseers.
 Overseers to report to supervisor.
 Supervisor may change allotment.

SEC. 6. It shall be the duty of the supervisor of each township to thoroughly inspect all the public roads in his township twice each and every year, and to notify the overseers at what time they are required to work on the roads, and the overseers, upon receipt of such notice, shall proceed to notify all persons assigned him by the supervisor at what time and place they shall meet and perform the work of repairing and improving the section of road assigned him: *Provided, however,* the cost of repairing all bridges and the material necessary shall be paid by the county commissioners.

Supervisors to inspect roads and warn overseers.
 Repairs to bridges.

SEC. 7. The supervisor shall have the right, with the consent of the land-owner, to change and re-locate any part of any public road in his township so as to secure a better road-bed or easier grade, and, when necessary, he may require the services of the county surveyor in making such change in road-way.

Supervisor may change roads.
 May use county surveyor.

SEC. 8. All moneys collected by the overseers, either in lieu of work or by fine, shall be turned over to the supervisor, who shall keep the same as a road fund, to be expended upon the section of road from which collected, and when the amount so collected from any section shall be sufficient to employ ten workers at fifty cents

Cash commutations and fines to be paid to supervisor.
 How expended.

each for one day, he shall direct the overseer of said section to engage said ten workers at said price, and direct the performance of one day's work of ten full hours upon his section of the public roads, and the supervisor shall keep a faithful record of all moneys received by him, and when and how disbursed.

Supervisor to keep records,

Reports of supervisors.

SEC. 9. It shall be the duty of the supervisors of the several townships to make a full and complete report, under oath, to the county commissioners at their meeting on the first Monday in January of each year of the condition of the public roads in their respective townships, and if the full amount of work required by this act has been performed, and to what extent the public roads in their townships are being improved; also all moneys collected and how disbursed, and what amounts remain on hand to be turned over, with all books and other papers relating to working the roads, to their successors.

Pay of supervisors.

SEC. 10. The supervisors shall receive as compensation for their service the sum of two dollars per day for each day engaged in inspecting the roads in his township, not to exceed three days at one inspection, and five dollars per annum for the other service required of him by this act; and the overseers shall receive one dollar at each working as compensation for notifying the hands, and one dollar for engaging workers, when so directed by the supervisor, and one dollar per day for superintending their labor.

Pay of overseers.

Rights under general road law saved.

SEC. 11. Nothing in this act shall be construed as depriving the supervisors or the overseers of any privileges or rights given in the general road law of the State. And 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 February, A. D. 1905.

CHAPTER 197.

AN ACT TO PROVIDE FOR THE BETTER WORKING OF THE PUBLIC ROADS OF CHATHAM COUNTY.

The General Assembly of North Carolina do enact:

That chapter five hundred and eighty-one of the Public Laws of one thousand eight hundred and eighty-nine as amended by chapter three hundred and twenty-eight of the Public Laws of one thousand nine hundred and three be and the same is hereby amended to apply to the county of Chatham, so as to read as follows:

Special tax to be levied.

SECTION 1. That the Board of County Commissioners of Chatham County shall, in order to provide for the proper construction, improvement and maintenance of the public roads of the county, at their regular meeting in June, one thousand nine hundred and

five, and at each regular annual meeting thereafter, and it is hereby made their duty to levy a special tax on all property subject to taxation under the State law in said county of not less than five cents nor greater than twenty-five cents on the one hundred dollars worth of property, and not less than fifteen cents nor greater than seventy-five cents on the poll, the constitutional equation to be observed at all times; said taxes to be collected as all other taxes are, to be kept separate in the tax books of the county, to be set aside as a special road fund to be used in the construction, improvement and maintenance of the public roads of the county, the purchase of such material, implements, teams, wagons, camp outfits, quarters or stockades for the use of and safe-keeping of the convict force as, may be found necessary in the proper carrying out of this work, and for the employment of such additional labor as may be deemed necessary: *Provided, however,* that the moneys raised under this section shall, as far as possible, be used for permanent improvements.

Sec. 2. That W. L. London, A. H. Perry and B. A. Phillips be and they are hereby appointed the Board of Road Commissioners of Chatham County and invested with full powers to carry out the provisions of this act and of chapter five hundred and eighty-one of the Public Laws of one thousand eight hundred and ninety-nine as amended by this act: *Provided,* no appropriation for the building of any bridge in Chatham County costing over one hundred dollars shall be made without the concurrence of the Board of Road Commissioners and the Board of County Commissioners of Chatham County. They shall serve for a term of four years from the date of this act, and until their successors are elected and qualified as herein provided, and shall receive as compensation for their services a sum not to exceed one dollar and fifty cents a day and five cents per mile each way while attending meeting of the board, each, while actually engaged in the necessary work of the board, for not more than three days in any one month, said amount to be paid out of the road fund of said county. The said board of road commissioners are hereby empowered, if they deem proper, to appoint a superintendent of roads for such time as they may deem wise, at such compensation as they may fix, with power to dispense with the use or service of the said officer at any time, and his pay to cease when his services are so disposed of. It shall be the duty of said superintendent of roads, subject to the approval of said road commissioners, to supervise, direct and have charge of the maintenance and building of all public roads in said county, and of the repairing of the bridges thereof, and he shall submit to the board of road commissioners a monthly report concerning the work and progress and the moneys expended, and he shall submit quarterly a report on the condition of the public roads and bridges and the plans for their improvement, and he shall include in this quarterly report an

Rate.

Constitutional equation.

Tax to be set aside as special road fund.

Proviso.

Permanent improvements.

Road commissioners named.

Proviso.

Bridges.

Term of commissioners.

Compensation.

May appoint superintendent.

Superintendent to have charge of roads and bridges.

Monthly reports.

Quarterly reports.

Superintendent to give bond.	inventory of the tools, implements, teams and other equipments on hand. Said road superintendent, before entering upon the duties of his office, shall execute a good and lawful bond, to be approved by the said road commissioners, in the sum of two thousand dollars, as a guarantee of the faithful and honest discharge of the duties of his office, which bond shall be duly registered in the office of the register of deeds and filed with the clerk of the Superior Court of said county. In case of the death or resignation or removal of said road superintendent, it shall be the duty of said road commissioners to elect a road superintendent, if they see proper, who shall hold office at the discretion of said road commissioners and until his successor has been elected and qualified.
Bond to be registered.	
Appointment of guards.	SEC. 3. That the board of county commissioners or the road superintendent, subject to the approval of said board, shall appoint, with power at any time to remove or discontinue, such guards as may be needed to take charge of the convict force, and also one or more persons in each township of the county to be known as township supervisors of roads, who, acting under the road superintendent or road commissioners, shall supervise the road work in the township for which they are appointed, or such part thereof as said superintendent or road commissioners 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, not to exceed one dollar per day during such time as they are actually employed in working on the public roads, as may be agreed upon by said superintendent or road commissioners and approved by the board of county commissioners, the guards to be paid out of the general county road fund, and the township supervisors to be paid out of the respective township road funds.
Township supervisors.	
Pay of guards and supervisors.	
Who liable to road duty.	SEC. 4. That all able-bodied male persons of the county between the ages of twenty-one and forty-five years, except residents of incorporated cities and towns, shall work on the public roads of said county for four days (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: <i>Provided</i> , that the said superintendent or supervisor in each township shall give to each person of his township who is subject to road duty at least three days' notice, by personal warning or by leaving a written notice at the home or residence of such person, specifying in such notice the time and place, when and where such work is to be performed, and also designating in such notice the tool or implement with which such person shall be required to work: <i>Provided further</i> , that in case of wash-out 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,
Proviso.	
Three days' warning.	
Proviso.	
Warning not required in emergency.	

respond to such summons with reasonable promptness: *Provided* Proviso.
further, that any person may, in lieu of working four days on Cash commutation.
the public roads, pay, on or before the first day of July, one thousand nine hundred and five, and on or before the first day of April of each year thereafter, to the county treasurer the sum of two dollars, and it shall be the duty of said treasurer, upon receipt of said money, or any part thereof, to issue such person a receipt Receipt for commutation.
for the same, stating in such receipt the amount and the year for which the same is paid. Any person moving into the said county Road duty from first April.
or becoming of age after the first day of April in any year may pay two dollars to the treasurer in lieu of working as above stipulated: *And provided further*, that the road commissioners are Road commissioners may extend time.
hereby given permission to extend the time for all persons to pay said two dollars to the first day of June in each and every year, and the payment so made shall be good for one year from the date it is paid. All moneys paid to the said treasurer as provided Commutation credited to road fund.
for in this act shall be credited to the road fund of the township from which the same was paid, and the same shall be expended in the improvement of the roads in that township from which it was paid. If the road superintendent, should he collect it, fail to Duty of road superintendent.
turn over to the county treasurer money so collected within fifteen days, he shall be guilty of a misdemeanor: *Provided*, that no person Proviso.
liable for road duty under this section shall be required to work on the public roads outside of the township and road Limitation to road district.
district in which he resides, the boundaries of the road district Road commissioners to fix road districts.
within each township to be fixed by the Board of Road Commissioners of Chatham County.

SEC. 5. That any person who shall, after being duly notified as Failure to appear and work a misdemeanor.
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 failed or refused to perform good and reasonable labor as required by the said superintendent or supervisor, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than Penalty.
two nor more than five dollars, or sentenced to work on the public roads of the county for not less than ten nor more than twenty days.

SEC. 6. That proper implements and tools for use in working Road tools furnished.
the public roads of the county as provided in section four of this act may be supplied by the county road superintendent or board of road 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 road superintendent shall Proviso.
be able to supply the necessary implements and tools he or the township supervisor may, and he is hereby empowered to, compel Hands may be required to furnish tools.
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 summon as being necessary.

Supervisors to
furnish lists.

SEC. 7. That on the first day of June, one thousand nine hundred and five, and on the first day of April of each succeeding year, or oftener if required to do so by said superintendent of roads, the township supervisors of roads in each township of the county shall furnish, through the county road superintendent, to the treasurer of the county or direct to said treasurer, a complete list of the names of all persons liable for road duty in the township in which he resides. Said treasurer of the county, after receiving the above list of persons liable for road duty, shall check off the names of such persons as have paid the sum of two dollars as provided in section four of this act, and shall, within fifteen days, and as often thereafter as may be necessary, furnish to the county superintendent or road commissioners a correct revised list of all persons liable for road duty in each said township for the year. A list of such persons liable for road duty in each township who have during the year failed to work on the public roads after having been duly notified, or to pay as provided for in section four of this act, shall immediately be submitted by the county road superintendent or township supervisor to a justice of the peace in the township in which such persons reside, and it shall be the duty of said justice of the peace to immediately issue his warrant for such persons and proceed against them according to law: *Provided, however,* that the defaulting party may be prosecuted at any time and by any citizen of the county.

County treasurer
to revise road lists
and furnish
revised lists.

List to be submit-
ted to magistrate.

Duty of magis-
trate.

Proviso.
Defaulter may be
prosecuted by any
citizen.
Convicts to be
worked on roads.

SEC. 8. That all prisoners confined in the county jail under a final sentence of the court for crime, or imprisonment for non-payment of costs or fines, or under final judgment in cases of bastardy, or under the vagrant acts, all insolvents who shall be imprisoned by any court in said county for non-payment of costs, and all persons sentenced in said county to the State's Prison for a term less than ten years may be worked on the public roads of the county: *Provided,* that the commissioners of the county may arrange with the commissioners of any neighboring county or counties for such an exchange of prisoners during alternate months or years as will enable each 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 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 commissioners for work on the public roads of said county; all such convicts to be fed, clothed and otherwise cared for at the expense of the county: *Provided fur-*

Proviso.
Exchange of
prisoners.

Courts to assign
convicts to road
work.

Convicts to be
cared for by county.

ther, that in case of serious physical disability, and certified to Proviso.
by the county physician, persons convicted in said superior, crimi- Disabled convicts.
nal or inferior courts in the county may be sentenced to the peni-
tentiary or to the county jail.

SEC. 9. That when the commissioners of any county shall have Convicts from other counties may be assigned.
made provisions for the expense of supporting and guarding
while on the public roads a larger number of prisoners than can
be supplied from that county, upon the application of the com-
missioners of said county to the judges of the superior and crimi-
nal courts presiding in adjoining counties, or any other county or
counties in the same or adjoining judicial districts which do not
otherwise provide for the working of their own convicts on their
own public roads, may sentence such able-bodied prisoners as are
described in section eight of this act from such adjoining county
or other counties in the same and adjoining judicial districts to
work on the public roads of said county or counties applying for
the same in the order of their application; and the cost of trans-
porting, guarding and maintaining such prisoners as may be sent
to any such county applying for the same shall be paid by the
county applying for and receiving them out of the road fund of
each such county: *Provided*, that any and all such criminals from Proviso.
such other counties may at any time be returned to the keeper Return of convicts.
of the common jail of such counties at the expense of the county
having received and used them, to be paid for out of the road
fund of the said county of Chatham.

SEC. 10. That the principal public roads or highways to be Roads to be surveyed and located.
improved or constructed in accordance with the provisions of sec-
tion one of this act, prior to the inauguration of any such per-
manent improvements on the road or highway to be so improved
or constructed, may be first carefully surveyed and located by
an engineer or surveyor trained and experienced in such work,
aided by the county road superintendent and such assistants as
it may be necessary for him to employ, the same to be paid out
of the road fund of the county for services and expenses as may
be agreed upon by the Road Commissioners of Chatham County.
All such roads shall be thoroughly drained, and whenever it may Drainage of roads.
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.

SEC. 11. That for the purpose of carrying out the provisions of Superintendent or supervisors may take materials from lands adjoining road.
this act the same superintendent and supervisors are hereby
authorized to enter upon any uncultivated land near to or adjoining
such roads, to cut and carry any timber except trees or groves
on improved land planted or left for ornament or shade, to dig or
cause to be dug and carry away any gravel, sand, clay or stone
which may be necessary to construct, improve or repair said road,
and to enter on any lands adjoining or lying near the road in
order to make such drains or ditches through the same as he may Drains and ditches.
deem necessary for the betterment of the road, doing as little

Unlawful to obstruct drains and ditches.
Penalty.

Material taken to be paid for.

How price ascertained.

Proviso: Appeal.

Superintendent may locate or change road.

Cartways.

How damages assessed.

injury to said lands and the timber or improvements thereon as the nature of the case and the public good will permit; and the drains and the ditches so made shall be conducted to the nearest ditch, water-course or waste ground, and shall be kept open by the said superintendent or supervisors, and shall not be obstructed by the owner or occupant of such lands or any other person or persons, under the penalty of forfeiting the sum of not less than five dollars nor exceeding ten dollars, or imprisonment or work on the public roads of the county for not less than ten nor exceeding twenty days for each and every offense, said penalty to be collected by the said superintendent or supervisors, if in money, and paid over to the county treasurer and applied to the road fund of the county. If the owner of any lands or the agent or agents of such owner having in charge lands from which timber, stone, gravel, sand or clay were taken as aforesaid shall present an account of the same, through the county superintendent or direct to the board of county commissioners, 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, if 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 of the township, one by the party claiming damages, and the third to be selected by these two, which jury shall report in writing to the board of commissioners their decision for revision or confirmation: *Provided*, that said land-owner or his agent shall have the right of appeal as provided for in section thirteen of this act.

SEC. 12. That, subject to the approval of the Road Commissioners of Chatham County, the county superintendent of roads or supervisor of the township is hereby given discretionary power, with the aid of a competent engineer or surveyor, to locate, relocate or change any part of any public road where in his judgment such location, re-location or change will prove advantageous to public travel, and, subject to the approval of the road commissioners, to open and establish cart-ways. That when any person or persons on whose lands the new road or part of the road is to be located claims damages therefor, and within thirty days petitions the board of county commissioners for a jury to assess the damages, the said commissioners, within not less than fifteen nor more than sixty days after the completion of said road, shall order said jury of three disinterested freeholders to be summoned by the sheriff or constable as provided by law, who shall give said land-owners or their local representatives forty-eight hours' notice of the time and place, when and where said jury will meet to assess damages; and said jury, being duly sworn, in considering the question of damages, shall also take into consideration the benefits to public travel and to the owner of the

land, and if said benefits be considered equal to or greater than the damages sustained, the jury shall so declare, and it shall report in writing its finding to the board of county commissioners for confirmation or revision: *Provided*, that if said land-owner be a non-resident of the county and have no local representative, it shall be deemed sufficient service of such notice of 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 in said county.

SEC. 13. That in case the land-owner or his local representative shall be dissatisfied with the finding of the juries provided for in sections eleven and twelve of this act, and with the decision of the county commissioners, such dissatisfied party may appeal from the decision of the county commissioners to the Superior Court of the county, and 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. 14. That any officer or employee appointed by virtue of this act, or to whom duties are assigned in this act, who fail to make complete return within the time prescribed herein, or shall otherwise fail to discharge the duties imposed upon him by this act, shall in all cases, whether penalties for such failure are or are not prescribed in this act, be guilty of a misdemeanor.

SEC. 15. That the county treasurer shall be and he is hereby appointed treasurer of the road fund of the county and of the several townships in the same, and for the faithful keeping and disbursing of said money the bond of such treasurer shall be liable, and for his services in receiving and disbursing such fund he shall receive such 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 approved by the Board of Road Commissioners of Chatham County.

SEC. 16. The county treasurer shall keep a separate account of the road fund of the county and of each of the several townships therein, and of his disbursements of the same, and he shall make a written report thereof to the board of commissioners at their regular meeting on the first Monday in each month, and on the first Monday in July and January of each and every year he shall present to the said board of commissioners a written report, giving a statement of the disbursements from the several road funds during the preceding six months, which reports, or the substance

Proviso.

Non-residents.

Appeal from award.

Appeal bond.

Neglect of duty a misdemeanor.

County treasurer treasurer of road fund.

Bond liable.

Compensation of treasurer.

To pay road accounts.

Treasurer to keep separate accounts.

Reports of treasurer.

Reports published.

thereof, shall be published by the commissioners in at least one newspaper published at the county-seat for at least one insertion.

Road funds to be turned over to treasurer.

SEC. 17. All road funds or securities in the hands of any officer of any county coming under the provisions of this act, or of any township thereof, on the first Monday of June, one thousand nine hundred and five, shall be properly turned over to the treasurer of the county and by him credited to the road fund of the county

Road equipments to be turned over to superintendent.

or of the township to which it belongs; and all teams, machinery, implements or other equipments belonging to said county, or any one of the several townships in the same, held by or under the control of any officers or persons in said county or its townships shall be by said officers or persons turned over to the superintendent of roads of such county on the first Monday in June, one thousand nine hundred and five, and by them to be held and used on the public roads of the county or of the township owning the same: *Provided*, that the board of commissioners in any county

Proviso.

Commissioners may demand road equipment.

may order such road funds, securities, teams implements or other road equipment accounted for and turned over as required above at any date prior to its regular meeting in June, and officers or persons refusing or neglecting so to do, after having been served with ten days' written notice, shall be guilty of a misdemeanor.

Failure to return road equipment a misdemeanor.

County commissioners may reduce road work.

SEC. 18. The board of commissioners in any county coming under the provisions of this act in which the tax for road purposes in the county or any township thereof at the time is not less than ten cents on the hundred dollars worth of property may, at its discretion, at its regular meeting in January, one thousand nine hundred and six, or at any regular January meeting thereafter, reduce the number of days of labor required in any such county or township thereof for road purposes in section four of this act, such reduction not to exceed one day during any year, reducing also in each case the money to be paid in lieu of such labor at the rate of fifty cents for each day: *Provided*, that for each such reduction in the labor requirement the said board of commissioners shall, at its regular meeting in June next following each such reduction, increase the tax levy for road purposes provided for in section one of this act by the amount of two and one-third cents on each hundred dollars worth of property, and seven cents on the poll.

Cash compensation also reduced.
Proviso.

Road tax increased.

Cash compensation may be reduced.

SEC. 19. The board of commissioners in any county coming under the provisions of this act in which the moneys expended for road improvements in the county or townships thereof exceeds an amount equivalent to the tax levy of twelve cents on the hundred dollars worth of property and thirty-six cents on the poll may, at the discretion of said board, reduce the money requirement in lieu of the four days' labor on the roads provided for in section four of this act in such county or township thereof to one dollar for each year.

SEC. 20. In any county coming under the provisions of this act which appropriates annually for road purposes moneys derived from the sale of bonds or from other taxes not less in amount than the income from a tax levy of ten cents on the one hundred dollars worth of property in such county the commissioners in said county shall not, by continuing such appropriation, be required to levy the special tax provided for in section one of this act.

Special tax not levied if road fund derived from bonds.

SEC. 21. When in any township in any county coming under the provisions of this act a petition is presented to the board of county commissioners, signed by a majority of the land-owners of said township, asking that in that township an additional special tax be levied for road purposes, or when in any such township an election being held in accordance with the laws of this State, and a 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 may have been requested to levy by said petition or vote, said tax to be levied and collected as provided for other road taxes in section one of this act; and said taxes shall be added to the township road fund of the township in which it is paid, and shall be used only on the roads in that township, under the direction of the Board of Road Commissioners of Chatham County or under the direction of the three township road commissioners named in said petition or vote, if such be named. Upon the petition of one-third of the qualified voters of any township in Chatham County it shall be the duty of the board of county commissioners of said county to order an election to be held in such township upon the question of issuing bonds for road purposes therein. The order for such election shall state the amount of bonds proposed to be issued, which shall not exceed fifteen thousand dollars for any township, the character of such bonds, the rate of interest which they will bear, and the time they are to run. Such election shall be called and held under the same rules and regulations as elections for members of the General Assembly. Those voters who favor the issuance of bonds shall vote a written or printed ticket containing the words "For Bonds," and those opposing such issue of bonds shall vote a similar ticket containing the words "Against Bonds." It shall be the duty of the board of county commissioners of said county to canvass the returns of said election and declare the result; and if a majority of the qualified voters in such township shall vote "For Bonds," then it shall be their duty to issue the said bonds, sell the same at not less than par, and apply the proceeds for road purposes in said township. It shall be the duty of said commissioners to annually levy a special tax in such township to meet the interest on such bonds and to provide a sinking fund for the

Townships may levy additional special tax.

To be used only on roads of such township.

Election for issuing bonds to be ordered on petition.

Order to state amount proposed.

Limit to each township.

Election under general law.

Form of ballots.

County commissioners to canvass returns.

Issue bonds if voted for.

Sell at not less than par.

Apply proceeds.

Special tax for interest and sinking fund.

Township issuing bonds allowed its taxes for county road fund.

Successors of road commissioners elected by county commissioners.

Vacancies filled by remaining members.

Free labor and hired labor worked separately.

Limited to Chatham county.
Repealing clause.

payment of the principal at maturity. When any township levies a special tax as herein provided, such township may be permitted to use on its part of the taxes paid by it for the county road fund.

SEC. 22. The successors of the board of road commissioners provided for in section three of this act shall be elected by the Board of County Commissioners of Chatham County, and any vacancy occurring in said board of road commissioners shall be filled by the remaining members of said board.

SEC. 23. That the said board of road commissioners be and they are hereby empowered and authorized to cause the free labor and the hired labor provided for in this act to be worked at different times and separately.

SEC. 24. This act shall apply only to the county of Chatham.

SEC. 25. All laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 26. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this 15th day of February, A. D. 1905.

CHAPTER 198.

AN ACT AUTHORIZING THE BOARD OF COMMISSIONERS OF MONTGOMERY COUNTY TO HAVE THE OLD RECORDS OF THE SUPERIOR COURT CROSS-INDEXED AND CLASSIFIED.

The General Assembly of North Carolina do enact:

Work to be done by Clerk Superior Court.

SECTION 1. That the Board of Commissioners of Montgomery County may, and if in their judgment they should so determine, are hereby authorized to employ the clerk of the Superior Court of said county to cross-index, label and classify the old records of the Superior Court of said county.

Under control of county commissioners.

SEC. 2. That the work named in section one of this act shall be done under the supervision and control of and regulations prescribed by the board of commissioners of said county.

Compensation.

SEC. 3. That the board of commissioners of said county may make such an allowance to the clerk of the court of said county for doing the work named in section one of this act as in their opinion may be a just and reasonable compensation therefor, said allowance to be paid out of the taxes of said county levied for county purposes.

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 February, A. D. 1905.

CHAPTER 199.

AN ACT TO AMEND CHAPTER SEVENTY-NINE, PUBLIC LAWS OF 1899, SO AS TO CONSOLIDATE THE WRECK DISTRICTS IN HYDE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter seventy-nine of the Public Laws of one thousand eight hundred and ninety-nine be amended as follows: Strike out all of section five in said chapter and insert in lieu thereof the following: "That the county of Hyde shall consist of one wreck district, which shall extend from the Dare County line to the Carteret County line." County of Hyde made wreck 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 15th day of February, 1905.

CHAPTER 200.

AN ACT TO PREVENT THE KILLING OF QUAIL OR PARTRIDGES IN SWAIN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful to kill partridges or quail in the county of Swain for three years from the date of the ratification hereof. Closed time for three years.

SEC. 2. That upon conviction for the above offense the party so convicted shall pay a fine of not more than twenty-five dollars for each bird killed. Penalty.

SEC. 3. That it shall be the duty of the Audubon Society, in conjunction with the solicitors, to see that this law is properly enforced. Audubon Society and Solicitor to enforce act.

SEC. 4. To be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 15th day of February, A. D. 1905.

CHAPTER 201.

AN ACT TO AMEND "AN ACT TO REGULATE THE SALE OF SEED COTTON," CHAPTER 199, PUBLIC LAWS 1887.

The General Assembly of North Carolina do enact:

SECTION 1. That section two of chapter one hundred and ninety-nine of the Public Laws of one thousand eight hundred and eighty-seven be amended by inserting after the word "received" Name of land-owner to be entered on record.

in the fifth line of said section the following: "the name of the owner or owners of the land on which said seed cotton is raised."

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 15th day of February, A. D. 1905.

CHAPTER 202.

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

The General Assembly of North Carolina do enact:

Terms fixed.

SECTION 1. That the Superior Courts of Warren County shall be held at the following times: On the third (3d) Monday before the first (1st) Monday in March, to continue one week; on the fifteenth (15th) Monday after the first (1st) Monday in March, to continue two weeks, and on the second (2d) Monday after the first (1st) Monday in September, to continue two weeks.

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 16th day of February, A. D. 1905.

CHAPTER 203.

AN ACT AMENDING CHAPTER 715 OF THE LAWS OF 1901, PROVIDING FOR THE PAYMENT OF ONE-HALF FEES TO WITNESSES AND OFFICERS IN CASWELL COUNTY WHEN "NOT A TRUE BILL" IS FOUND.

The General Assembly of North Carolina do enact:

Provisions extended to justices of the peace.

SECTION 1. That section two of chapter seven hundred and fifteen of the laws of one thousand nine hundred and one be and the same is hereby amended by inserting between the words "sheriff" and "constable" in line three of said section the words "justice of the peace."

Act extended to Caswell county.

SEC. 2. That section three of said chapter seven hundred and fifteen be and the same is hereby amended by adding at the end of same "Caswell County."

Act re-enacted.

SEC. 3. That said chapter seven hundred and fifteen of the laws of one thousand nine hundred and one, as amended, be and the same is hereby enacted.

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 16th day of February, A. D. 1905.

CHAPTER 204.

AN ACT TO AMEND THE LAW OF EVIDENCE RELATIVE TO WRITTEN INSTRUMENTS.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall not be necessary to prove by the attesting witness instruments to the validity of which the attestation is not requisite, and such instruments may be proved by admission or otherwise as if there had been no attesting witness thereto:

Provided, that this act shall not affect the method and manner of proving instruments for registration as now provided by law.

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

In the General Assembly read three times, and ratified this 16th day of February, A. D. 1905.

CHAPTER 205.

AN ACT TO APPOINT COTTON-WEIGHERS FOR THE CITY OF RALEIGH.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be the duty of the Board of County Commissioners of Wake County to elect on the first Monday in July, one thousand nine hundred and five (1905), and every year thereafter, three (3) cotton-weighers for the city of Raleigh, who shall hold office for one (1) year, unless removed by the said board of county commissioners, as hereinafter provided.

SEC. 2. That said cotton-weighers shall receive eight (8) cents per bale for each bale weighed, the said cost of weighing to be paid by the person selling the cotton.

SEC. 3. That the said weighers shall be located at such points in the city of Raleigh as the said county commissioners shall designate, and shall weigh cotton upon the request of any buyer or seller, and they shall be required to be on duty six (6) days in the week, during such hours as the county commissioners may require: *Provided*, that the said county commissioners may grant leave of duty, appoint a substitute weigher if needed, and may, upon sufficient cause, remove any or all of the said cotton-weighers and elect others in their stead.

Bonds of weighers. SEC. 4. That the cotton-weighers elected as aforesaid, before entering upon their duties as such, shall each give bond in the sum of three hundred dollars (\$300) to faithfully discharge his duties as cotton-weigher for the city of Raleigh, which bond shall be approved by the Board of County Commissioners of Wake County and recorded in the office of the register of deeds of said county, and each of said cotton-weighers shall also make and file with said board an oath to faithfully discharge the duties of cotton-weigher aforesaid.

Oath of office. SEC. 5. Each of the cotton-weighers herein provided shall furnish standard balances of the capacity of not less than seven hundred (700) pounds, which he shall, before using, have tested and sealed by the standard-keeper of weights and measures for the State, and it shall be his duty to have the said balances re-tested at least once in every two (2) weeks during the cotton season, and upon request of any seller of cotton for whom he may weigh, it shall be the duty of said cotton-weigher to state the exact number of pounds he deducts for bagging, water, dirt, tare or other conditions from the actual weight of any bale of cotton.

Balances to be furnished by weigher. SEC. 6. That it shall be a felony for any weigher herein provided for to receive any other compensation or fee for the services of weighing cotton than is stated in section two (2) of this act, and upon trial and conviction of the violation of this section the said weigher or weighers shall be punished at the discretion of the court; and it shall be a felony for any person to pay or offer to pay any weigher provided for in this act any compensation or fee for weighing cotton other than that hereinbefore specified, and upon trial and conviction of the violation of this section such person shall be punished at the discretion of the court.

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

Deductions to be stated. SEC. 8. This act shall be in force from and after its ratification. In the General Assembly read three times, and ratified this the 16th day of February, A. D. 1905.

Felony to receive outside pay for weighing.

Penalty.

Felony to pay or offer to pay weigher otherwise than allowed by law.

Penalty.

Unlawful to dump sawdust into streams.

CHAPTER 206.

AN ACT TO PREVENT THE THROWING, PLACING, RUNNING OR DUMPING SAWDUST INTO THE STREAMS OF ANSON, MONTGOMERY, MACON, ROCKINGHAM, SWAIN AND WARREN COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person, firm or corporation to waste, throw or dump sawdust into the streams of Anson, Montgomery, Macon, Rockingham, Swain and Warren

Counties: *Provided*, that so far as this act affects Rockingham County it shall apply only to Wolf Island Creek above Chandler's mill, and its tributaries, and so far as it affects Montgomery County it shall apply only to Clark's Creek in Mount Gilead Township. Limitation as to Rockingham county.
Limitation as to Montgomery county.

SEC. 2. That any person, firm or corporation violating the provisions of this act shall, upon conviction, be fined or imprisoned in the discretion of the court. Penalty for violations.

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 17th day of February, A. D. 1905.

CHAPTER 207.

AN ACT TO AMEND CHAPTER 339 OF THE PUBLIC LAWS OF 1903, BEING A SUBSTITUTE FOR H. B. NUMBER 7.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred and thirty-nine (339) of the Public Laws of one thousand nine hundred and three (1903), entitled "An act to regulate the sale, inspection and branding of cotton-seed meal" be amended so as to read as follows:

SEC. 2. That all cotton-seed meal sold for use as fertilizer or feed shall be subject to an inspection tax of twenty cents per ton, and be subject to inspection, as other fertilizers or fertilizing materials, unless sold to manufacturers for use in manufacturing fertilizers. Inspection tax.

SEC. 3. That all cotton-seed meal offered for sale, unless sold to manufacturers for use in manufacturing fertilizers, shall have plainly branded on the bag containing it, or on a tag attached thereto, the following data: What brand to show.

1. Cotton-seed meal with brand.
2. Weight of package.
3. Ammonia or nitrogen.
4. Name and address of manufacturer.

SEC. 4. That no person or persons, firm or corporation shall offer for sale any cotton-seed meal, except as provided in section three of this act, with a minimum per cent. of ammonia of less than seven and one-half (7½) per cent. Meal containing seven and one-half (7½) per cent. or more of ammonia is standard meal, and may be so branded. Meal containing eight (8) per cent. or more of ammonia is high grade meal, and may be so branded. Standard meal.
High grade meal.

SEC. 5. That the State Board of Agriculture is empowered and directed to make such rules and regulations as are necessary to a proper carrying into effect the provisions of this act, and to Board of Agriculture to provide tags.

Violation of regulations a misdemeanor.

Penalty for selling meal without tags, re-using tags and removing meal.

Violation of act a misdemeanor.

Meal liable to seizure.

Duty of Commissioner of Agriculture.

Commissioner may release meal.

Duties of Commissioner of Agriculture when meal below guarantee.

provide for all such tags as manufacturers may demand, upon paying the tax therefor. Any person willfully violating any of the regulations made by the Board of Agriculture in connection with this act shall be guilty of a misdemeanor. Any person or persons, firm or corporation, who shall sell or offer for sale any cotton-seed meal without having the proper tax tags attached thereto, or who shall use the required tags the second time to avoid the payment of the tonnage charge, and every person who shall remove any such meal, shall be liable to a penalty of ten (\$10) dollars for each separate bag, barrel or other package sold or offered for sale or removed, to be recovered by any person who may sue for the same.

SEC. 6. That any person or persons, firm or corporation who shall sell or offer for sale any cotton-seed meal contrary to the provisions above set forth shall be guilty of a misdemeanor, and all cotton-seed meal so sold or offered for sale shall be subject to seizure, condemnation and sale by the Commissioner of Agriculture. Such seizure and sale shall be made under the direction of the Commissioner of Agriculture 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 (30) days' advertisement in some newspaper published in said county, or if no newspaper is published in said county, then by like advertisement in a newspaper published in the nearest county thereto having a newspaper. The advertisement shall state the grade of the meal, the quantity, why seized and offered for sale.

The Commissioner, however, shall have the discretion to release the meal so seized and condemned upon compliance with the law as set forth above and the payment of all costs and expenses incurred by the department in any proceedings connected therewith. The net proceeds from such sale shall be placed in the general fund of the department, and accounted for upon its books.

SEC. 7. Whenever the Commissioner of Agriculture shall be satisfied that any cotton-seed meal is essentially below the guaranteed analysis, it shall be his duty to assess said deficiency against the manufacturer of the meal and require that the value of said deficiency be made good to all persons who, in the opinion of the Commissioner, have purchased the said meal; and the Commissioner may seize any meal belonging to said company, to the value of the deficiency, if the deficiency shall not be paid within thirty (30) days after notice to the company. If the Commissioner shall be satisfied that the deficiency in analysis was due to 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 parties who purchased said meal. 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.

SEC. 8. It shall be unlawful for any manufacturer to adulterate cotton-seed meal in the process of manufacture or otherwise. Unlawful to adulterate meal.

SEC. 9. This act shall be in force from and after July first, nineteen hundred and five (1905). When act to take effect.

In the General Assembly read three times, and ratified this the 17th day of February, A. D. 1905.

CHAPTER 208.

AN ACT TO REGULATE JUDICIAL SALARIES.

The General Assembly of North Carolina do enact:

SECTION 1. That section three thousand seven hundred and thirty-three of The Code be amended by striking out the words "twenty-five hundred" in line two and inserting in lieu thereof the words "three thousand." That section three thousand seven hundred and thirty-four of The Code be amended by striking out the words "twenty-five hundred" in line two and inserting in lieu thereof the words "three thousand." Justices of Supreme Court.
Judges of Superior Court.

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

In the General Assembly read three times, and ratified this the 17th day of February, A. D. 1905.

CHAPTER 209.

AN ACT TO AMEND CHAPTER 330 OF PUBLIC LAWS OF 1903 BY TAKING J. F. GORDON OUT OF WESLEY CHAPEL GRADED SCHOOL DISTRICT IN UNION COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred and thirty of Public Laws of one thousand nine hundred and three be amended by striking out the words "thence to and including J. F. Gordon's place" in line twenty-four of section one. Boundaries of school district 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 17th day of February, A. D. 1905.

CHAPTER 210.

AN ACT TO IMPROVE THE PUBLIC ROADS IN VALLEY-TOWN TOWNSHIP, IN CHEROKEE COUNTY.

The General Assembly of North Carolina do enact:

Highway commis-
sion.

SECTION 1. That on the first Monday in September, one thousand nine hundred and seven, and every two years thereafter, the justices of the peace for Valleytown Township in Cherokee County shall meet in session in the town of Andrews, and shall proceed to elect three persons who shall constitute a highway commission for said township, and who shall hold office for a term of two years, and until their successors are elected and qualified: *Provided*, that from the passage of this act, until such election can be held, Steven Porter, David S. Russell and John Q. Barker shall constitute such commission. The said highway commission is hereby incorporated under the name of the "Highway Commission of Valleytown Township."

Term of office.

First commission-
ers named.

Highway commis-
sion incorporated.
Name.

Powers of com-
mission.

SEC. 2. Said highway commission shall have the same supervision, powers and rights in respect to all the public roads in Valleytown Township as has heretofore been vested in either the "board of supervisors of public roads," appointed under chapter one hundred and seventy-six, Laws one thousand nine hundred and three, or on the Board of County Commissioners of Cherokee County, except as such laws are modified herein. They shall have full power and authority to order the laying out of public roads where necessary, and to discontinue such as shall be found useless, and to alter roads so as to make them more useful. They shall also have power and authority to lay out cart-ways, rights of way for tram-roads, church and mill-roads, and to discontinue the same, in the way and manner provided in sections two thousand and thirty-three, two thousand and fifty-six, two thousand and fifty-seven, two thousand and sixty-two, two thousand and sixty-three and two thousand and sixty-four of The Code, or any amendments thereof.

To lay out roads.

To discontinue or
alter roads.

Cartways, train,
church and mill
roads.

Meetings of com-
mission.

President.

Secretary and
treasurer.

Record to be kept.

Bond of secretary
and treasurer.

Bond to be
recorded.

SEC. 3. Said highway commission shall meet in the town of Andrews within ten days after their election, and shall organize by electing one of their number president, who shall preside at all meetings of said board; they shall also elect a suitable person who shall act as secretary and treasurer; "said secretary shall keep a record of the proceedings of the said highway commission and shall deliver the same to his successor in office, and he shall enter into bond in a penal sum of not less than double the amount of the road tax of said township for the previous year, which bond shall be approved by the Highway Commission for Valleytown Township before such secretary shall enter upon the discharge of his duties, and said bond, when so approved, shall be recorded by the Register of Deeds for Cherokee County in the

book of official bonds and filed in his office: *Provided*, that any bank in said county may act as such treasurer. All road taxes for Valleytown Township which are now in the hands of the County Treasurer of Cherokee County, and all such which may hereafter be collected by the sheriff or tax collector for Cherokee County shall be paid over to the treasurer of said highway commission, who shall give a receipt therefor. The sheriff or tax collector for said county shall be required to settle with the treasurer of said board not later than the first day of May in each and every year. All moneys arising from the taxes levied in Valleytown Township for road purposes shall be kept separate, and shall be expended upon the roads in said township, and in the purchase of the necessary machinery, tools, appliances and material for constructing and repairing the same, under the supervision and direction of said highway commission. And where, in the opinion of said highway commission, it is necessary to purchase stone crushers, scrapers, tools or appliances to be used in making or improving the roads of said township, and the available funds for that year are not sufficient to pay in full for such machinery or appliances, it shall be lawful for said highway commission to contract with the makers or vendors of such machinery, tools or appliances to pay the remainder of the purchase-money and interest on the same out of the road funds which shall be levied and collected for subsequent years, subject, however, to the approval of the justices of the peace of said township, and when any such contract has been entered into in good faith, and the machinery, tools or appliances have been delivered in accordance to the specifications of said highway commission, it shall be the duty of said highway commission to recommend, and the board of county commissioners shall levy each year thereafter a sum sufficient to meet said payments, in addition to the amount required to maintain the roads in said township in good condition, but not exceeding the maximum rate herein specified.

Bank may act as treasurer.

Taxes paid over to treasurer.

Sheriff to settle with treasurer.

Road taxes to be kept separate.

How expended.

Purchase of road machinery.

Special tax for road machinery.

SEC. 4. The treasurer of said highway commission shall make payments out of the road funds belonging to said township only upon the written order signed by the president and secretary of the commission.

Orders on road fund.

SEC. 5. Said highway commission shall, at their first meeting after election, or as soon thereafter as practicable, elect some competent and discreet person to be superintendent of the roads and road hands in said township, and fix his compensation: said superintendent shall hold office during the pleasure of the board electing him. They shall also divide the roads of said township into sections and assign the hands to work on each section. All persons now liable under the general road law as applicable to Cherokee County shall be liable to road duty, and shall work upon the same for six days in each year, at the call or summons of the superintendent, or in lieu thereof shall pay one dollar for

Superintendent of roads.

Commission to divide roads and assign hands.
Road duty.

Cash commutation.

Failure to work
misdemeanor.

Penalty.

Cash commutation
payable to treas-
urer.

Commission to
purchase machine-
ry, tools and ma-
terial.

Drains, bridges
and foot-paths.

Misdemeanor for
persons on horse-
back to use foot-
paths.

Penalty.

Commission may
macadamize roads.

Power to take
material.

Special road tax.

Rate.

Commission to
apportion funds.

Commission to
report.

each day they may fail to work when so summoned. In case of damage to any road by storm or freshet such hands shall be liable to do such work as may be necessary to repair same. For the purposes of this act ten hours' labor shall constitute a day's work. Any person willfully failing to respond to the summons of the superintendent shall be guilty of a misdemeanor, and, upon conviction thereof before a justice of the peace, shall be fined five dollars. All moneys collected by the superintendent in lieu of work shall be paid by him to the treasurer of said board and go into the road fund of said township, to be expended however, upon the section of road to which the persons paying the same may have been assigned.

SEC. 6. Said highway commission may purchase all necessary machinery, tools, blasting material, drain pipes and lumber necessary to build or repair any road; they may relocate and grade any such, and may, for this purpose, employ a competent engineer and fix his compensation; they may construct necessary drains, culverts and bridges and foot-paths where necessary, and maintain the same. It shall be unlawful for any person on horseback to use such foot-path, when constructed under the direction of said commission, and any one so offending shall be guilty of a misdemeanor, and, upon conviction thereof before a justice of the peace, shall be fined ten dollars for each offense. They may macadamize any road in said township, and for this purpose or any needed repairs the superintendent may, with his road force, enter upon the land of any person and take any stone, earth, gravel or timber from any place most convenient, accessible or desirable on account of the quality of the material desired, except trees planted or left for ornamental purposes.

SEC. 7. The Board of Commissioners for Cherokee County shall each year, when other taxes are levied, levy such road tax for Valleytown Township as the Highway Commission of Valleytown Township may recommend, which road tax shall not be less than ten cents nor more than thirty cents upon each one hundred dollars valuation of taxable property, and not less than thirty cents nor more than ninety cents upon each taxable poll in said township. The highway commission shall apportion all funds arising for such taxation between the town of Andrews and the remainder of the township, in proportion to the length of the roads in and out of the town respectively, taking into consideration the character of the work required in each case.

SEC. 8. It shall be the duty of the said highway commission to keep the public roads of said Valleytown Township in good repair, and to make report of the condition of said road to the Clerk of the Superior Court of Cherokee County on or before the first Monday of September of each year, and if said commission shall willfully fail or omit to discharge its said duties, or any of them, they shall be guilty of a misdemeanor.

SEC. 9. Said highway commission shall serve without compensation, except an allowance of not more than two dollars and fifty cents per day may be made to each of them for transportation and subsistence for each day necessarily spent in inspecting, laying out and supervising the construction of repairs of the public roads or bridges in said township, unless one of their number shall be elected superintendent. in which event his compensation shall be fixed by the board, but the superintendent, if a member of the highway commission, shall receive no pay or allowance for expenses while acting as commissioner. The treasurer chosen by said board, whether from their body or a bank, shall be allowed as compensation two per centum on receipts and disbursements.

Compensation of
commission.

Compensation of
superintendent.

SEC. 10. Any person convicted before any justice of the peace in Cherokee County, or before the mayor of the town of Andrews, of any criminal offense whereof justices now have or may hereafter be given jurisdiction, may, in lieu of imprisonment, be sentenced by such justice of the peace or mayor to work on the public roads of Valletown Township for a period not to exceed thirty days.

Certain convicts
worked on roads,

SEC. 11. In case a vacancy should occur from any cause in the said highway commission the justices of the peace for Valletown Township shall at once be notified thereof by the clerk of said board, and the justices of said township shall, within ten days thereafter, upon the call of their chairman, meet in the town of Andrews and elect a person to fill such vacancy.

Vacancies in com-
mission.

SEC. 12. The roads of said township shall be and remain free to all kinds of passengers, vehicles and freighters, with no restriction or exception as to the kind of motive-power employed, be the same animal, steam, electricity or otherwise, except that any person, firm or corporation damaging the roads, bridges, culverts or drains by dragging logs or other material over them, without the same be loaded on wagons or other wheeled vehicles, shall repair the same forthwith at their own expense, and failing so to do, when requested to do so by the superintendent of roads, shall be guilty of a misdemeanor, and upon conviction before any justice of the peace in said township shall pay a fine of ten dollars and costs in addition to the amount necessary to repair the damages to said road, which cost may be recovered before any justice of the peace for Cherokee County.

Roads free to all
vehicles.

Damages to be
repaired.

Failure a misde-
meanor.

Penalty.

SEC. 13. All laws and clauses of laws in conflict herewith are hereby repealed, so far as said laws now apply to Valletown Township in Cherokee County.

Repealing clause.

SEC. 14. This act shall be in force and effect from and after its ratification.

In the General Assembly read three times, and ratified this 17th day of February, A. D. 1905.

CHAPTER 211.

AN ACT FOR THE PROTECTION OF GROWERS OF
GINSENG.*The General Assembly of North Carolina do enact:*May be dug for
replanting.

SECTION 1. That all persons shall be allowed to dig ginseng at any time of the year for the purpose of replanting the same.

Felony to steal
ginseng planted in
beds.SEC. 2. That any person who shall take and carry away, or shall aid in taking or carrying away, any ginseng growing upon the lands of another person, with intent to steal the same, shall be guilty of a felony, and shall be imprisoned not less than two years nor more than five years, in the discretion of the court: *Provided*, that such ginseng, at the time the same be so taken shall be in beds and the land upon which such beds are located shall be surrounded by a lawful fence.

Penalty.

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

In the General Assembly read three times, and ratified this the 17th day of February, A. D. 1905.

CHAPTER 212.

AN ACT TO AMEND CHAPTER 86 OF THE PUBLIC LAWS
OF 1887, ENTITLED "AN ACT RELATING TO THE PUBLIC
SCHOOLS IN THE TOWN OF DURHAM."*The General Assembly of North Carolina do enact:*School committee
made board of
education.

SECTION 1. That the words "the school committee of the town of Durham, Durham County," in lines two and three of section eleven (11) of chapter eighty-six (86) of the Public Laws of one thousand eight hundred and eighty-seven (1887), be and the same are hereby stricken out and the following substituted therefor, viz.: "Board of Education of the City of Durham." That the words "town of Durham," wherever they appear in said chapter eighty-six (86) of the Public Laws of one thousand eight hundred and eighty-seven (1887), be stricken out and the words "city of Durham" be substituted therefor.

Town of Durham
changed to city of
Durham.Board may con-
demn land for
school sites.
Procedure.

SEC. 2. That whenever said board is unable to obtain a suitable site for a school by gift or purchase it may institute special proceedings in the Superior Court of Durham County for the condemnation of such a site under the same rules and regulations, as near as may be applicable, as are now prescribed in chapter forty-nine (49) of The Code of North Carolina for the condemnation of land by railroad companies, and upon the confirmation of the report of the appraisers appointed therein, and upon the payment of the appraised value of the land as provided for by such

rules, the title to said land shall be vested in said board and their successors in office. Any person aggrieved by the action of said appraisers may appeal to the superior court of said county upon giving bond to secure such costs as may be incurred upon account of said appeal not being prosecuted with effect. Appeal.

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 17th day of February, A. D. 1905.

CHAPTER 213.

AN ACT TO COMPEL ATTENDANCE OF INDIANS AT SCHOOL.

The General Assembly of North Carolina do enact:

SECTION 1. That all within the boundary known as the "Qualla boundary" of the Cherokee Indian lands in Jackson and Swain Counties, in which is located the government Indian school at Cherokee, North Carolina, be and the same is hereby constituted a special school district. Special school district.

SEC. 2. That all children within said boundary are hereby compelled to attend school at least nine months in each calendar year between the ages of seven and seventeen years: Children compelled to attend school.
Provided, the government of the United States shall furnish said schools with all proper facilities, together with board, clothing, books, medicine, medical attendance and other necessary expenses: School age.
Provided further, that nothing in this act shall compel any sick or otherwise disabled child, or any child who is sole person or necessary for the care or waiting on of any sick parent, or for other legal or lawful excuse, to attend said school: Proviso.
Provided further, that nothing in this act shall prevent the proper authorities from excusing any child from the provisions of this act, when in their judgment they deem it necessary: Government to maintain school.
Provided further, that this act shall not apply to children in said boundary attending some other school for a like time and period. Proviso. Children attending other schools.

SEC. 3. That it shall be unlawful for any parent or guardian to withhold any child from school, and upon conviction shall be fined or imprisoned at the discretion of the court. Unlawful for parent or guardian to excuse child. Penalty.

SEC. 4. That the proper authorities of said school shall have authority to take charge of any of said children of said district, wherever found, and place and keep them in said school for the period above expressed: School authorities may take charge of children.
Provided, that nothing in this act shall allow any person to mistreat or abuse said child or children or use any more force than is necessary to carry this act into force and effect. Proviso. Children not to be abused.

To apply only to persons of Indian blood.

SEC. 5. That nothing in this act shall apply to any child, parent or guardian with less than one-eighth Indian blood.

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

In the General Assembly read three times, and ratified this the 17th day of February, A. D. 1905.

CHAPTER 214.

AN ACT TO PREVENT PERSONS OPERATING SAW-MILLS IN GRAHAM COUNTY, LINCOLN COUNTY AND CATAWBA COUNTY FROM PUTTING OR ALLOWING SAWDUST FROM THEIR MILLS TO GO INTO ANY STREAM IN GRAHAM, LINCOLN AND CATAWBA COUNTIES.

The General Assembly of North Carolina do enact:

Unlawful to allow sawdust to get into streams.

SECTION 1. That any person or persons now operating, or who shall hereafter operate, any saw-mill or saw-mills in Graham, Lincoln and Catawba Counties, who shall put or allow to be put, or permit any sawdust from his or their saw-mill or saw-mills to go into any stream in Graham, Lincoln and Catawba Counties, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined or imprisoned, or both, in the discretion of the court.

Misdemeanor.
Penalty.

When act in force.

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

SEC. 3. That this act shall be in force from and after the first day of April, one thousand nine hundred and five.

In the General Assembly read three times, and ratified this the 18th day of February, A. D. 1905.

CHAPTER 215.

AN ACT TO REGULATE THE FEES OF JURORS IN CURRITUCK COUNTY.

The General Assembly of North Carolina do enact:

Regular jurors.

SECTION 1. That each regular juror of Currituck County shall receive for his services and expenses in attendance of the superior court of said county not exceeding two dollars (\$2) per day, and not exceeding five (5) cents per mile for the actual distance in traveling to and from the county-seat, to be fixed by the county commissioners.

Tales jurors.

SEC. 2. That all talesman jurors shall receive not exceeding one dollar and fifty cents (\$1.50) per day and no mileage.

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

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

In the General Assembly read three times, and ratified this the 18th day of February, A. D. 1905.

CHAPTER 216.

AN ACT TO PROHIBIT HUNTING AND FISHING UPON THE LANDS OF ANOTHER IN WAYNE COUNTY WITHOUT THE WRITTEN PERMISSION OF THE OWNER.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person to hunt game with or without dog or gun, or both, or to fish upon the lands of another in Wayne County without written permission of the owner of the land or his legally authorized agent: *Provided*, this act shall not apply to fox-hunting.

Unlawful to hunt game on land of others.

Proviso.
Fox-hunting excepted.

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 for each offense.

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 18th day of February, A. D. 1905.

CHAPTER 217.

AN ACT TO AMEND CHAPTER 428 OF THE PUBLIC LAWS OF 1901, 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:

SECTION 1. That section one of chapter four hundred and twenty-eight of the Public Laws of one thousand nine hundred and one be and is hereby amended by striking out all of said section beginning with the word "the" at the beginning of line four, down to and including the word "lot" in line five of said section, and by striking out the word "1903" in line nine and inserting in lieu thereof the word "1907," and that section two of said chapter be amended by striking out the words "1902 and 1903" in line four of said section and inserting in lieu thereof the words "1906 and 1907."

Power to sell jail lot repealed.

Time for sale of other property extended.
Special tax 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 18th day of February, A. D. 1905.

CHAPTER 218.

AN ACT TO REGULATE PAY OF JURORS IN CHOWAN COUNTY.

The General Assembly of North Carolina do enact:

Grand, petit and
tales jurors.

SECTION 1. That all grand and petit and tales jurors summoned to attend and attending the Superior Courts of Chowan County shall receive per day what shall be allowed by the Commissioners of Chowan County, not less than one dollar and fifty cents per day nor more than two dollars per day, and five cents per mile for travel going to and returning from court, to be fixed by said commissioners.

Limited to Chowan
county.

SEC. 2. That all laws and clauses of laws in conflict with this act in relation to Chowan County 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 18th day of February, A. D. 1905.

CHAPTER 219.

AN ACT TO AMEND CHAPTER 388 OF PUBLIC LAWS OF 1903, ENTITLED "AN ACT TO ALLOW ROCKINGHAM COUNTY TO VOTE ON THE QUESTION OF ISSUING BONDS FOR IMPROVEMENT OF PUBLIC ROADS."

The General Assembly of North Carolina do enact:

Time for election
extended.

SECTION 1. That section one of chapter three hundred and eighty-eight of Public Laws of one thousand nine hundred and three be amended by striking out in lines four and five in said section the words "within the next fifty days after the ratification of this act" and inserting in lieu thereof the words "at any time after the ratification of this act upon the petition of two hundred freeholders of said county," and by striking out in line ten the words "the election" and inserting in lieu thereof the words "any election held under this act."

Form of ballots.

SEC. 2. That section three of said chapter be amended by striking out in line one the words "at the said election" and inserting in lieu thereof the words "any election held under this act."

SEC. 3. That section four of said act be amended by striking out in line three the words "said election" and inserting in lieu thereof the words "any of said elections." Record of elections.

SEC. 4. That section five of said chapter be amended by striking out in line three the words "said election" and inserting in lieu thereof the words "any of said elections."

SEC. 5. That section fourteen of said act shall be amended after the word "miles" in line twenty-seven and before the word "all" the following words: "Beginning at Mayodan Bridge via T. J. Wall's and Valley Field to Shiloh Church." Additional road to be improved.

SEC. 6. That section seventeen of said chapter be amended by striking out in lines four, five and six of said section the words "And to take charge of and to use all necessary material necessary for the construction of said road"; and by striking out in line seven the words "and material." Road material.

SEC. 7. That section nineteen of said act be amended by striking out in line nine the words "engine or engines" and inserting in lieu thereof the words "engineer or engineers." Employment of engineers.

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 18th day of February, A. D. 1905.

CHAPTER 220.

AN ACT TO AMEND CHAPTER 65 OF THE PUBLIC LAWS OF 1895.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter sixty-five of the Public Laws of one thousand eight hundred and ninety-five be amended as follows: Insert the word "maintain" in section one, line two, after the word "enact"; also by adding after "width" in line four of said section the following: "*Provided*, that this act shall only apply to barbed wire fences within ten yards of said roads"; also by inserting the word "Rockingham" in section three, line four, after the word "Iredell." Unlawful to maintain barbed wire fence.
Proviso.
To apply only to fences within ten yards of road.
Act extended to Rockingham 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 18th day of February, A. D. 1905.

CHAPTER 221.

AN ACT TO ABOLISH THE DISPENSARY IN THE TOWN OF SEABOARD, NORTHAMPTON COUNTY.

The General Assembly of North Carolina do enact:

Dispensary abolished.

SECTION 1. That chapter three hundred and sixty-eight (368) of the Public Laws of eighteen hundred and ninety-nine (1899), establishing a dispensary in the town of Seaboard, Northampton County, be and the same is hereby repealed and the said dispensary is hereby abolished.

From 1st June, 1905.

SEC. 2. That this act shall be in force on and after the first day of June, one thousand nine hundred and five.

In the General Assembly read three times, and ratified this the 18th day of February, A. D. 1905.

CHAPTER 222.

AN ACT TO AMEND CHAPTER 89, SECTION 32, OF THE PUBLIC LAWS OF 1901.

The General Assembly of North Carolina do enact:

Canvassers of Dare county to comply with general law.

SECTION 1. Amend by striking out the word "Dare" in line eight, section thirty-two, chapter eighty-nine, Public Laws of one thousand nine hundred and one, and allow Dare County to comply with the general law.

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. 1905.

CHAPTER 223.

AN ACT TO AUTHORIZE AND EMPOWER THE COMMISSIONERS OF CALDWELL COUNTY TO SELL THE OLD COURT-HOUSE, ETC.

The General Assembly of North Carolina do enact:

County commissioners to make sale.

SECTION 1. The County Commissioners of Caldwell County are hereby authorized and empowered to sell for cash to the highest bidder, at the court-house door in Caldwell County, all the material belonging to the old court-house, including the brick walls, ceiling, flooring, windows, doors, roofs, stones and everything composing the old court-house. Also all the old furniture, including the desks, chairs and all personal property used in said

old court-house belonging to the county. Said sale to be advertised at least thirty days in a county paper and notice of sale posted in each township in the county. Sale to be advertised.

SEC. 2. That within six months after the sale of said court-house building the purchaser or buyer thereof shall remove the material so bought off of the lot or premises known as the court-house square. Purchaser to remove building and material.

SEC. 3. That the proceeds derived from the sale of the above described property shall be covered into the treasury of Caldwell County to the credit of the general county fund. Proceeds covered to county fund.

SEC. 4. 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. 1905.

CHAPTER 224.

AN ACT TO ESTABLISH A CONVICT SYSTEM OF WORKING THE PUBLIC ROADS IN CRAVEN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the county authorities of the county of Craven are hereby authorized and empowered to work all persons convicted of any crime in any court of proper jurisdiction in said county of Craven and sentenced to imprisonment in the common jail of said county, either for the crime or for the cost of prosecution, upon the public roads of said county as hereinafter provided. The said county authorities shall have the right to employ all or any portion of the convicts sentenced to the county jail, for crimes or costs of prosecution, in the counties of Pitt, Wayne, Lenoir, Onslow, Jones, Carteret, Pamlico and Beaufort, or such other counties as they may desire and can contract with; and should the system be adopted by the said county of Craven, any judge riding the first, third, fifth and sixth judicial districts may, at his discretion, sentence parties convicted of crime or offenses before him to work on the public roads of Craven County, as provided for in this act: *Provided*, that no female shall be worked on the public roads under the provisions of this act. Convicts to be worked on roads. Convicts from other counties. Judges may sentence convicts to roads. Proviso. No female to be worked on roads.

SEC. 2. The work of said convicts shall at first be confined to the grading and working, according to law, of all the public roads which come into the town of New Bern, for a distance of three miles on each road, beginning at the corporate limits of said town, and upon the completion of three miles, then commence and grade and work another three miles on each of said roads, and so on to the county line. Method of work.

SEC. 3. The board of commissioners shall have entire control and supervision of the said work, and in the event that they shall Commissioners to control work.

May employ supervisor.	consider it necessary to the judicious and successful prosecution of said work, they may employ some competent person to supervise and direct the said work, and may pay such person a sum not exceeding two dollars per day out of the general funds of said county for such time only as he be actually occupied in such work.
Guards.	SEC. 4. That the county commissioners of said county shall
Compensation.	employ a guard for every ten convicts, the compensation of the guard not to exceed one dollar and fifty cents per day, to be paid out of the general funds of Craven County, as other claims are paid. In case there should be at any time less than ten convicts engaged upon said work, the county commissioners shall keep employed as much as one guard.
Expense of convicts from other counties.	SEC. 5. That when convicts are employed from any other county the said county of Craven shall only feed, clothe and guard them as compensation for their work; but the County Commissioners of Craven County may defray the necessary expenses incurred in conveying to said county such convicts as are sentenced in other counties to work upon the public roads of Craven County.
Present system retained.	SEC. 6. That this act shall in nowise affect the working of the public roads in Craven County under the present system of working public roads.
County commissioners and justices of the peace may levy special road tax.	SEC. 7. That at any time after the ratification of this act, in order to improve the roads of Craven County, the board of county commissioners of said county may call together the justices of the peace of the county, by notice published for ten days and by mailing to the address of each justice of the peace a call specifying the object thereof. And upon convening, a quorum of said justices of the peace being present, if a majority of the justices of the peace of any township shall so request, the board of justices of the peace, with the board of commissioners, may proceed to determine whether or not they shall levy a tax upon the real and personal property and polls of such township as shall request the same, for the purposes of improving and working the roads thereof, not exceeding thirty cents upon the one hundred dollars valuation of the real and personal property and ninety cents upon the polls of said township; and if said joint body shall order said levy, the same shall be placed upon the tax list of said county as to the township upon which the levy is made, and collected as all other taxes are now collected by law, with the same force, validity and effect.
Limit of tax.	SEC. 8. That in event said tax shall be levied in accordance with the provisions of this act, the convict labor, under the authority hereof, may be employed on such road, and the provisions of law relating to working such road by the inhabitants of such township may be suspended, and the tax so levied upon the property and polls of such township shall be collected from
Convict labor employed on tax road.	
Road tax in lieu of personal service.	

the citizens thereof in lieu of work as now required by the existing road law.

SEC. 9. That in event it shall be determined by said joint body to levy such tax, then shall the board of county commissioners have the entire control and supervision of such work, and shall devote the tax so levied and collected to the work upon and improvement of the roads in such township upon which said tax is levied.

SEC. 10. That in event the county commissioners shall deem the same advisable, they are authorized and empowered to employ an expert superintendent on any particular road, or part of any road, for such time as in the opinion of said board such expert may be required.

SEC. 11. 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. 1905.

CHAPTER 225.

AN ACT TO RE-ESTABLISH THE OFFICE OF TREASURER OF SAMPSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the office of county treasurer in Sampson County be and the same is hereby established, but the duties of said office shall be performed by the sheriff of said county, who has been duly elected and has qualified as such officer and given the required bond therefor, but the office of sheriff and treasurer shall from and after the next general election in one thousand nine hundred and six be separated, and the office of Treasurer of Sampson County shall be filled at said election and a treasurer for said county shall be elected by the voters of Sampson County at said election, as other county officers are elected, and when he shall have duly qualified and given his bond as required by law, the sheriff or officer performing the duties of said office shall account to and turn over to him all such funds, books, documents and other things of value due and belonging to said office, and the election of such treasurer shall take place every two years thereafter at the time and places of electing the other officers of Sampson 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, A. D. 1905.

County commissioners to control work.

Superintendent for special road.

Office of county treasurer established.

Duties to be performed by sheriff.

Treasurer to be elected in 1906.

Sheriff to account with treasurer.

CHAPTER 226.

AN ACT TO AMEND CHAPTER 17 OF THE PUBLIC LAWS OF 1899 BY STRIKING OUT "GREENE" IN SECTION 6 AND INSERTING "HERTFORD" IN PLACE THEREOF.

The General Assembly of North Carolina do enact:

Short form for agricultural liens abolished as to Greene and established as to Hertford.

SECTION 1. That section six of chapter seventeen of the Public Laws of one thousand eight hundred and ninety-nine be amended by striking out the word "Greene" in line three and inserting in place thereof "Hertford."

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

In the General Assembly read three times, and ratified this the 18th day of February, A. D. 1905.

CHAPTER 227.

AN ACT TO AMEND SECTION 752 OF THE CODE AS TO THE TIME OF PUBLICATION OF COUNTY REVENUES AND CHARGES.

The General Assembly of North Carolina do enact:

Publication may be made monthly.

SECTION 1. That section seven hundred and fifty-two of The Code be and the same is hereby amended by inserting after the word "weeks" in line three of said section the following: "or after each regular monthly meeting if they deem it advisable, and for one week."

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

In the General Assembly read three times, and ratified this the 18th day of February, A. D. 1905.

CHAPTER 228.

AN ACT TO PRESCRIBE AND FIX THE COMPENSATION OF COUNTY COMMISSIONERS OF NORTHAMPTON COUNTY.

The General Assembly of North Carolina do enact:

Chairman \$100 and mileage.

SECTION 1. That the chairman of the Board of County Commissioners of Northampton County shall be paid for his services the sum of one hundred dollars annually and mileage of five cents per mile each way for each day of his attendance on said board.

SEC. 2. That each member of said board shall be paid the sum of four dollars for each day of his service on said board and mileage as in section one of this act. Commissioners \$4 per day and mileage.

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

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

In the General Assembly read three times, and ratified this the 18th day of February, A. D. 1905.

CHAPTER 229.

AN ACT TO ESTABLISH STOCK LAW IN PART OF CLAY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the territory embraced in the following boundary in the county of Clay is hereby declared to be under stock law, to-wit: Beginning at the Georgia line on the Hiawassee River and running down the said river to the mouth of Brass-town Creek; thence up said creek and with the line of Cherokee County to the Georgia line; thence with said State line to the place of beginning. Said territory to be under stock law for a term of one year from ratification of this act and then to be governed by the provisions of chapter twenty of The Code as amended by the laws of one thousand eight hundred and ninety-five. Boundaries.

SEC. 2. That the board of county commissioners of said county of Clay shall erect or cause to be erected a convenient gate at each of the iron bridges on Hiawassee River and also at or near Brasstown bridge in said county, and shall build, wherever it may be necessary between said stock law territory and the county of Cherokee a sufficient fence from Hiawassee River to the Georgia line: *Provided*, that sections two thousand eight hundred and eleven and two thousand eight hundred and sixteen of The Code of one thousand eight hundred and eighty-three shall not be operative against citizens of Cherokee County until said fence shall be built. Gates at bridges. Stock law fence. Proviso. Not operative until fence built.

SEC. 3. That no stock belonging to citizens residing on the east side of Hiawassee River or in Cherokee County shall be impounded in said stock law territory, but the same may be driven back from said territory without injury to same, and it is also provided that R. M. Coffee and Levy Dockery may keep fences and gates across roads, where necessary, so as to remain out of said stock law territory. Stock of non-residents not impounded. Certain persons exempted.

SEC. 4. 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 18th day of February, A. D. 1905.

CHAPTER 230.

AN ACT FOR WORKING THE PUBLIC ROADS IN MONTGOMERY COUNTY.

The General Assembly of North Carolina do enact:

Supervisors to elect road-masters.	SECTION 1. That there shall be a road-master for each township, to be elected by the board of supervisors in their respective townships, who shall be known as road-master of the township in which he is elected, and who shall hold his office until his successor is duly elected and qualified, by taking the oath of office to the effect that he will honestly and faithfully perform the duties of road-master in his township during his term of office and until his successor is duly elected and qualified.
Term of office.	
Oath.	
Meetings of supervisors.	SEC. 2. The road supervisors shall meet on Saturday before the first Monday in June, one thousand nine hundred and five (1905), and on Saturday before the first Monday in June annually thereafter, and shall elect a road-master for their respective townships, who shall be notified of his election by said board by having written notice thereof served upon him by the sheriff or a constable in the county, and the said road-master shall appear within five (5) days thereafter and take the oath of his office and subscribe to the same before a justice of the peace in his township, which shall be delivered by said justice to the board of supervisors of the township at their next meeting.
Election of road-master.	
Road-master to qualify.	
Public roads.	SEC. 3. All roads that have been laid out by order of any court are hereby declared to be public roads, and the supervisors of the roads in each township shall have supervision and control of the same in their townships, and shall have full power and authority within their respective townships to order the laying out of public roads where necessary, to discontinue such roads as shall be found useless; but no such order shall be made until a like notice is given as is required by the general law of the State, but such notice shall be made to conform to the provisions of this act.
Supervisors to control roads.	
May discontinue roads, Notice.	
Appeal,	Any party feeling aggrieved may, within ten (10) days after such order, appeal therefrom to the board of county commissioners, by serving a written notice on the secretary of the board and on the party, or his attorney, asking for the order, and upon giving an undertaking payable to the appellee in the sum of one hundred dollars (\$100), with sufficient surety conditioned to pay all costs which may be awarded against the appellant on said appeal:

Provided, when the appellant is unable to give the undertaking Proviso.
 he may be allowed to appeal *in forma pauperis* as in other cases When appellant
 as allowed by statute. The commissioners may direct in their unable to give
 order how the costs shall be paid. On appeal, the secretary shall, bond.
 if appellant complies with this act, send up all the papers in the
 case and a copy of the order of the board, and make a memorandum
 on his record of said appeal.

SEC. 4. That the meeting of the board of supervisors of the Place of meeting of
 several townships shall be held at places most central and con- supervisors.
 venient to the public, and the places of such meeting shall be
 settled and determined at the June meeting, as hereinbefore pro-
 vided.

SEC. 5. That the road-master after his qualification shall be Road-master ex
ex officio a member of the board of supervisors of his township, officio member of
 and act with them, except at the meetings held for the election board.
 of a road-master.

SEC. 6. That whenever there is a vacancy in the office of road- Chairman to fill
 master the chairman of the board of supervisors shall appoint vacancies.
 some suitable person to fill the office until the next meeting of
 the board, when the vacancy shall be filled for the unexpired
 term.

SEC. 7. That the board of supervisors shall again meet on Sat- Meetings of super-
 urday before the first Monday in August, one thousand nine hun- visors to receive
 dred and five (1905), and annually thereafter on Saturday before reports.
 the first Monday in August, in their respective townships, and
 receive the reports of road overseers, of the road-master, in their
 respective townships, and to pass upon the same, to hear com-
 plaints of any and all persons, who may desire to complain
 before the board, as to the failure of any road officer in the town-
 ship to perform his duty, or of the condition of any public road in
 the township, to hear such suggestions from any person as to the
 best and proper mode of repairing such roads, and to hear and And consider other
 consider any other business within its jurisdiction properly business.
 brought before it, and also perform such duties as the general
 road law of the State requires them to perform at the August
 meeting.

SEC. 8. That the road-master shall, within twenty (20) days Road-master to
 before each annual meeting of the board of supervisors, on Satur- inspect roads.
 day before the first Monday in August, go over and personally
 inspect the whole of every public road in his township, and
 examine the condition of all public bridges and private bridges Examine bridges.
 across public roads, and at the ensuing meeting of the board
 shall report in writing the condition of each road, of the public And report in
 bridges and the private bridges aforesaid, with such suggestions writing.
 as he may deem proper as to needed repairs on said roads and
 bridges in his township; and the failure of any road overseer to Failure a misde-
 properly perform his duty shall be guilty of a misdemeanor, and meanor.
 upon conviction thereof shall be fined or imprisoned as provided Penalty.

Private bridges.	in section eleven of this act. Should it appear to the board that any private bridge across any public road is unsafe or in need of repairs, the board shall at once, or as soon as practicable, cause written notice to be served on the party whose duty it is under the law to repair said bridges to make the necessary repairs and report the same to the road-master, who shall examine said bridge, and if found unsafe and improperly repaired, said master shall report the same at once to the chairman of the board of supervisors, who shall report the matter to the next meeting of his board, or call a special meeting of the board to consider the matter, when notice should be given the party whose duty it is to keep up said bridge to show cause why an order shall not be made by the board directing the road-master to fill up the ditch or stream and remove the bridge, or repair the same at the owner's expense, or comply with such other order as said board shall deem just and proper to protect the traveling public against harm in consequence of such defective bridges across the public road, the cost to be paid by the person whose duty it is to keep in repair the bridge, should the supervisor find that the bridge needed repairs or further repairs, otherwise the county shall pay expense and costs: <i>Provided</i> , nothing herein shall exempt a person whose duty it is to keep up such bridge from indictment under the law of the State for failure to perform his duty to the public in the matter, or to excuse him from any action for damages. If the board is satisfied that any public bridge except those under the control of the overseer or board of supervisors is out of repair, they shall cause notice thereof to be given the board of county commissioners at their next meeting, who shall have all necessary repairs made, under penalty of failing to perform their public duty: <i>Provided</i> , this act shall not relieve the county commissioners from looking after said bridges as required by the general law of the State. If the board shall be satisfied that any overseer has failed to perform his duty the chairman shall cause a warrant to be issued for the arrest of said overseer and have him brought before a justice of the peace of an adjoining township, to be dealt with according to law. The report of the road-master in all cases shall be received in evidence when pertinent, and shall be presumptive evidence of the truth of the facts it contains. But the presumption may be rebutted by proper and sufficient evidence.
Road-master to report.	
Repairs at expense of owner.	
Proviso.	
Indictment not barred.	
County commissioners to repair public bridges.	
Proviso.	
County commissioners not relieved.	
Chairman to make complaints.	
Report of road-master evidence.	
Board of supervisors to organize.	SEC. 9. That said board of supervisors shall, at each of their meetings held on Saturday after the first Monday in June, organize by electing one of their number chairman, and elect a secretary from the body of their township, and that the secretary so elected shall keep accurate record of the proceedings of each session of the board in a well-bound book to be kept for that purpose, and to be styled "Record of Board of Supervisors" of the township in which it is kept. Said book shall be furnished by the
Chairman and secretary.	
Record of proceedings.	

board of county commissioners at the expense of the county, and said record book, so kept, shall be competent evidence in all courts. The secretary, before he shall be allowed to act, shall take an oath that he will faithfully discharge the duties of the office, that he will take care of and preserve such records and the papers left with him by the color of and by virtue of his said office, and at the close of his term of office he will turn the same over to his successor or to any one else authorized by said board to receive them. He may be removed from office at the discretion of the board of supervisors. A failure of such secretary to perform his duty under this act shall make him guilty of a misdemeanor. When the record book is filled it shall be returned to the county commissioners, which shall be deposited in the office of the register of deeds as a record of the county and another furnished.

Record book evidence.

Secretary to take oath.

May be removed.

Failure to perform duty a misdemeanor.

Record book deposited with register of deeds.

SEC. 10. That said board of supervisors may hold special meetings not oftener than once in three months; the number to be determined upon and the time for holding same shall be settled by the board of supervisors at each meeting held on Saturday before the first Monday in August of each year; but when the number and times for holding said meetings shall have once been fixed, they shall continue until changed at one of said annual meetings. The board shall also elect two of their number, other than the road-master, who, with the chairman, shall hold said special meetings and transact the business thereof. Whenever it shall be desired to have a full board to meet the chairman may cause notice to be given to all members to attend the meeting.

Special meetings of supervisors.

Board for special meetings.

Meeting of full board.

SEC. 11. The road-master shall, within a week before each special meeting of the board, go over the roads of his township and report to the next meeting the condition of the same, and if it appears to the satisfaction of the board that any overseer or other person has failed to perform his duty, they shall cause notice to be served on such person by the road-master to comply with the law in such case without unnecessary delay. Any person failing to perform his duty after such notice shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars (\$50), or imprisonment not to exceed thirty (30) days.

Road-master to report to special meetings.

Notice to overseers.

Overseer guilty of misdemeanor. Penalty.

SEC. 12. That the board of supervisors at every meeting held on Saturday before the first Monday in June of any year shall determine how much money they will need during the following twelve months to repair the public roads in their respective townships, in places where the ordinary system of working the road hands is insufficient, and report the amount to the board of county commissioners on the first Monday in June of each year, who shall levy a tax on the property in said township as assessed and returned for taxation for other purposes, sufficient to raise the amount of money reported, including the expense of collecting

Road funds.

Special tax.

Application of road funds.	and paying out the same; said tax shall be collected as other taxes, and paid over to the treasurer of the county funds, who shall place it to the credit of the board of supervisors of roads of said township in which it was collected, to be paid out only upon the written order of the said board of supervisors. And said board of supervisors shall not draw on said fund except for paying for such repairing of such parts of the roads of the township as they find that the overseers are unable to repair with the road hands under the general road law of the State, and for such ordinary tools for repairing the roads as they may deem necessary and proper to buy for use by road hands while working the roads:
Proviso. Definition of ordinary tools.	<i>Provided</i> , ordinary tools shall be held to mean such tools as are used on farms, such as axes, hoes, shovels, spades and farm plows suitable for doing road work. The collecting officer shall receive one and one-half per centum for collecting such taxes and the treasurer or disbursing officer the same for paying out said money. The official bonds of the treasurer and tax collector of the county shall be responsible for the faithful performance of their duties under this act. And to carry out the provisions of this section for repairing said parts of said roads the board of supervisors may let out the repairing of the same to the lowest contractor, to be done under the supervision of the road-master, or this board may authorize the road-master to hire hands and have the work done and paid for out of any money to the credit of the township for that purpose. The supervisors shall not be compelled to ask for such taxes annually, but only when needed.
Pay of collecting officer. Pay of treasurer and disbursing officer. Bonds of treasurer and tax collector responsible.	SEC. 13. That overseers of roads shall receive one dollar (\$1) for notifying road hands and one dollar (\$1) per day for each day actually engaged in working their roads, not exceeding six
Roads may be let to contract.	dollars (\$6) per annum. The road-master shall receive one dollar (\$1) per day for each day engaged in the performance of his official duties, not exceeding ten dollars (\$10) per annum, except when engaged in repairing roads under the order of the board of supervisors of his township; but the board of supervisors may reduce any or all of the above amounts for the service rendered as aforesaid and fix the amount to be paid for such services, not exceeding the above figures in any case.
Taxes only when needed.	SEC. 14. That the members of the board of supervisors shall receive fifty (50) cents for each day actually engaged in the performance of their duty under this act.
Pay of overseers.	SEC. 15. All the fees provided for in the foregoing section shall be paid by the board of county commissioners out of the general fund of the county, but no fees thus provided for shall be allowed or paid to any of the officers in any township until this act is put in full force therein.
Pay of road-master.	SEC. 16. The public bridges and ferries shall remain under the jurisdiction of the board of commissioners of the county under the general road law of the State.
Pay of supervisors.	
Fees paid from county fund.	
Bridges and ferries under general road law.	

SEC. 17. That the board of road supervisors of the township in which is located the common jail of the county may work on the roads in said township the convicts confined in said jail, and such other convicts in other counties as may be sentenced to work on roads in said township, whenever said board shall provide sufficient guards and overseers, at the expense of said township, for the safe-keeping and control of said convicts and the Judge of the Tenth (10th) Judicial District of the State is authorized and empowered to sentence convicts in said county and other counties to work upon the public roads of said township; said township may have the use of the common jail of said county in confining said convicts: *Provided*, said board of supervisors shall provide for the maintenance of said convicts from other counties during the time they are sentenced to said roads.

Convicts may be worked on roads.

Guards and overseers.

Judge may sentence convicts to roads.

SEC. 18. That all laws and clauses of laws in conflict with this act are hereby repealed, and this act shall only apply to Montgomery County.

Repealing clause.

SEC. 19. 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. 1905.

CHAPTER 231.

AN ACT TO PROVIDE FOR THE WORKING OF THE PUBLIC ROADS OF MACON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of Macon County shall, in order to provide for the proper construction and working of the public roads of said county of Macon, at their regular annual meeting in June, one thousand nine hundred and five, and at each regular meeting thereafter, and it is hereby made their duty to levy a special tax on all property subject to taxation under the State law in said county of not less than ten cents nor more than twenty cents on the one hundred dollars worth of property and not less than thirty cents nor more than sixty cents on the poll, the constitutional equation to be observed at all times; said tax to be collected as all other taxes are, to be kept separate in the tax books of the county and to be set aside as a special road fund to be used in the construction, improvement and maintenance of the public roads, culverts and bridges of the county of Macon, and the purchase of such implements, teams, wagons, camp outfit, stockades, etc., for the use and safe-keeping of the convict force as may be found necessary in the proper carrying on of this work.

Special tax.

Rate.

Tax to be kept as special road fund.

Commissioners and supervisors to elect road trustees.	SEC. 2. That the board of county commissioners and county supervisor of roads shall, at their regular meeting in April, one thousand nine hundred and five, elect a board of road trustees for each and every township in Macon County, which shall be composed of three citizens resident therein, and known to be in favor of road improvement. The name of the first road trustee elected shall be for three years, the second for two and the third for one year. A successor for one road trustee shall be elected by the said board of commissioners and the road supervisor at each annual April meeting, for a term of three years. If any vacancy shall occur on the said board of road trustees, by death or other cause, the board of county commissioners and road supervisor shall, at the next meeting held after such vacancy occurs, elect some suitable person, who shall be a resident of the township in which such vacancy occurs, to fill such vacancy, who shall hold during the term of the person in whose stead elected. Such board of road trustees is hereby incorporated, and the corporate name shall be "The Board of Road Trustees of Township."
Terms of office.	
Successors.	
Vacancies.	
Road trustees incorporated. Corporate name.	
Meetings of trustees.	SEC. 3. The board of road trustees shall meet in some place in their respective townships, to be agreed upon by themselves, or, in the absence of an 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
Record of proceedings.	keep a record of their proceedings, and shall annually, at their May meeting, or subsequent meeting, elect one of their number
Chairman and secretary-treasurer. Bond of secretary-treasurer.	chairman and also one of their number secretary-treasurer, and require a bond of their secretary-treasurer, payable to the State of North Carolina, in trust for said township, with security to be approved by them, conditioned for the faithful discharge of the
Formal corporate powers.	duties of that office. They shall have the right to sue and be sued, plead and be impleaded in any of the courts of the State.
Roads to be divided into sections. Overseers.	The board of trustees shall annually, at the May meeting, divide the roads of their townships into sections and appoint overseers for said sections at said meetings; they shall at the same time
Allotment of hands.	allot the hands to said overseers, and shall also designate the boundaries or points to which each resident shall be liable to work on said section, and shall within five days after such meeting certify to each overseer written notice of his appointment,
Trustees to examine roads.	with a list of the hands assigned to his section. It shall be the duty of the road trustees to examine into the condition of the public roads of their respective townships at least twice in each
And report conditions.	and every year, and make a report of the condition of the said public roads to the chief engineer of roads, hereinafter provided for. And the said board of trustees of each and every township
Furnish lists of overseers and hands.	shall within ten days after their appointment furnish the chief engineer of roads with a list of all overseers appointed by them, together with a list of the hands allotted to each road section.

SEC. 4. That all able-bodied male persons between the ages of eighteen and forty-five in the county, except residents of incorporated towns, shall work on the public roads of said county for six days of nine hours each, anywhere in said township that the board of trustees may direct in each and every year, at such time and place and in such manner as may be designated by said trustees, except that in cases of construction the work shall be performed under the direction of the chief engineer of roads for the county: *Provided*, that the overseer of each section shall give to each person subject to road duty on his section at least two days' notice by personal warning or by leaving a written notice at the home or residence of such person, specifying in such notice the time and place, when and where such work is to be performed, and also designating in such notice the tool or implement with which such person shall be required to work: *Provided further*, that in case of wash-outs or other unexpected obstructions to travel the two days' notice shall not be necessary; and any person liable to road duty on his section, in which such obstruction to travel may occur shall, upon being properly summoned by said overseer, respond to such summons with reasonable promptness: *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, one thousand nine hundred and five, and each year thereafter, to the secretary-treasurer of his township the sum of four dollars and fifty cents, or seventy-five cents for each day of the six not worked; and it shall be the duty of the secretary-treasurer upon receipt of said money or any part thereof to issue to each person a receipt for the same, stating in such receipt the amount and year for which the same is paid. All moneys paid to the said secretary-treasurer, as provided for in this act, shall, within fifteen days after being received by him, be turned over to the county treasurer and credited to the general road fund of the county. If the secretary-treasurer fails to turn over to the county treasurer the money so collected within fifteen days he shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, in the discretion of the court: *Provided further*, that no person liable for road duty shall be required to work on the roads outside of the township in which he resides.

Liability for road duty.

Construction directed by chief engineer.

Proviso. Overseer to warn hands.

In cases of emergency.

Proviso.

Cash commutation.

Commutation money turned over to county treasurer.

And credited to road fund. Failure to turn over funds a misdemeanor. Penalty.

Proviso.

Hands to be resident of township.

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 four dollars and fifty cents, or any person who shall appear as notified and fail or refuse to perform good and reasonable labor as required by the said overseer shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than two nor more than five dollars and the cost, or sentenced to work on the public roads of the county for not less than ten nor more than twenty days.

Failure to appear and work a misdemeanor.

Penalty.

Implements and tools to be furnished.

Proviso.

Hands may be required to furnish tools.

Lists of road hands furnished county treasurer.

Treasurer to revise and furnish revised lists.

Justice to issue warrant.

Any citizen may prosecute.

Overseers to examine roads.

And keep in good condition.

Roads classified. Main thoroughfares.

Neighborhood roads.

Cart-ways.

SEC. 6. That proper implements and tools for use in working the public roads of the county, as provided in section four of this act, shall be supplied by the county commissioners, and shall be paid for out of the general road fund of the county: *Provided*, that until the county commissioners shall be able to supply the necessary tools, they may, and they are hereby empowered, to compel any and all persons working on the public roads of the county to provide themselves with such implements as are commonly used while working on said roads, as the overseer may designate in his notice or summons as being necessary.

SEC. 7. That on the first day of July, one thousand nine hundred and five, and of each succeeding year thereafter, or oftener if required to do so by the chief engineer of roads, the overseer shall furnish to the treasurer of the county a complete list of names of all persons liable for road duty on his section. Said treasurer of the county, after receiving the above list of persons liable for road duty, shall check off the names of such persons as have paid the sum of four dollars and fifty cents, as provided in section four of this act, and shall within fifteen days, or as often thereafter as may be necessary, furnish to the overseer a correct revised list of all persons liable to road duty on his section who have during the year failed to work on the public roads after being duly notified, or to pay as provided for in section four of this act, which list shall be immediately submitted by the overseer to a justice of the peace in the township in which such person resides; and it shall be the duty of the said justice of the peace to immediately issue his warrant for such person and proceed against him according to law: *Provided, however*, that the defaulting party may be prosecuted at any time by any citizen of the county.

SEC. 8. As soon as the overseers have been appointed it shall be their duty to examine the roads assigned to them and take immediate steps to put the same in good condition, and shall keep them in good condition by making all needed repairs, so far as the same can be done by the road hands liable to work on their sections.

SEC. 9. For the purpose of this act the roads or ways of the county are hereby classified as follows: (a) The main thoroughfares, including the more important public roads, which usually lead through two or more townships, and are extensively used by the traveling public, shall be the highways. (b) The neighborhood or branch roads, which are confined usually to one township, and generally lead from the neighborhoods or settlements to the main thoroughfares. (c) Cart-ways, 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.

SEC. 10. That the thoroughfares for the principal public roads as defined above, to be improved and constructed in accordance with the provisions of this act, shall be first carefully surveyed and located by the chief engineer of roads, aided by such assistance as may be necessary for him to employ, the same to be paid out of the general road fund of the county by the county treasurer, upon the order of the chief engineer of roads, after the same shall have been approved by the board of county commissioners. All public roads shall be given a grade nowhere greater than one foot in sixteen and a width not less than sixteen feet, clear of ditches, logs, trees and other obstructions. All such roads shall be thoroughly graded, and whenever it shall be necessary to turn water across the road this shall be done by putting sewer-pipes or other covered drains, culverts or bridges: *Provided*, that where, in the opinion of the chief engineer of roads, obstructions make the grade of one foot in sixteen impracticable, the grade may be increased as may be determined by the chief engineer of roads: *And provided further*, that where the roadways must be blasted out in hard rock, the width of said roadway shall not be less than twelve feet.

Thoroughfares located by chief engineer.

Grade of roads. Width.

Drainage.

Proviso.

Grade increased.

Proviso.

Width may be diminished.

SEC. 11. The neighborhood or branch roads, as defined in section nine of this act, shall have a right of way sixteen feet in width, but the width and grade of the roadway, and the specifications in which these roads shall be kept in repair, shall be decided by the road trustees, subject to the approval of the chief engineer of roads, and the said roads may be re-located or otherwise changed in the manner provided in section fourteen of this act.

Width and grade of neighborhood roads.

Re-location.

SEC. 12. Cart-ways, defined in section nine of this act, are to be kept in repair by the parties using them. Any person desiring a cart-way opened up over the lands of another shall file his petition for the same before the board of county commissioners, praying for a cart-way 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 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 cart-way not less than fifteen 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. Cart-ways laid off according to the provisions of this act may be changed or discontinued upon application by any person concerned under the same rules and proceedings as they may be first laid off, upon such terms as to the board of county commissioners shall seem equitable and just; and all persons through whose land a cart-way may pass may erect gates or

Cart-ways kept in repair by parties using them. How obtained.

Drainage for right of way.

Cart-ways changed or discontinued.

Gates and bars.

Misdemeanor to injure.

Penalty.

Engineer and overseer may enter on lands.

And take material.

And cut drains or ditches.

Penalty for obstructing drains and ditches.

Damages to be assessed and paid.

Chief engineer and overseer to locate, re-locate or change roads.

Damages to be assessed and paid.

bars across the same; and if any person shall leave open, break down or otherwise injure such gates or bars he shall forfeit and pay for every such offense ten dollars to the person erecting the same or his assigns of the land; and if the offense shall be maliciously done, he shall be guilty of a misdemeanor.

SEC. 13. That for the purpose of carrying out the provisions of this act the chief engineer of roads and the overseer or overseers are hereby authorized to enter upon any lands near to or adjoining such roads, to cut and carry timber, except trees or groves on improved lands planted or left for ornament or shade, to dig or cause to be dug or carried away any gravel, sand or stone which may be necessary to construct, improve or repair said roads, and to enter on any lands adjoining or lying near the road in order to make such road or in order to make such drain or ditches through the same as he or they may deem necessary for the betterment of the road, doing as little injury to the lands or timber or improvements thereon 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 ditch, water-course or waste ground, shall be kept open by the said overseer, and shall not be obstructed by the owner or occupant of said land, or any other person or persons, under penalty of forfeiting a sum not exceeding ten dollars or imprisonment for not exceeding twenty days for each and every offense, said penalty to be collected by said board of trustees and paid over to the county treasurer and applied to the general road fund. If the owner of any lands or the agent of any owner having in charge land from which timber, stone or gravel were taken as aforesaid shall claim any damage for injury done to growing crops standing upon the land entered upon by the chief engineer of roads or any overseer or overseers for the purpose of carrying out the provisions of this act, shall present an account of the same at any regular meeting of the county commissioners within thirty days after taking and carrying away of such timber, stone or gravel, or injury to crops, it shall be the duty of the commissioners to pay for the same such sum as may be agreed upon by them, or by an impartial jury of three freeholders, one of them to be selected by the chief engineer of roads or overseer, one by the party claiming damages, the third to be selected by these two, with the right of either party to appeal, as provided in the fifteenth section of this act.

SEC. 14. That the chief engineer of roads or overseer of roads, subject to the approval of the chief engineer of roads, are empowered to locate and re-locate, widen or otherwise change any part of any public road, where, in his or their judgment, such location, re-location or change will prove advantageous to public travel. That when any person or persons, on whose lands a 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 constable of the township to meet and assess the damages, if any, sustained by the owner of the land, which said jury, after being duly sworn to impartially assess 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 the county. The said jury, in considering the question of damages, shall take into consideration the benefits to public travel and to the owner of the land, and if the said benefits be considered equal to the damages sustained, the jury shall so declare; and if the jury shall adjudge that the benefits are in excess of the damages, the said jury shall determine the amount, and unless the same is paid to the secretary-treasurer of the board of trustees of the township in which the land is located by the owner or owners of the land within thirty days after such determination, the board of trustees are authorized and empowered to institute in any court having jurisdiction an action to recover said sum, which, when recovered, shall be applied to the general road fund. The sheriff or constable serving the process shall be allowed the sum of twenty-five cents for each person summoned for a jury, and the jurors who make claim shall be paid the sum of fifty cents each, to be paid out of the general road fund. A copy of the summons shall be served on each freeholder summoned on the jury: *Provided, however*, that such service shall not be necessary if the parties shall accept service of said summons. The damages, if any, awarded shall be paid out of the general road fund of the county.

Benefits in excess of damage.

Fees of sheriff and constable.

Fee of jurors.

Proviso.

Acceptance of service.

SEC. 15. That in case either of the parties interested shall be dissatisfied with the finding of the jury provided for in sections thirteen and fourteen of this act, such dissatisfied party may appeal from the decision of said jury to the county commissioners, and if dissatisfied with their decision, may in turn appeal to the Superior Court of Macon County: *Provided, however*, that an appeal may be taken from the judgment of the board of county commissioners by either party, without bond, and the same shall be heard *de novo*; but the judge may in his discretion require either party to give bond when the case is taken by appeal to the superior court: *Provided further*, that the party to whom the damages are awarded shall recover no more cost than a sum equal to the amount of damages so awarded.

Appeal from assessment.

Proviso.

No appeal bond required.

Judge may require bond.

Cash not to exceed damage.

SEC. 16. That the county treasurer shall be and is hereby appointed treasurer of the road fund of the county, and for the faithful keeping and disbursing of said money the bond of such treasurer shall be liable, and for his services for receiving and

County treasurer treasurer of road fund.

Bond liable.

Commissions.	disbursing such fund he shall receive a commission of two per centum on all moneys disbursed hereunder. He shall pay the
Road orders.	accounts against the road fund of the county, when itemized statements of the same have been certified to by the board of county commissioners.
Treasurer to keep separate account.	SEC. 17. The county treasurer shall keep a separate account of the road fund of the county and of his disbursements of the same, and he shall make a written report thereof to the board of county commissioners at their regular meetings on the first Monday in each month; and on the first Monday in July and January of each and every year he shall present to the said board of commissioners a written statement of the disbursements from the general road fund during the preceding six months, which report, or the substance thereof, shall be published by said commissioners in a newspaper published at the county-seat at least one insertion.
And make written reports.	
Reports to be published.	
Petition for increase of road tax.	SEC. 18. When one-fifth of the registered electors in any township in Macon 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 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 an 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 Road Tax." Should a majority of the registered voters of such township vote for increased road tax, the judges of election shall so declare and certify the result to the board of commissioners of the county, who shall levy said increased road tax on the property and poll in such township subject to taxation as the other taxes are levied, which increased road tax shall be collected as provided for collecting the road tax authorized in section one of this act, and when collected shall be paid to the treasurer of the county and set apart to the township or townships voting the same as the increased road fund of the township, and shall be expended in said township for the construction and improvement of the roads in said township, under the direction of the chief engineer of roads, in like manner as the special township road fund is expended. That said election may be held at any time after giving due notice aforesaid, and said election shall be held by the same judges of election and other officers who held the preceding State election and for county
Rate.	
Election to be ordered. Notice.	
Form of ballots.	
Returns declared and certified.	
Increased road tax levied.	
Application of proceeds.	
When and how elections held.	

officers, and in case of a vacancy in these by death or otherwise the board of county commissioners shall fill the vacancy.

SEC. 19. That the board of county commissioners of the county of Macon, at their regular meeting on the first Monday in April, one thousand nine hundred and five, and every two years after, shall elect a chief engineer of roads, who shall hold his office until his successor shall have been duly elected and qualified. That of the county of Macon is hereby elected chief engineer of roads of said county, his term of office to begin on the first day of April one thousand nine hundred and five, and who shall hold office until his successor shall have been duly elected and qualified. That said chief engineer of roads shall receive a salary of not less than two nor more than two dollars and fifty cents per day, to be paid out of the general road fund of the county, payable monthly, and it shall be the duty of said board of county commissioners to issue their warrant on the county treasurer for the compensation which the said chief engineer of roads is authorized to receive. It shall be the duty of the said chief engineer of roads to supervise, direct and have charge of the maintenance and building of all public roads, culverts and bridges in the said county of Macon, and he shall submit to the board of county commissioners of Macon County a monthly report concerning the work in progress, and the moneys expended; and he shall submit quarterly a report on the condition of the public roads and bridges and plans for the improvement; and he shall include in this quarterly report an inventory of the tools, implements, teams and other equipment on hand belonging to the said county of Macon. Said chief engineer of roads shall deposit with the board of county commissioners a good and lawful bond in the sum of two thousand dollars as a guarantee of the faithful discharge of the duties of his office, which bond shall be duly registered in the office of the register of deeds and filed with the Clerk of the Superior Court of Macon County. In case of the death or resignation or removal of said chief engineer of roads it shall be the duty of the county commissioners to appoint a chief engineer of roads, who shall hold office until his successor shall have been elected and qualified.

Commissioners to elect chief engineer.

Term of office.

Salary.

Chief engineer to supervise road and bridge work.

Monthly reports.

Quarterly reports.

Bond of chief engineer.

Bond to be registered.

Commissioners to fill vacancy.

SEC. 20. That all prisoners authorized to work on the public roads, as provided herein, shall be committed to the chief engineer of roads, who shall have custody of the whole or any part of the convict force, and is authorized and empowered to cause such guards or other employees, as he may deem necessary, whose compensation shall be paid out of the general road fund, and the said chief engineer of roads and the said guard, subject to the approval of the chief engineer, are authorized and empowered to use such discipline only as may be necessary to carry out the rules and regulations that the chief engineer may prescribe for the working of the public roads to the same extent as allowed

Prisoners to be worked on roads.

Guards and employees.

Discipline.

by law to the authorities of the penitentiary in the custody and control of convicts committed to the State's Prison.

Convicts not
worked if too few.

SEC. 21. That the chief engineer of public roads shall not be required to work the convict force when the number of convicts are so few as to make it more expensive to work the same than to hire a similar number of hands of free labor; and the chief engineer of roads is hereby directed to hire free labor, so as to keep the working force up to a sufficient number of men to justify the working of the same, at such prices as he and the board of commissioners may agree.

Free labor.

Trustees and over-
seers exempt from
road duty.

SEC. 22. That all road trustees and overseers shall be exempt from road duty while serving as such, and all trustees and overseers who shall serve for over six months shall be exempt from road duty for a period of time next ensuing equal in duration to that during which they may have served. And all road trustees and overseers who are not subject to road duty shall receive as compensation for their services six dollars per annum.

Pay of trustees
and overseers.

Neglect of duty by
any officer a misde-
meanor.

SEC. 23. That any county commissioner, chief engineer of roads or road trustee who shall willfully 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.

Penalty.

Engineers and
trustees may be
removed.

SEC. 24. If the chief engineer of roads or any member of the board of trustees provided for in section two of this act shall fail, neglect or refuse to discharge the duties imposed upon them, either from incompetency, neglect or from any other cause, said board of county commissioners shall have power to remove the said chief engineer of roads or any trustee from office, if upon hearing, after ten days' notice shall have been given, if it appears that good cause appears for the said removal: *Provided*, that in the event of removal the party removed may appeal to the next term of the Superior Court of Macon County.

Proviso.
Appeal.

Engineer not to
anticipate funds.

SEC. 25. That the chief engineer of roads of said county of Macon shall not expend on the roads or otherwise more money in any one year than the amount levied or set apart by the commissioners as a road fund for that particular year; that the chief engineer of roads shall only receive pay for the time actually employed on road duty, and it shall be his duty to make out and present to the commissioners his account for the time claimed: *Provided*, that the county commissioners may allow the chief engineer of roads a salary of not less than forty nor more than seventy dollars per month for the time when he shall be actually employed in the discharge of his duties.

To receive pay only
when employed.

Accounts.

Proviso.

Salary.

Convicts to be
worked on roads.

SEC. 26. That all persons confined in the county jail under a final sentence of the court for crime or imprisonment for the non-payment of costs and fines, or under the vagrant act, and all insolvents who shall be imprisoned by any court in said county for non-payment of costs, and all persons sentenced to the State's

Prison for a term less than five years in the county of Macon shall be worked on the public roads of said county of Macon. And upon the application of said chief engineer of roads of Macon County to the judge of the superior court, the justices of the peace, and the principal officer of any municipal or other inferior court, it shall be the duty of said judge or justice of the peace, or said municipal officer, to assign such persons convicted in his court to said chief engineer of roads for work on the public roads of said county. Convicts may be sentenced to roads.

SEC. 27. That when the County Commissioners of Macon County shall have made provision for the expense of supporting and guarding, while at work on the public roads, a larger number of prisoners than can be supplied from said Macon County, upon the application of the County Commissioners of Macon County, the judges of the superior or criminal court, and the justices of the peace, and the principal officer of any municipal or other inferior court in adjoining counties, or other counties in the Sixteenth Judicial District which do not provide for the use of their own convicts on the public roads in their own borders, shall sentence prisoners convicted of crime as aforesaid to work on the public roads of the said county of Macon; and the cost of transporting, guarding and maintaining such prisoners as may be sent to the said commissioners of Macon County from said adjoining counties, or other counties in the Sixteenth Judicial District, shall be paid by the county of Macon: *Provided*, that any and all such prisoners from such other counties may at any time be returned to the keeper of the common jail of such counties at the expense of the county of Macon: *Provided further*, that in case of physical disability persons convicted in said superior or criminal or other inferior courts of Macon or other counties may be sentenced to the penitentiary or to the county jail. Convicts assigned from other counties. Expense of foreign convicts. Proviso. Return of foreign convicts. Proviso. Disabled convicts.

SEC. 28. That the Secretary of State is hereby instructed to have one thousand copies of this law printed and sent to the commissioners in Macon County for distribution among the several officers herein appointed. Secretary of State to furnish pamphlets.

SEC. 29. That all laws and parts of laws in conflict with this act be and the same are hereby repealed in so far as they affect Macon County. Repealing clause.

SEC. 30. 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. 1905.

CHAPTER 232.

AN ACT TO AMEND CHAPTER 482, PUBLIC LAWS OF 1903,
RELATING TO DEPREDACTIONS BY DOMESTIC FOWLS.*The General Assembly of North Carolina do enact:*

Chatham removed. SECTION 1. That chapter four hundred and eighty-two, Public Laws of one thousand nine hundred and three, be and the same hereby is amended by striking out the words "and Chatham" in line two of section three of said 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 20th day of February, A. D. 1905.

CHAPTER 233.

AN ACT TO AMEND CHAPTER 581, SECTION 1, OF THE
PUBLIC LAWS OF 1899, RELATIVE TO THE PUBLIC
ROADS OF FORSYTH COUNTY.*The General Assembly of North Carolina do enact:*

Limit of tax levy. SECTION 1. That section one, chapter five hundred and eighty-one of the Public Laws of one thousand eight hundred and ninety-nine, be amended by striking out in line nine the words "twenty-five" and inserting in lieu thereof the words "thirty-three and one-third"; and by striking out the words "seventy-five cents" in lines ten and eleven and inserting in lieu thereof "one dollar"; and by adding to said section the following: "That the board of

Roads may be let to contract. commissioners shall have the right and power to contract said permanent improvements to the lowest bidder, or upon the best obtainable terms. That said board may also, in addition to the superintendent of roads, appoint or employ a road engineer, surveyor or supervisor of permanent road work, and fix his compensation."

Limited to Forsyth county. SEC. 2. That this act shall apply only to Forsyth 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 20th day of February, A. D. 1905.

CHAPTER 234.

AN ACT TO ALLOW THE BOARD OF COMMISSIONERS OF
HYDE COUNTY TO LEVY A SPECIAL TAX.*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Commissioners of Hyde County be and they are hereby authorized and empowered, at their meetings on the first Mondays in June, one thousand nine hundred and five (1905) and one thousand nine hundred and six (1906), or at such times in said years as they may be required to levy taxes, to levy a special tax upon the property and polls of said county for the purpose of paying the indebtedness of said county, and for such other purposes as the board of commissioners may deem necessary. For years 1905 and 1906.

SEC. 2. That said taxes shall be levied in like manner as other taxes are levied, and shall not in either of said years exceed twenty (20) cents on the one hundred dollars (\$100) worth of property and sixty (60) cents on the poll. The constitutional equation between property and poll shall always be observed in making said levies. To be levied as other taxes.
Tax limit.
Constitutional equation.

SEC. 3. The said tax shall be collected and accounted for by the sheriff or tax collectors in 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 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 20th day of February, A. D. 1905.

CHAPTER 235.

AN ACT TO AMEND CHAPTER 184, PUBLIC LAWS OF 1885,
CONCERNING THE DRAINAGE OF CERTAIN LANDS IN
LINCOLN COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That section one (1) of chapter one hundred and eighty-four (184), Public Laws of one thousand eight hundred and eighty-five (1885), be amended by adding after the word "Beam" in line twelve (12) "M. P. Stroup, S. C. Butler, J. L. Hoover, J. J. Brown, W. A. Rudisill, J. L. Plenk, D. K. Sullivan, J. O. Tutherow, C. W. Mullen, J. W. Beattie, J. G. Paysour, Wiley Heavner, Wesley Heavner and G. T. Heavner." Additional drainage commissioners.

Judgments to be docketed.

SEC. 2. That section two (2) be amended by adding at the end "said judgment shall be docketed in the office of the superior court clerk in the county in which such work is done, and execution shall issue therefrom as in other cases."

New boundary for drainage district.

SEC. 3. That section three (3) be amended by striking out in line two (2) "the head of W. L. Crouse's mill-pond" and inserting in lieu thereof the words "Beattie's bridge."

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

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

In the General Assembly read three times, and ratified this the 20th day of February, A. D. 1905.

CHAPTER 236.

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 1905 and 1906.

SECTION 1. That the Board of Commissioners of Anson County be and they are hereby authorized and empowered to levy a special tax in the years nineteen hundred and five and nineteen hundred and six at the same time and in the same manner with the levies of other county taxes in said years on all taxable property and polls in said county. The special tax in each of said years is not to exceed twenty cents on the one hundred dollars valuation of property and sixty cents on each taxable poll, and in making the levy the commissioners shall observe the constitutional equation between the property tax and the poll tax. Said tax is to meet the ordinary expenses of said county, and shall be collected and accounted for by the sheriff or other tax collector of said county in the same manner and under the same penalties and within the time as other taxes levied for said county.

Tax limit.

Constitutional equation.

Object of tax.

Tax may be used on roads.

SEC. 2. That the board of commissioners of said county may, if they deem it proper and necessary, use any part of the taxes collected under this act in building and repairing the public roads and bridges of said county in such manner and to such extent as they deem advisable.

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. 1905.

CHAPTER 237.

AN ACT TO PROVIDE A SYSTEM FOR THE KEEPING UP,
MAKING, BUILDING AND REPAIRING OF THE PUBLIC
ROADS AND BRIDGES IN PAMLICO COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That in order to provide for the laying out, making, building, constructing, repairing and keeping in repair the public roads and bridges in the county of Pamlico, the justices of the peace in said county and their successors in office are hereby created a body politic and corporate under the name and style of "The Board of Road Supervisors of Pamlico County," and by and under such name and style may sue and be sued, plead and be impleaded, have and use a corporate seal, and have the sole control of and supervision over all the public roads and bridges as well as the private cart-ways or private roads and bridges of the county, and may lay out, construct, build and repair the same, alter, change or discontinue the same, and to perform all the duties now required by law of the board of county commissioners in regard to said roads and bridges in the county, and all supervision, control and jurisdiction now vested by the laws of the State in the board of county commissioners over said roads, cart-ways and bridges, the same is hereby transferred to and vested in the said board, "The Board of Road Supervisors of Pamlico County" as created and provided by this act.

SEC. 2. That for the purpose of defining and apportioning the duties of the justices of the peace and "The Board of Road Supervisors of Pamlico County" as created by this act, the justices of the peace of the several townships shall meet on the last Saturday in April, one thousand nine hundred and five, at ten o'clock A. M., at the following places in their respective townships for the organization of their township boards, the said township boards to be designated as follows: "The Board of Road Supervisors of No. Township, Pamlico County, to-wit: Number One Township to meet at Reelsboro, Number Two Township to meet at Merritt, Number Three Township to meet at the court-house in Bayboro, Number Four Township to meet at the public school-house, near J. S. Clark's store, Number Five Township to meet at Kershaw (Harris' store), at which time they shall organize by electing one of their number chairman and one of their number clerk, who shall each hold their office for the term of one year or until their successors are duly elected and qualified.

SEC. 3. Each member of the board shall take and subscribe to the following oath: "You do solemnly swear that you will well and truly perform the duties of road supervisor of No. Township, Pamlico County, as provided and required of you by the provisions of this act, or any law or act amendatory thereto,

Chairman to administer oath to members.
Member to administer oath to chairman.
Oath to be recorded.

Form and manner for laying out and discontinuing cart roads or private roads.

Notice to be shown.

When board to give cart-way.

Petitioners to build road and keep same in repair.

Proviso.

Appeal.

so long as you remain a member of this board, without fear, favor or partiality, reward or the hope of reward, other than the per diem allowed you by law, to the best of your skill and ability. So help me, God." The chairman shall administer this oath to the other members of the board, after which one of the members shall administer the same oath to the chairman, the oath shall then be written in the book of records of said board and shall be signed by each member of the board, including both the chairman and the clerk.

SEC. 4. The township board of supervisors shall have the power to lay out and discontinue cart roads or private roads in the following manner and form, to-wit: Whenever any person or number of persons desire a cart-way or private road across the lands of another and cannot obtain the consent of the land-owner, he or they may file a petition before the said board of township supervisors setting forth the route of said road, showing the beginning of said road and the point where it connects with the public road or the landing to which it leads or is desired to lead, and shall make defendants all persons over whose land it passes, and shall set forth the causes necessary for the establishing said cart-way, and the petition shall set forth the further fact that written notice had been given to each of the defendants or persons over whose land the road crosses for ten days previous to the filing of the petition, of the intent of the petitioner or petitioners to file a petition before the said board at the next regular meeting of the board for the granting of a license to make said road, or in lieu of the ten days' notice that a notice had been published in a newspaper published in the county for thirty days before the filing of the said petition, and if the said board shall find that the notice had been given as herein provided the board shall, if they find that the cart-way is necessary to give the petitioner an inlet and outlet to their farms or residence or the landing, and that it is the shortest or most convenient route, or the most accessible route for the petitioner or petitioners to reach the public road or landing, the board shall grant the said cart-way or private road upon such terms and conditions as they may in their judgment consider just, reasonable and equitable, and upon the granting of the said cart-way or private road by the said township board the said petitioner or petitioners shall have a license to enter upon the said lands of the defendant or defendants and make, construct and build said cartway and keep the same in repair in the manner and form designated by the said board in the order granting the license for same: *Provided*, that either party may have the right of appeal from the order of the township board to the county board of road supervisors of Pamlico County, and from the judgment or decree of the county board of road supervisors of Pamlico County they shall have the right to appeal to the Superior Court of Pamlico County: *Pro-*

vided further, the party appealing from the order of the township board shall execute a good and sufficient bond in such sum as the board may in their discretion think sufficient, and in case of appeal to the superior court from the county board, the county board, if they deem the bond insufficient either in amount or as to the sureties, may demand an additional bond, the said bonds being conditioned for the payment of all costs on appeal. And in all cases of petition for cart-ways or private roads, the petitioners shall pay all costs: *Provided further*, in cases of appeal the party appealing, if cast, shall pay all the costs accruing by reason of the appeal, and in all cases of appeal the clerk of the board from which the appeal is taken shall send all the papers to the appellate court, including the order or decree from which the appeal is taken, as herein provided, and for this service the clerks of the township and county boards shall each receive a fee of fifty cents, to be taxed with the costs and paid as other costs in the suit are paid.

Petitioners for road to pay costs.

Proviso.

Appellant, if cast, to pay costs.

Papers to be sent up.

Fees.

SEC. 5. The said township board shall keep a list of all male persons residing in their respective townships between the ages of twenty-one and forty-five years of age, and they shall revise said list at each of their regular meetings held on the last Saturdays of April, July, October and January in each year, and shall transmit to the clerk of the county board a copy of the revised list, to be returned to the first meeting of the county board to be held thereafter. The revised list shall show the names of all who have died, removed, moved into, or become of age since the return of the last list. The list shall also specify the race or color of each person, as white or black. The clerk of the township board shall for this service receive one-half cent for each name the list contains, to be paid out of the road tax fund hereinafter created, upon a proper voucher of the county board of road supervisors.

Township board to keep revised list of road hands.

Copy of list to clerk of county board.

What revised list to show.

Fee of township clerk.

SEC. 6. The road overseers appointed under this act shall make their reports of the condition of their roads to the said township boards, setting forth the number of days worked and the number of hands who failed to work after being duly summoned, and their names and number of days that each fail to work, said reports to be made at each regular meeting of the board, sworn and subscribed to by the overseer, and the clerk of the county board shall transmit said reports to the county board at the next meeting of the county board to be held thereafter. The reports shall be noted as filed on the record of said township when filed. The clerk shall also with said reports transmit to the said county board the names of all overseers who fail to make the reports, as provided herein, and for their services required by this section the clerk of the township board shall receive a fee of fifteen cents for each report.

Reports of road overseers.

Reports to be sent to county board.

Reports filed to be noted.

Clerk to report delinquent overseers.

Fee of clerk.

Quarterly meetings of township boards.

Township Number One.
Number Two.
Number Three.
Number Four.
Number Five.

Compensation of board.

Compensation of clerk.

Record of proceedings of township boards.

Chairmen of township boards to constitute county board.

First meeting of county board.

Annual meetings.

Organization of county board.

Form of oath.

Oath to be recorded.

Clerk of superior court clerk of county board.

Compensation of clerk.

Compensation of members.

SEC. 7. For the purpose of transacting the business herein required of the board of township supervisors the said board shall meet in their respective townships on the last Saturdays in April, July, October and January in each year, as follows: Township Number One at Reelsboro, Township Number Two at Merritt, Township Number Three at Bayboro, Township Number Four at the public school-house near S. J. Clark's store, Township Number Five at Kershaw (Harris' store), and as a compensation for their services each member of the board shall receive one dollar per day for each day he shall attend said meeting, except the clerk of the board, who shall receive in addition to fees herein allowed one dollar and fifty cents for each day he attends said meetings, all to be paid out of the fund known as the "Road Tax Fund" by a voucher from the county board. The said township board shall record all their proceedings in a book to be furnished by the county board of road supervisors, and paid for out of the road tax fund. The several chairmen of the township boards shall constitute "The Board of Road Supervisors of Pamlico County" as created and provided in section one of this act.

SEC. 8. The several chairmen of the township board of road supervisors, as herein created, shall meet at the court-house in Bayboro on the first Monday in May, one thousand nine hundred and five, at ten o'clock A. M., and annually thereafter, and shall proceed to organize "The Board of Road Supervisors of Pamlico County" as created, contemplated and provided by section one of this act, by electing one of their number chairman, who shall administer the following form of oath to all the other members of the board, including the clerk of the board, to-wit: "You do solemnly swear that you will perform the duties of road supervisor, and all other duties required of you by law, by reason of your being a member of "The Board of Road Supervisors of Pamlico County," honestly and faithfully, without fear, favor or partiality, reward or the hope of reward, except the fees or per diem and mileage allowed you by the provisions of this act, and will use and truly account for all moneys that may come into your hands as a member of this board, and pay the same over to the county treasurer within thirty days, as required by this act, to the best of your skill and ability. So help you, God." The clerk of the superior court or his deputy shall then administer the same oath to the chairman, the oath shall then be transcribed or written in the book of records of said board, and each member of the board and clerk shall subscribe or sign the same. The clerk of the superior court shall be *ex officio* clerk of the said "The Board of Road Supervisors of Pamlico County," and shall receive two dollars per day for each day he attends their meetings in person or by deputy and performs the duties required of him by this act, in addition to the fees hereinafter allowed him, that each member of the board shall receive one dollar and fifty cents

per day and five cents per mile for traveling expenses, computed one way, for each day he sits or serves as a member of said board, all to be paid out of the road tax fund upon a proper voucher of the said board, signed by the chairman and countersigned by the clerk.

SEC. 9. The said board shall procure a proper book of records for the purpose of keeping a correct and complete record of all their proceedings, which book shall be designated "The Records of the County Board of Road Supervisors." They shall procure a corporate seal, which seal shall not be less than two and one-half inches in diameter. In the center thereof there shall be the representation of a loaded wagon with team and driver on a good road, and around the same on the margin the words: "The Board of Road Supervisors of Pamlico County, 1905." The said board shall also procure a suitable book of records for each of the township boards, and shall procure the necessary blanks, appointments and commission of overseers. Blanks relieving road hands from labor on account of disability, and such other blanks and receipts as may be required under this act, and upon application of the chairman of the board of road supervisors to the board of county commissioners the board of county commissioners shall issue to him a voucher on the county treasurer for the payment of said books, seal and blanks and other expenses incurred by the said board in the perfecting of this organization to be paid out of the county general tax fund.

SEC. 10. The said county board at its first meeting in May, one thousand nine hundred and five, shall divide the public roads in the county into sections of not less than three nor more than five miles in length, and number them consecutively one, two, etc., and shall appoint overseers over said sections of roads. They shall allot or appoint hands on each section, and return a list of the hands thus appointed to the overseer of each section; and shall designate the width of the roads; and shall instruct the overseers what work or kind of work they desire done on his section, and the manner in which they desire it done and time in which they desire it done, and for these and all other purposes of this act the said board shall hold four regular meetings annually, on the first Mondays in May, August, November and February of each year, beginning with the first Monday in May, one thousand nine hundred and five.

SEC. 11. All male persons living or residing in Pamlico County between the ages of twenty-one and forty-five years shall be subject to public road duty, or to work on the public roads in said county, except such as may be exempted by "The Board of Road Supervisors of Pamlico County" for infirmities or disabilities, which power is vested in the said board: *Provided*, that any person subject to public road duty and assigned to work on the public roads between the ages of twenty-one and forty-five years, as in

Records of county boards.

Corporate seal.

Records of township boards.

Blanks.

County board to divide roads in sections.

Length.

Sections to be numbered.
Board to appoint overseers.

And allot hands.
List of hands to be furnished.

Instructions to overseers.

Quarterly meetings of county board.

Persons subject to road duty.

Proviso.

Cash commutation.

this act provided, who shall pay to the chairman of the county board of road supervisors, or to the clerk of said board or any member of the said county board the sum of two dollars, shall be exempted for the period of one year from the date of payment, or upon payment of fifty cents to any one of above-named persons he shall be exempted from road duty for three months from date of same, and the person to whom the money is paid shall issue to him a receipt in the following form: "Received of of Number Township, and assigned to work on section number of public roads, two dollars, and he is hereby relieved of public road duty or work on public roads for one year or for three months from the day of 190., the date of this receipt, until the day of 190.....," being the year or three months exempted. The person collecting this money shall pay the same to the county treasurer for the road tax fund within thirty days from its receipt, and shall take the treasurer's receipt therefor. The clerk of the board of road supervisors shall keep as a part of the records of the board a book in which shall be enrolled an alphabetical list of all males between the ages of twenty-one and forty-five years, arranged by townships, designating them by their race or color, as white or black, which book shall be ruled with ten columns, headed as follows: Name, White, Black, Age, Exempt, From when, To when, Cause of exemption, Dead, Removed, and the proper entry shall be made opposite each name under the proper heading as the same may occur. The clerk of the county board shall receive one-half cent per name for each name recorded in this book. The chairman of the board and each member of the board and the clerk of the board shall each be provided with a book of receipts as above named with stubs for this purpose, and at each meeting of the board each member of the board and clerk shall exhibit their books of receipts to the board for their inspection, and give in the names of all to whom they have issued receipts, and shall exhibit the county treasurer's receipt showing that the collections have been properly paid into the treasury as required by the provisions of this act.

Commutation paid
over to county
treasurer.

Clerk to keep lists
of road hands.

Fees of clerk.

Stub-books.

Road and bridge
tax to be levied.

Rate.

SEC. 12. For the purpose of keeping the roads in good repair, making and constructing the same, and for making, constructing, repairing and keeping in good repair all the public bridges in the county, and for the purposes of this act there shall be levied on the first Monday in June, one thousand nine hundred and five, and annually thereafter, in addition to the other taxes levied by the Board of County Commissioners of Pamlico County, the following tax which shall be designated "Road and Bridge Tax," to-wit: On all real estate, personal and mixed property subject to taxation for State and county purposes, twenty cents on each one hundred dollars valuation thereof and sixty cents on each poll; on all personal property of whatever kind or description

subject to taxation for State and county purposes, twenty cents on each one hundred dollars valuation thereof and sixty cents on each poll. This tax shall be levied by the Board of County Commissioners of Pamlico County annually on the first Monday in June at the same time and in the same manner and form as other county taxes. To be levied annually.

SEC. 13. That the tax receipts provided by the sheriff or tax collector of the county shall have printed thereon, in addition to the items now printed thereon, the words "For Road Tax." Tax receipts to show for road tax.

SEC. 14. The taxes provided for in this act shall be collected by the sheriff or tax collector in the same manner and form as other State and county taxes and under the same penalties and forfeitures for failure to collect and account for the same. Taxes collected as other taxes.

SEC. 15. The sheriff or tax collector and county treasurer shall each give an additional bond in the sum of double the amount of taxes provided for in this act as shown by the tax books of the current year on the first Monday in September, one thousand nine hundred and five, and annually thereafter, the sheriff or tax collector's bond to be conditioned the same as his county tax bond, and the treasurer's to be conditioned same as his county treasurer's bond, excepting that the words "Road Taxes" be used in said bond in the place of county taxes, where the same are used in the said bonds, and the sheriff or tax collector and county treasurer shall be allowed the same commissions on this fund as they are allowed on the county tax fund for collecting, receiving and paying out the same. Additional bonds of sheriff, tax collector and county treasurer. Conditions of bonds.

SEC. 16. That in addition to the work to be performed by labor as provided for in section eleven and elsewhere in this act the said county board of road supervisors shall apportion the funds derived from the taxes levied and collected by this act among the various road sections in the county, which sections shall be numbered consecutively and designated as section one, two, three, and so on, in No. Township, setting apart to each section such part of the fund as, in their opinion, will with equal amount of labor, or the labor apportioned, keep the said sections in good repair: *Provided*, that they shall set apart one-fourth of the taxes collected annually as an emergency fund, which shall not be apportioned until the end of the fiscal year, which shall be the last day of July in each year: *Provided, however*, that the said emergency fund, or any part thereof, may be used by them at any time upon any section of the road, or upon any bridge, in case of emergency, or where the amounts allotted to any section is not sufficient to do the work necessary and required to be done upon such section at that time: *Provided further*, that all money paid in by hands to be returned or exempted from road work shall be paid over to that section of the road to which the said hand was assigned. Funds to be apportioned to roads. Proviso. Emergency fund. Proviso. Use of emergency fund. Proviso. Apportionment of commutation fund.

Road work to be let to contract.	SEC. 17. That in the apportioning of the money as provided in section sixteen, to be expended in labor or work on said road, the roads shall be let out to the lowest bidder by sections, giving preference to the overseer of that section, if his bid is as low as the lowest, and in letting out the sections as aforesaid the board shall specify what work is to be done, the manner in which it is to be done and the time in which it is to be done, and all such work shall be done under the supervision and direction of the said county board of supervisors, and the member of the county board from each township shall examine and inspect the work on all sections in his township after it is completed to see if the work has been satisfactorily done and according to the contract, and shall report the same to the next meeting of the county board; and if the report is satisfactory and the work has been performed according to contract, then they shall issue a voucher for the payment of the same to the contractor or his legal representative: <i>Provided</i> , in cases of emergency the board may employ some one or more persons to do the work then specially required to be done on such section: <i>And provided further</i> , that the said board of county supervisors may reject any or all bids offered for the making or repairing of said roads and bridges, and in such cases they may contract privately for the same or may have the work done in such manner as they may deem best and for the best interest and convenience of the public.
Work under specifications by board.	
Work to be inspected.	
Vouchers.	
Proviso.	
Emergencies.	
Proviso.	
All bills may be rejected.	
Failure to perform road duty a misdemeanor.	SEC. 18. Any hand or person allotted or assigned to work on any section of the public roads who shall willfully refuse to work, or shall carelessly or negligently fail to work on said road, after being duly summoned by the overseer of the said section as directed by the overseer, shall be guilty of a misdemeanor and fined not less than two dollars and not more than ten dollars for each and every offense, and any person failing to work said road as directed by the overseer, or to do the work in a satisfactory manner to the overseer, shall be guilty of a misdemeanor and fined not less than two dollars nor more than ten dollars for each and every offense, and may be imprisoned in the common county jail until the said fine and costs are paid or the payment thereof is properly secured: <i>Provided</i> , the justice of the peace trying the case may extend the time for the payment of the fine and cost for thirty days upon the guilty party giving good and sufficient security for the same or a bond with good and sufficient security in double the amount of the fine and cost, conditioned that the same shall be paid within thirty days. And all persons imprisoned in the county jail under the provisions of this act shall be hired out by the chairman of the county board of road supervisors to the person who will take him for the least time, and will then at the time of hiring him pay the fine and costs, or who will satisfactorily secure the payment of the same in thirty days, and in the costs shall be included the jail fees and board while confined in jail.
Penalty.	
Proviso.	
Time for paying fine and costs.	
Persons convicted hired out.	
Jail fees and board.	

SEC. 19. The overseers of the various road sections shall be appointed for a term of one year, and no person shall be appointed overseer for more than two consecutive terms, except with his consent, and no overseer who fails, neglects or refuses to perform the duties required of him by this act or the laws amendatory thereto shall be re-appointed overseer after one term, and any overseer willfully failing to perform any of the duties required of him by law or refuse to serve as such overseer shall be guilty of a misdemeanor and fined not less than five nor more than twenty-five dollars for each offense: *Provided*, if upon trial it shall appear that the failure was not willful, but was from carelessness or gross negligence, then the justice trying the case may in his discretion reduce the fine to not less than two dollars.

Term of office of overseers.

Neglect of duty by overseer a misdemeanor.

Penalty.

Proviso.

If neglect not willful.

SEC. 20. That in order to make the summons of an overseer a lawful summons for working the public roads, the overseer shall, by a verbal or written notice, deliver the same to the person or road hand summoned two days prior to the day of the working of the roads, as specified in said summons, or in case he cannot see the party, then by leaving a written notice with some person at his place of abode, and explaining to the party with whom he leaves the notice its contents and purposes. The form of the said notice shall be in this or some other substantial form, to-wit:

To.....

Form of warning.

You are hereby summoned to work the public road, section, beginning at and terminating at, under my direction, and for that purpose you will meet me at on said section on the day of, 190., at o'clock A. M., with the following tools:, and work on said road as by me directed until the work required to be done is completed or until discharged by me.

This the day of, 190..

(Signed) Overseer.

And in case the work required to be done cannot be completed in one day, the overseer may continue the work on the next day: *Provided*, that work shall not be required of any hand for more than two days in succession: *And provided further*, that no person liable to work on the public roads under this section shall be required to work more than four days in any one year, and all road years or fiscal years provided for in this act shall begin on the first day of August in each year and terminate the thirty-first day of July in each year: *Provided further*, that the election of the various officers of the township and county boards shall be as hereinbefore provided, and their terms of office shall be for one year from the dates of the said election, or until their successors are duly elected and qualified. That in order to properly summon all the persons liable for public road duty, the overseers shall at least three days before the day appointed to work on the public road, visit the home, residence or place of abode of each person

Proviso.

Limit to work.

Road years.

Terms of office of officers of township and county boards.

Overseer to warn hands.

	assigned to work on his section, unless he shall personally see them elsewhere, and shall give them the notice herein provided either verbally or by writing, as in this section provided, and for this service the said road overseer shall receive the sum of one dollar, to be paid out of the moneys derived from the taxes collected under this act.
Pay of overseer.	
Neglect by supervisors a misdemeanor.	SEC. 21. Any justice of the peace or road supervisor who willfully neglects, fails or refuses to perform any of the duties required of him by this act or any other law amendatory thereto shall be guilty of a misdemeanor, and shall be fined not less than ten dollars nor more than fifty dollars for each offense, in the discretion of the court, and the superior court of the county shall have sole and exclusive original jurisdiction over all misdemeanors provided for in this section, and it is provided that upon conviction for any offense under this section the judge trying the case may, in his discretion, upon motion of the solicitor, remove the said justice of the peace or road supervisor from his office, and may imprison the convicted justice in the common jail of the county until the fine and cost are paid, including in the costs jail fees and board while in jail.
Penalty.	
Superior court to have jurisdiction.	
Justice or supervisor may be removed from office and imprisoned.	
Fines set apart for road fund.	SEC. 22. That all fines collected in criminal actions and all judgments collected in any civil action for the violation of this act, or any part thereof, shall be paid into the county treasury and set apart to the road tax fund provided for in this act as a part of said fund.
Bridges protected against saw logs.	SEC. 23. That it shall be unlawful for any person or persons, firm or corporation to land saw logs or timber logs from off any public bridge or the buttments thereof, or in any manner whatever to put any saw logs or timber logs in any river or creek within thirty feet of any such bridge or buttment thereof without permission from the chairman of the county board of road supervisors, and any person violating this section shall be guilty of a misdemeanor and fined not less than one dollar nor more than five dollars for each offense, and each log so landed or put in the said river or creek shall constitute a separate offense, and besides being criminally liable as herein provided, each person, firm or corporation shall be liable civilly for damages in a sum not less than fifty dollars, or a sum equal to the actual damages if the damages are more than fifty dollars, and it shall be the duty of the board of road supervisors of Pamlico County to prosecute such civil action against such person, firm or corporation, if they be solvent, to recover said damages.
Misdemeanor.	
Penalty.	
Civil liability for damages.	
County board to sue for damages.	
How tax may be increased.	SEC. 24. That after the first levy of twenty cents on the hundred dollars valuation of real, personal and mixed property and sixty cents on each poll for the first year, the county board of supervisors, if they deem the sum of twenty cents on the one hundred dollars valuation insufficient to raise sufficient funds for the purposes of this act, may demand of the board of county

commissioners to levy a larger sum not to exceed twenty-five cents on the one hundred dollars valuation of real, personal and mixed property and seventy-five cents on each poll, or, if in their opinion, a less sum than twenty cents on the one hundred dollars valuation will raise a sum sufficient for the purposes of this act, they may reduce the same to not less than ten cents on the hundred dollars valuation, and thirty cents on each poll and shall recommend the amount to be levied to the board of county commissioners on the first Monday in June in each year, and the board of county commissioners shall levy the sum recommended by the said county board of road supervisors each year: *Provided*, that on the first Monday of June, one thousand nine hundred and five, the county commissioners shall levy the sum of twenty cents on the one hundred dollars valuation of property and sixty cents on the poll as directed in section twelve of this act.

Or diminished.

Proviso.

Rate of tax for first year.

SEC. 25. That the said county board of road supervisors shall, as soon as organized under this act, have the sole and exclusive control and supervision of all the public roads and bridges in the county, and shall be liable as a body corporate in all actions for damages that may accrue against the county by reason of damages incurred on account of unsafe and insufficient roads and bridges in the same manner and form and extent as the board of commissioners of the county are now liable, and actions for such damages shall be brought against the said "The Board of Road Supervisors of Pamlico County" in their corporate name.

County board to have control of roads.

Liable for damages.

Actions to be brought against board.

SEC. 26. The said county board of road supervisors shall make all their lettings of roads and bridges public by a public notice of at least ten days before the letting by advertising the same in some newspaper published in Pamlico County, or by poster at the court-house door and three other public places in the township in which the section of the road or bridge lies: *Provided*, that the board may reject all bids and let the same out privately as provided in section seventeen of this act.

Notice of letting road contracts.

Proviso.

Board may reject all bids.

SEC. 27. That the bridges over all creeks and rivers are hereby declared public bridges, and shall be kept up and maintained by the said county board of supervisors, as provided by the act: *Provided*, that the said board of supervisors may, if they deem it best, lessen the size of said bridges by filling in a part of said stream: *Provided further*, that the stream shall be kept of sufficient width at the bridge to allow of the free passage of the water so as not to endanger or damage the farms above the bridge by damming or backing the water upon them.

Public bridges.

Proviso.

Size of bridges.

Proviso.

Width of stream.

SEC. 28. That all bridges over canals or ditches or drain-ways on the public roads, or bridges across said canals or where the public roads cross said canals, if the causeway drains or ditches for draining the said public roads drain or empty the water taken off or from the said road into said canal or ditches, and the canals or ditches being the outlet or main outlet for said cause-

Bridges over canals, ditches and draw-ways.

ways or road drains, such bridges across such canals, ditches or drain-ways shall be declared public bridges in the discretion of the county board of supervisors upon application of the owner or maker of said canal, ditch or drain-way, and the said county board of supervisors shall provide for the keeping up of said bridges in whole or in part as to them may seem proper and just. Whenever the board shall declare said bridges across such canals or ditches to be public bridges, they, the said county board, may revoke any such orders declaring such bridges public bridges at any regular meeting, first giving the owner of said canal or ditch thirty days' notice in writing of their purpose to revoke said order.

Foot-ways across
branches or
marshes.

SEC. 29. The said county board of road supervisors shall have good and sufficient foot-ways built across all branches or marshes or low places along the side of the public roads for the use of pedestrians or foot travelers, said foot-ways to be not less than one foot in width and at least one foot higher than the usual high-water mark, and they shall have all the roads properly measured and marked with proper mile-posts established at the end of each mile, indicating the number of miles to the county-seat of said county, and they shall have proper sign-posts established at the various cross-roads, or forks of the roads, indicating the points to which the roads lead and the distance, the county-seat being the terminal point of all roads.

Roads to be meas-
ured and marked.

Sign-posts.

Unlawful to ob-
struct road.

SEC. 30. That it shall be unlawful for any person, firm or corporation to place any obstruction, telephone or telegraph pole within the public roads of the county, and all telegraph or telephone poles shall be set on the outside of the causeway ditches along said road, and any person, firm or corporation violating this section shall be guilty of a misdemeanor and shall pay a fine of not less than ten nor more than fifty dollars for each offense, and shall be liable to damages in a civil action in addition thereto: *Provided*, that all telephone or telegraph companies or individuals, firms or corporations now in operation that have poles erected on the inside of the public roads or inside of the causeway ditches, shall have a reasonable time of not less than twelve months after notice given them by the county board of supervisors to remove the same before any action, either criminal or civil, shall be maintained against them, and upon their failure to remove the same in such time as the board may deem a reasonable time, the said county board of road supervisors shall then issue a notice to them specifying a day certain by which they shall have all such poles removed to the outside of the causeway ditches, and after such day the individual, person, firm or corporation shall be guilty of violating this section if any such poles remain unmoved as ordered by the said board: *Provided*, that in incorporated cities and towns the town or city authorities may grant said individual, person, firm or corporation a license to

Misdemeanor.

Penalty.

Civil liability.

Proviso.

Time to remove
obstructions.

Proviso.

Cities and towns.

erect such poles along the side of the public road and next to the street or sidewalk in said city or town.

SEC. 31. That where the public road enters or passes through any incorporated city or town, and the city or town authorities are keeping up the public road and bridges in and through such city or town, the said county board of supervisors shall direct said city or town authorities what work they require of the said city or town to be performed on said road or bridges, and at what times and in what manner the said work shall be performed, and upon failure of the city or town authorities to have the work performed as directed by said board and within the time directed or limited by said board, the mayor and commissioners of said city or town, if the failure to do the work be willful or gross carelessness or negligence, shall each be guilty of a misdemeanor, and shall each be fined not less than five nor more than ten dollars for each offense, and may be imprisoned in the county jail until such fine and all costs are paid: *Provided further*, in all incorporated towns where the public roads enter or pass through the same, the said county board of supervisors shall defray one-half of the expenses in keeping up and repairing the same and keeping up and repairing any bridges over any creek or river over which the said public road crosses in said city or town.

Roads through cities and towns.

Neglect by mayor and commissioners misdemeanor.

Penalty.

Proviso.

Expense of bridges in cities and towns.

SEC. 32. That all the offenses and violations of law coming under the provisions of this act shall be held to be within the original jurisdiction of a justice of the peace, except those enumerated in section twenty-one, and the offense enumerated in said section twenty-one shall be within the original jurisdiction of the Superior Court of Pamlico County.

Offense within jurisdiction of magistrate.

SEC. 33. That in all criminal actions within the jurisdiction of the justices of the peace the chairman of the county board of supervisors or any member of the board may swear out the proper warrant for the prosecution of the offense, and it shall be the duty of the board to prosecute all violations of this act.

Who to swear out warrant.

SEC. 34. That in the book of records of the Board of Road Supervisors of Pamlico County shall be recorded the sections of all public roads in the county, designated as sections No. 1, No. 2, No. 3, etc., of No Township, and as such shall be declared public roads by the said board, giving the beginning and the ending of such section, and the said record shall be conclusive evidence in the trial of any civil or criminal action in any court that such road is a public road by the construction and contemplation of law.

Sections of road to be recorded.

Record evidence.

SEC. 35. That every person or persons, firm or corporation that own lands in said county, and for the purpose of draining their said lands have ditches leading across the said public roads, or may hereafter cut, or cause to be cut, ditches across said public roads for the purpose of draining their lands shall be required to build and keep in good order and repair bridges across said

Land-owners to keep up certain bridges.

	ditches, and the said county board of road supervisors shall give notice to the said land-owners that they are required to build or to make or repair such bridges in such manner as the said board may designate, and upon failure of the said land-owner to build or repair such bridge as the said board may order, and within the time designated by the said board, every such person or persons, firm or corporation shall be deemed guilty of a misdemeanor, and shall be fined not less than five dollars nor more than fifty dollars for each offense; or the said county board of road supervisors may, in their discretion, have the said bridge built or repaired after the failure of the land-owner to build or repair the same as hereinabove provided and ordered, and upon presentation of their bill to the land-owner and a refusal or failure by the said land-owner to pay said bill, the said board may recover of said land-owner in a civil action double the amount of such bill and all costs, and they may either prosecute criminally or civilly as in this section provided, as to them may seem best for the public good: <i>Provided, however,</i> that if the said board is of the opinion that said drain-way or ditch is beneficial to said road, as provided for in section twenty-eight of this act, then the said board may contribute to the repair or making of said bridge in whole or in part as provided in said section twenty-eight.
Misdemeanor. Penalty.	
Bridge built or repaired at cost of land-owner.	
Proviso. Board may contribute to cost of bridges.	
Road funds provided before taxes collected.	SEC. 36. That for the purposes of performing the duties required by the said "The Board of Road Supervisors of Pamlico County," as created by this act, that until the taxes for the road fund shall be collected, or some part thereof be collected and become available by the said board, the board of county commissioners shall pay or order the county treasurer to pay all the vouchers of the said board of road supervisors out of the general county tax fund, not to exceed in the whole the sum of five hundred dollars, and for this purpose the board of county commissioners of the county shall endorse the vouchers issued by "The Board of Road Supervisors of Pamlico County" on the back the following endorsement in words, to-wit: "The county treasurer will pay the within voucher and charge to the general county tax fund." This endorsement to be signed by the chairman of the Board of County Commissioners of Pamlico County, and countersigned by the clerk of the board of county commissioners: <i>Provided,</i> that no voucher shall be drawn by the said board of road supervisors for any amount as in this section provided, to be paid out of the general county tax fund, except such as is absolutely necessary for the carrying out of this act, and then not to exceed a sum total of five hundred dollars.
Endorsement of road vouchers.	
Proviso. Limit to advances.	
Schedule of fees.	SEC. 37. That the following shall be the schedule of fees of the various officers created by the acts not hereinbefore provided for, and for the sheriff or constable for serving notices on road overseers and other notices that he may be required to serve by order
Sheriff or constable.	

of the county board of supervisors or the township board, to-wit: To clerk of township board—for issuing any notice by order of board, ten cents; for recording all orders made by the board in the book of records of the board, ten cents for each order of less than one hundred words and ten cents per hundred words for all orders containing over one hundred words. To clerk of county board—for issuing notices of appointment and commissions to road overseers, fifteen cents each; for issuing all other notices ordered by board, fifteen cents each; for advertising the public letting of any sections of road or bridge, when the same is not published in a newspaper as provided in section, twenty-five cents; for furnishing copy to newspaper for publication, ten cents; for recording the sections of public roads with a description as to the beginning and ending, ten cents for each section of less than one hundred words and ten cents per hundred words of sections containing more than one hundred words; for all affidavits required to be taken by him, ten cents. To sheriff or constable—for serving notices upon road overseer, each thirty cents; for serving all other notices required by the county board or township board of supervisors, thirty cents; for serving all other notices required by the county board or township board of supervisors, thirty cents. To newspapers for advertising—one insertion one inch, fifty cents; each subsequent insertion, twenty-five cents; two inches, one insertion, seventy-five cents, and each subsequent insertion thirty-five cents; for three inches, one insertion, one dollar and each subsequent insertion fifty cents; for four inches, one insertion, one dollar and twenty-five cents, each subsequent insertion fifty cents; for five inches, one insertion, one dollar and fifty cents, each subsequent insertion fifty cents; for six inches, one insertion, one dollar and seventy-five cents, each subsequent insertion seventy-five cents; for such greater space, such rates as may be agreed upon.

SEC. 38. The Secretary of State shall immediately furnish the chairman of the County Commissioners of Pamlico County with five hundred printed copies of this act for the use of county and township boards of road supervisors and the overseers of the public roads of said county.

SEC. 39. That if, at the first meeting of the Board of Road Supervisors of Pamlico County, as provided in section ten of this act, said board should not be able to properly divide the public roads into sections and to appoint overseers, as directed in said section, they may adjourn said meeting until such time as will enable them to visit and examine their respective townships, with the assistance of one other person in each township, to be employed by said member of the county board of road supervisors, for the purpose of obtaining such information as may be necessary to enable him to properly divide the roads into sections and appoint suitable overseers, and for their services they shall

Pay.	receive one dollar per day for the days actually engaged in such work, both the member of the county board of road supervisors and the person so employed to aid him: <i>Provided</i> , that they shall not receive pay for more than three days' work in each township, to be paid out of the road fund: <i>Provided further</i> , that the said board shall not adjourn for a longer time than three weeks for the purpose of obtaining such information as contemplated by this act.
Proviso.	
Limit of pay.	
Repealing clause.	SEC. 40. All laws and clauses of laws in conflict with this act are hereby repealed.
When act to take effect.	SEC. 41. This act shall be in force and effect from and after the fifteenth day of April, one thousand nine hundred and five: <i>Provided, however</i> , that if not less than three hundred qualified voters of Pamlico County shall sign a petition asking the Board of County Commissioners of Pamlico County to grant an election to be held in the several voting precincts of the said county not later than the fourth Tuesday in May, one thousand nine hundred and five, and present said petition to the board of county commissioners at their regular meeting in April, one thousand nine hundred and five, the said board of commissioners shall order an election to be held not later than the fourth Tuesday in May, one thousand nine hundred and five, for the purpose of determining whether the people of the said Pamlico County desire this act to become the road law for Pamlico County or not.
Proviso.	
Election to be ordered if petitioned for.	
Election under general law.	SEC. 42. If the board of commissioners order an election as provided in section forty-one of this act it shall be held under the same laws and regulations now governing elections for county and State officers in this State.
Form of ballots.	SEC. 43. At this election those favoring the adoption of this road law shall cast a ballot on which shall be written or printed the words "For Road Law," and those who are opposed to its adoption shall cast a ballot on which shall be written or printed the words "Against Road Law."
Act null and void if disapproved.	SEC. 44. If a majority of the votes cast at said election shall be "For Road Law," then this act shall be in force from and after the day the canvassing board declares the result of the said election, but if a majority of the votes cast shall be "Against Road Law," then this act shall be null and void.
Repealing clause.	SEC. 45. 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 1st day of March, A. D. 1905.

CHAPTER 238.

AN ACT TO PROHIBIT THE PLACING OF SAWDUST AND OTHER WASTE MATERIALS OR ARTICLES FROM SHINGLE-MILLS AND SAW-MILLS IN THE SOUTH FORK RIVER AND ITS TRIBUTARIES IN BURKE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons, Unlawful to allow sawdust to be wasted in streams. firm or corporation to put, place or allow to be wasted in the South Fork River or its tributaries in Burke County any sawdust or other waste material or articles from any shingle-mill or saw-mill whatsoever, or to place such waste material or articles in such a position as that the same will be washed or fall into said streams, and any person or persons, firm or corporation so offending shall be guilty of a misdemeanor and punished by a fine not Misdemeanor. exceeding fifty dollars or imprisonment not exceeding thirty days Penalty. for each and every time such sawdust or waste is placed in said stream or streams or in any manner allowed to run or be washed therein.

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. 1905.

CHAPTER 239.

AN ACT TO INCORPORATE THE STONY POINT CHURCH, KNOWN AS THE FREE CHURCH, IN SALEM CHAPEL TOWNSHIP IN FORSYTH COUNTY, N. C.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful to manufacture or sell Sale of liquor within three miles forbidden. intoxicating liquors within three miles of Stony Point Church, known as the Free Church, in Salem Chapel Township, Forsyth County.

SEC. 2. That any person or persons violating this act shall be Misdemeanor. guilty of a misdemeanor, and upon conviction shall be fined or Penalty. imprisoned, or both, at the discretion of the court.

SEC. 3. All laws and clauses of laws in conflict with this act Repealing clause. 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 20th day of February, A. D. 1905.

CHAPTER 240.

AN ACT TO PROVIDE FOR LEVYING A SPECIAL TAX TO BUILD AN IRON BRIDGE ACROSS FRENCH BROAD RIVER AT OR NEAR BARNARD, MADISON COUNTY.

The General Assembly of North Carolina do enact:

County to build bridge.

SECTION 1. That the Board of County Commissioners of Madison County is hereby authorized, empowered and directed to build an iron bridge across French Broad River at or near Barnard in Madison County, North Carolina, as said board may direct, and for said purpose shall levy a tax of six cents on the one hundred dollars worth of property and eighteen cents on the poll annually for each of the years one thousand nine hundred and five, one thousand nine hundred and six and one thousand nine hundred and seven.

Tax to be applied to no other purpose.

SEC. 2. That said board of county commissioners shall not apply said funds to any other purpose, but the same shall be kept separate and apart for this purpose alone, and it shall be the duty of said board of commissioners to forthwith provide for the construction of said bridge.

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

In the General Assembly read three times, and ratified this 20th day of February, A. D. 1905.

CHAPTER 241.

AN ACT TO REPEAL CHAPTER 306 OF THE PUBLIC LAWS OF 1903, RELATING TO SHERIFF OF PERSON COUNTY.

The General Assembly of North Carolina do enact:

Time for settling State taxes.

SECTION 1. That chapter three hundred and six, Public Laws of one thousand nine hundred and three, is hereby repealed, and that chapter one hundred and fifty of the Public Laws of one thousand eight hundred and eighty-three is 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 20th day of February, A. D. 1905.

CHAPTER 242.

AN ACT REQUIRING COUNTY SURVEYORS TO KEEP A RECORD OF ALL SURVEYS OF ENTRIES OF LAND, AND PROVIDING THAT SUCH RECORD MAY BE READ IN EVIDENCE IN ANY ACTION OR PROCEEDING AS ARE OTHER RECORDS.

The General Assembly of North Carolina do enact:

SECTION 1. That the county commissioners of the several counties of the State shall provide a suitable book or books for recording of surveys of entries of land to be known as "Record of Surveys," to be kept in the office of register of deeds as other records are kept. And such record shall have an alphabetical and numerical index, the numerical index to run consecutively. And it shall be the duty of every county surveyor or his deputy surveyor who makes a survey to record in such book a perfect and complete record of all surveys of lands made upon any warrant issued upon any entry, and date and sign same as of the day such survey was made, whether such survey was made by him before or after the passage of this act.

Record of surveys to be kept.

To be indexed.

Surveyor or deputy to record surveys.

SEC. 2. That where any ex-county surveyor is alive and has correct minutes or notes of surveys of land on entries made by him during his term of office, it shall be lawful for him to record and index such survey in such "Record of Surveys," and the county commissioners shall pay for such services ten cents for each survey so recorded and indexed: *Provided*, that if such record differs from the original certificates of survey heretofore made or on file in office of Secretary of State, such original or certified copy of the certificate in Secretary of State's office shall control.

Former surveys may be recorded and indexed.

Fees for recording former surveys.

Original survey to control if variance exists.

SEC. 3. All surveys so recorded in such book shall show the number of the tract of land, the name or names of the party entering, and the name of the assignees if there be any assignee, and shall be duly indexed both alphabetically and numerically in such record in the name or names, of the party making the entry and the name of the assignee if there be any assignee.

What record of surveys to show.

SEC. 4. For recording and indexing such surveys the surveyor may charge twenty-five cents, which shall be paid by the party for whom the survey is made; and any surveyor shall not be required to make any survey until his fees provided by law are paid, including the twenty-five cents for recording and indexing.

Fee for recording and indexing future surveys.

SEC. 5. Any county surveyor or deputy surveyor failing to make such record of any survey within ten days after he makes a survey shall forfeit and pay to any party who may sue for the same two hundred dollars, and be subject to be removed from office by the board of county commissioners, and if any surveyor is removed the county commissioners shall appoint his successor, and all

Penalty on surveyor or deputy failing to make records.

papers and records of a public nature in the possession of such surveyor so removed, or who may die, shall be turned over to his successor in office.

Record may be read in evidence.

SEC. 6. That such record of any surveyor or deputy surveyor when so made shall be read in evidence in any action or proceeding in any court as are other records.

Secretary of State to distribute copies of act.

SEC. 7. The Secretary of State shall have a sufficient number of copies of this act printed immediately after its ratification, and distribute same among the various counties, by sending same to the register of deeds of the various counties, whose duty it shall be to send one or more copies of same to the county surveyor of his county.

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

In the General Assembly read three times, and ratified this the 2d day of March, A. D. 1905.

CHAPTER 243.

AN ACT REQUIRING CERTIFICATES OF SURVEY ATTACHED TO GRANTS TO BE RECORDED.

The General Assembly of North Carolina do enact:

Register of deeds to record certificate of survey.

SECTION 1. That it shall be the duty of the register of deeds of the several counties when any grant is presented for registration with a certificate of survey attached to record such certificate of survey, together with all endorsements thereon, together with said grant: *Provided*, that the failure to so register such certificate of survey shall not invalidate the registration of such grant.

Proviso: failure of register not to invalidate registration.

Record of certificate may be read in evidence.

SEC. 2. That such record of any certificate of survey when so made shall be read in evidence in any action or proceeding in any court as are other records.

Secretary of State to send copies.

SEC. 3. The Secretary of State shall immediately after the ratification of this act have a sufficient number of same printed and sent out to the several registers of deeds of the State.

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

In the General Assembly read three times, and ratified this the 2d day of March, A. D. 1905.

CHAPTER 244.

AN ACT AUTHORIZING THE COUNTY 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 be hereby authorized and empowered to levy a special tax in the year one thousand nine hundred and five of fifteen cents on every three hundred dollars worth of the real and personal property and fifteen cents on every poll, and the same set forth above also to be levied and collected for the year one thousand nine hundred and six. Special tax authorized, Rate.

SEC. 2. That two-thirds of the taxes set forth in section one shall be for the purpose of furnishing material and keeping in repair the five public bridges crossing the rivers and creeks of Tyrrell County and one-third of said tax to be applied to the county poor fund. Said taxes shall be collected and accounted for by the same officers and in the same manner as other county taxes are collected and accounted for, for the purposes set forth above. Taxes appropriated.

SEC. 3. That should there be a surplus of special tax money collected by authority of act passed at the session of the Legislature one thousand nine hundred and three, chapter three hundred, for the year one thousand nine hundred and four, and under section one of this act for the years of one thousand nine hundred and five and one thousand nine hundred and six, for each year respectively, then the said surplus shall be used as follows, to-wit: One-half of such surplus to the Point of Marsh Road in Scuppernon Township, one-third of such surplus to Frying Pan Road and one-sixth of said surplus to the Cherry Ridge Road and Landing in Gum Neck Township. Such surplus for each year to be certified to the board of supervisors of each township in which such road is situated by the board of county commissioners, through their clerk, not later than the first day of September of each year. Surplus, if any, appropriated.

SEC. 4. That Junius Armstrong is appointed overseer of Cherry Ridge Landing Road, beginning at the Guilford Fork and running to Alligator River, and that Thomas H. Davenport is appointed overseer of the Point of Marsh Road, and that Joseph Spencer is appointed overseer of Frying Pan Road. Road overseers appointed.

SEC. 5. That when the time of said Junius Armstrong has expired the justices of the peace for Gum Neck Township shall appoint an overseer to succeed the said Junius Armstrong: *Provided*, that nothing in this act shall prevent the working of the said Cherry Ridge Landing Road as is now the law, it being the intention of this act for the said Junius Armstrong to be overseer so as to use the special tax surplus money by hiring hands to Successor to be appointed. Cherry Ridge Landing road to be worked under general law also.

Pay of hands and overseer.

work on said road; said hands are not to receive more than one dollar a day, and the said Junius Armstrong is not to receive more than one dollar and fifty cents a day, for ten days each year, and said Armstrong shall be exempt from all other road work during said term.

Justices of Gum Neck to inspect Cherry Ridge Landing road and approve road orders.

SEC. 6. That the justices of the peace of Gum Neck Township shall inspect the Cherry Ridge Landing Road quarterly, and when a road order, signed by the said Junius Armstrong, is presented to them for approval, if in their opinion the money so ordered has been properly applied, they shall approve said road order or orders. The said Junius Armstrong shall not use more money in any one year than there is to the credit of said Cherry Ridge Landing Road.

Justices of Scuppernong to inspect Point of Marsh road and approve road orders.

SEC. 7. That the justices of the peace of Scuppernong Township shall inspect the Point of Marsh Road in Scuppernong Township quarterly, and when the overseer of said Point of Marsh Road shall draw a road order, if in the opinion of said justices of the peace of said Scuppernong Township said money so drawn for has been well applied, the said justices of the peace shall approve of said road order or orders.

Pay of overseer and hands on Point of Marsh road.

SEC. 8. That the said Thomas H. Davenport, overseer of Point of Marsh Road, shall receive one dollar and fifty cents a day for his services as road overseer, but shall not be paid for more than twelve days in any one year. The said Davenport shall employ hands to work the said road, not paying more than one dollar a day to each hand for such work, but he shall not have work done beyond what money there is to the credit of said road.

Pay of overseer and hands on Frying Pan road.

SEC. 9. That the said Joseph Spencer, overseer of Frying Pan Road, shall receive one dollar and fifty cents a day for his services as road overseer, but shall not be paid for more than twelve days in any one year. The said Spencer shall employ hands to work said road, not paying more than one dollar a day to each hand for such work, but he shall not have work done beyond what money there is to the credit of said road.

Road funds to be kept separate.

SEC. 10. That the treasurer of said county shall keep all money to be used as the road money separate from the general county tax money, and shall pay the orders of said overseers as is provided for by this act.

Road law of 1903 repealed.

SEC. 11. That chapter seven hundred and ninety-seven of one thousand nine hundred and three be and the same is hereby repealed.

General repealing clause.

SEC. 12. That all laws and clauses of laws in conflict with this act are hereby repealed.

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

In the General Assembly read three times, and ratified this 20th day of February, A. D. 1905.

CHAPTER 245.

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

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of Camden County be and they are hereby authorized and empowered to levy a special tax of thirty-three and one-third ($33\frac{1}{3}$) cents on the one hundred dollars valuation of real and personal property in said county and one dollar on each poll annually for two years, namely, for the years one thousand nine hundred and five and one thousand nine hundred and six, to be expended and applied for the special purpose of paying the indebtedness of the county caused by an epidemic of small-pox. Said special tax shall be levied and collected as are other taxes in said county. Special tax authorized.
Rate.
For 1905 and 1906.

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. 1905.

CHAPTER 246.

AN ACT TO CHANGE THE STOCK LAW IN MITCHELL COUNTY SO AS TO MAKE IT UNLAWFUL FOR STOCK TO RUN AT LARGE IN LINVILLE TOWNSHIP.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter eight hundred and fourteen of the Public Laws of one thousand nine hundred and three, with respect to the stock law in Mitchell County, be and the same is hereby repealed in so far as it applies to Linville Township in Mitchell County, and it is made unlawful to allow stock to run at large in said township under the penalties prescribed by the general law. Linville township made stock law territory.

SEC. 2. That the township line around Linville Township shall be and is hereby made a lawful fence. Township line made lawful fence.

SEC. 3. That an election may be held in that portion of Linville Township which is west of the following line, to-wit: Beginning at the pinnacle of Sugar Mountain and running a direct course to the head-waters of the west fork of Linville River; thence with said fork of Linville River to the point where it crosses Rev. Mr. Graybeal's north line; thence with the outside lines of said Graybeal's land so as to leave all of his land on the east and south of said line; thence in a direct line westerly to the north-east corner of J. T. Braswell's line; thence with the outside line Election to be held in part of township.

of said land so as to leave all of his lands south and east of said line; thence in a straight line to Miller's Gap; thence with a road leading towards Crossnore as far as it runs near the top of the Blue Ridge to a point where it turns away from the top finally; thence the nearest course to the top of the Blue Ridge and with it to where it crosses the southern line of Linville Township, thus leaving the territory included in the water-shed of the valley of the Linville River to the east of said line, for the purposes of determining where the stock may be allowed to run at large in the said territory west of said line and with a view to determine whether this act which makes it unlawful for live stock to run at large in said territory shall be changed: *Provided*, such election is held, may be held under the general law with respect to holding stock law elections, but that portion of the territory within Linville Township east of said line shall be and remain under the operations of sections one and two of this act unless changed by an act of the General Assembly of North Carolina.

Election held under general law.

Remainder of township not affected.

SEC. 4. 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. 1905.

CHAPTER 247.

AN ACT TO PREVENT THE THROWING, PLACING, RUNNING OR DUMPING OF SAWDUST INTO THE STREAMS OF GUILFORD COUNTY.

The General Assembly of North Carolina do enact:

Unlawful to throw trash in streams.

SECTION 1. That it shall be unlawful for any person, firm or corporation to waste, throw or dump sawdust or other waste material from any shingle-mill or saw-mill whatsoever into any of the streams of the county of Guilford, or to place such waste material or sawdust in such position as that the same shall be washed or fall into said streams.

Penalty.

SEC. 2. That any person, firm or corporation violating the provisions of this act shall upon conviction be fined or imprisoned 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 the 20th day of February, A. D. 1905.

CHAPTER 248.

AN ACT TO AMEND CHAPTER 109 OF THE PUBLIC LAWS
OF 1903.*The General Assembly of North Carolina do enact:*

SECTION 1. That section four (4) of chapter one hundred and nine (109) of the Public Laws of nineteen hundred and three (1903) be and the same is hereby repealed, and that the following be and the same is hereby inserted in lieu thereof:

“SECTION 4. That it shall be unlawful for any person, firm or corporation to sell or otherwise dispose of for gain any spirituous, vinous, malt or other intoxicating liquors or bitters or tonic or drug in the county of Johnston outside of incorporated cities or towns having a population of at least two hundred and fifty *bona fide* inhabitants; and it shall be lawful for the Commissioners of Johnston County to grant a license to any person, firm or corporation or dispensary to sell any spirituous, vinous, malt or other intoxicating liquors or bitters, or tonic or drug in the county of Johnston outside of incorporated cities or towns having a population of at least two hundred and fifty *bona fide* inhabitants. Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than one hundred dollars or by imprisonment for not less than sixty days.”

Unlawful to sell
liquors in Johnston
county outside of
towns of 250 in-
habitants.

Unlawful for com-
missioners to grant
license outside of
such towns.

Misdemeanor.
Penalty.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act or its enactment be and they are hereby to the extent of such conflict 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 20th day of February, A. D. 1905.

CHAPTER 249.

AN ACT TO AMEND THE PUBLIC ROAD LAW OF BURKE
COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred and ninety-two of the Public Laws of one thousand nine hundred and three be amended by adding at the end of section eighteen of said chapter the following words: *Provided always*, that the verdict and report of the jury shall be filed with the clerk of said court, who shall hear and consider the same, and enter such judgment thereon as he may deem just and proper, either confirming the said report,

Clerk of superior
court to review
finding of assess-
ment by jury.

Appeal to superior court.

To apply to pending proceedings.

and entering judgment against the said county for the amount assessed by said jury, or setting aside the verdict of said report and appointing a new jury to assess the damages again, if he deem the same best. And upon the confirmation of said verdict and report, either party dissatisfied with the amount of damages assessed, whether the land-owner or the county of Burke, may appeal to the superior court of said county, where the amount of damages sustained shall be passed upon by a jury at term, and upon said appeal being prayed no statement of case shall be necessary, but the case shall be entered by the clerk upon the civil issue docket, to be heard at the next term of said court.

SEC. 2. That this act shall apply to all proceedings already begun, wherein the amount assessed as damages has not been paid, and wherein either party has objected to the amount assessed, and either prayed an appeal or taken or attempted to take an appeal to the superior court from the verdict and report of any jury heretofore appointed to assess damages.

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 20th day of February, A. D. 1905.

CHAPTER 250.

AN ACT TO AMEND CHAPTER 313 OF THE PUBLIC LAWS OF 1903 IN REGARD TO THE TERMS OF THE SUPERIOR COURT OF ROCKINGHAM COUNTY.

The General Assembly of North Carolina do enact:

Term for civil cases only abolished.

SECTION 1. That chapter three hundred and thirteen of the Public Laws of one thousand nine hundred and three be amended as follows: Strike out the word "four" in line two of section one and insert the word "three"; strike out the words "the thirteenth Monday after the first Monday in March" in line three of section two; strike out the word "fourth" in line one of section three and insert the word "third"; strike out all of section four; strike out the word "third" in line one of section five and insert the word "second"; renumber sections five, six and seven as sections four, five and six respectively.

Repealing clause.

SEC. 2. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed, so far as they affect the terms of court herein mentiond.

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 20th day of February, A. D. 1905.

CHAPTER 251.

AN ACT RELATING TO THE BIRD LAW IN FORSYTH COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The close season in Forsyth County, or time in each Close season. year during which quail and partridges shall not be shot, killed, wounded, netted or trapped, or in any manner hunted, taken or captured shall be from the fifteenth (15th) day of February to the fifteenth (15th) day of November.

SEC. 2. That it shall be unlawful to sell, exhibit or offer for Unlawful to sell, sale, or have in possession, any quail in Forsyth County during exhibit, offer for the close season as set in section one (1) of this act, and every sale or possess person so offending shall be guilty of a misdemeanor and upon game during close conviction shall be fined not exceeding fifty dollars (\$50) or season. Misdemeanor. imprisoned not exceeding thirty (30) days. Penalty.

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

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

In the General Assembly read three times, and ratified this the 20th day of February, A. D. 1905.

CHAPTER 252.

AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF NEW HANOVER COUNTY TO ESTABLISH A WORK-HOUSE.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of New Hanover Board of commis- County be and they are hereby authorized and empowered to estab- sioners to estab- lish, construct and maintain a work-house in connection with the lish work-house. county home and farm of said county, and in order to properly maintain said work-house and to cultivate the farm connected with the said county home they are authorized to construct such quarters or stockades for the use and safe-keeping of such con- Quarters and stockades. victs as may be assigned them as hereinafter provided and to work said convicts on the said farm.

SEC. 2. That all persons confined in the county jail under a Certain prisoners non-payment of costs or fines or fine and costs, or under final judgment in cases of bastardy or under the vagrant acts, all to be confined in work-house. insolvents who shall be imprisoned by any court in said county for the non-payment of costs, and all persons sentenced in said

Convicts to be sentenced to work-house.

county to the State's Prison for terms less than five (5) years, may be sentenced to and confined in said work-house. Upon application of the chairman of the board of county commissioners of said county to the judges of the superior court and to justices of the peace of the county of New Hanover and to the mayor of the city of Wilmington it shall be the duty of the said judges, justices of the peace and mayor to adjudge that such persons so convicted in his court shall be confined in the work-house of the county of New Hanover to do and perform such work and labor in said work-house and on said farm as may be assigned them by the superintendent and manager of said work-house.

Board to elect superintendent.

SEC. 3. That there shall be elected by the said board of county commissioners at their regular meeting in April, one thousand nine hundred and five (1905), and at their regular meeting in December of each and every year thereafter, a superintendent and manager of said work-house, who shall also be superintendent and

Compensation.

manager of the county home of said county, who shall be paid such compensation as may be fixed by said board of county commissioners, to be paid on the warrant of said board out of the general fund of the said county of New Hanover, the amount so paid, together with any other outlay and expenditure incident and necessary to the conduct and cultivation of the farm attached to the said county home, to be charged against the county home farm, and all the proceeds arising and accruing from the said farm shall be paid into the general fund of the said county. Said superintendent and manager may at any time be removed by said board of commissioners, when in the opinion of said board there exists good and sufficient cause for such removal. It shall be the duty

Proceeds of farm paid into general county fund.

Duty of superintendent.

Superintendent to give bond.

of said superintendent and manager, subject to the approval and under the direction of the said board of county commissioners, to supervise, direct, work and have charge and control of all convicts sentenced to said work-house as hereinbefore provided. Said superintendent and manager before entering upon the duties of said office shall deposit with the said board of county commissioners a good and sufficient bond, to be approved by the said board of county commissioners, in the sum of one thousand dollars (\$1,000), as a guarantee for the faithful and honest discharge of the duties of his said office, which said bond shall be duly registered in the office of the register of deeds of said county of New Hanover.

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

In the General Assembly read three times, and ratified this the 20th day of February, A. D. 1905.

CHAPTER 253.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF
BEAUFORT COUNTY TO LEVY A SPECIAL TAX.*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Commissioners of Beaufort County be and they are hereby authorized and empowered to levy a special tax of thirteen and one-third ($13\frac{1}{3}$) cents on the one hundred dollars (\$100) valuation of real and personal property in said county and forty (40) cents on each poll annually for two years, to-wit, for the years one thousand nine hundred and five and one thousand nine hundred and six, to be expended applied for the special purpose of paying off 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 other taxes 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 21st day of February, A. D. 1905.

CHAPTER 254.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF SAMPSON COUNTY TO ISSUE BONDS AND LEVY A SPECIAL TAX TO PAY THE INDEBTEDNESS CREATED BY BUILDING A COURT-HOUSE.

The General Assembly of North Carolina do enact:

SECTION 1. That the County Commissioners of Sampson County, for the purpose of paying off and discharging the indebtedness incurred by the building of a new court-house with fire-proof vaults and metallic furniture for the preservation of the public records of said county, to grade and improve the court-house square, and for the further purpose of providing a new cross index for the register of deeds and the clerk of the superior court of said county, are hereby authorized and empowered to issue bonds bearing interest not to exceed the rate of six per cent. per annum to an amount not exceeding the sum of twenty-four thousand dollars and of the denomination of one hundred or five hundred dollars respectively, at the discretion of the said board of commissioners. The bonds shall have interest-bearing coupons attached, payable semi-annually, which shall be in payment of county taxes. The bonds shall be prepared and

Special tax authorized.

For 1905 and 1906.
Purpose of tax.

Purpose of bonds.

Amount.

Denominations.

Coupons receivable for taxes.

How bonds issued, when due.	issued under the direction of the board of county commissioners, and three thousand dollars worth of said bonds shall become due and payable one year after their date and three thousand dollars shall become due and payable each succeeding year until all of said bonds are paid.
How bonds at-tested.	SEC. 2. That said bonds shall be signed by the chairman of the Board of Commissioners of Sampson County and countersigned by the clerk of said board, authenticated with the seal of said board, and the said bonds shall show upon their face the purpose for which they were issued, the time and place of payment, and shall be sold by the treasurer of said county after public advertisement as hereafter provided at not less than their par value.
Not to be sold under par.	SEC. 3. That for the purpose of paying the accruing interest on said bonds and so much of the principal thereof as may fall due each year and to provide a sinking fund for the payment of said bonds, together with the necessary cost and charges incident to collecting and paying the same, the Board of Commissioners of Sampson County are hereby authorized and empowered at the time of levying other county taxes to levy annually a special tax on all the taxable property in said county and on all the polls not to exceed twenty-three and one-third cents on the hundred dollars valuation of property and seventy cents on each poll, preserving at all times the constitutional equation on poll and property, until the final payment of all the said bonds and interest thereon shall be provided for, and the surplus of said tax, if any, in the hands of the treasurer of said county, after all of said bonds and interest are paid, may be carried to the general county fund and applied to general county purposes.
Special tax for interest and sinking fund.	
Tax limit.	SEC. 4. That said taxes shall be collected by the sheriff of said county at the same time and in the same manner that the county taxes are collected, and he shall pay over the same to the county treasurer in like manner as other county taxes are paid over, and the bonds of the said sheriff and the said treasurer shall be increased to the amount of said taxes coming into their hands in any one year, and shall be liable for the same.
Constitutional equation.	SEC. 5. That the said board of commissioners shall have the right and power to call in and pay off the said bonds, or any of them, from time to time, and at any time after the expiration of one year from their respective dates of issue, and when said board shall determine to call in and pay off said bonds they shall cause a notice to be published once a week for four successive weeks in some newspaper in this State, giving the number, dates and amounts of said bonds to be called in and the day and place they will be paid on presentation, which day shall not be less than thirty days from the first publication of said notice, and all interest upon the bonds named in said notice shall cease and determine from and after the date appointed as aforesaid for the payment of the same.
Surplus to general county fund.	
Collected and paid over as other taxes.	
Bonds of sheriff and treasurer increased.	
Commissioners may call bonds.	
Notice.	

SEC. 6. That the clerk of the board of commissioners aforesaid shall keep a book in which he shall make a record of the number, date and denomination of said bonds, when issued, to whom issued and when payable; and the said clerk shall also keep an accurate account of the bonds that are paid, taken in and cancelled, as well as coupons paid, taken in and cancelled, which shall at all times fully appear in said books, so that by an inspection of said books the true status of the bonded debt herein provided for may be readily ascertained, and said books shall at all times be open for the inspection of any taxpayer of said county.

Record of bonds.

Record open for inspection.

SEC. 7. That as soon as said bonds are issued, signed and countersigned under the seal of the board of county commissioners they shall be placed in the hands of the treasurer of said county, who shall sell the same to the highest bidder after thirty days' advertisement in some newspaper published in said county, and with the proceeds of said sale shall redeem the outstanding notes and other indebtedness created for the purpose set out in section one of this act; and the said treasurer shall keep a separate account of these bonds coming into his hands, showing the number, dates and amounts, how the same were disposed of and to whom, and make a report of the same to the said board of commissioners as soon as the said bonds are disposed of by him, and he shall safely keep all the proceeds from the sale of said bonds and hold the same subject to the directions of the said county commissioners.

Bonds to be sold by treasurer.

Notice of sale.

And pay off outstanding debts.

Separate accounts.

Report.

SEC. 8. The sheriff and the treasurer shall be allowed the same commissions for collecting and disbursing the special tax provided for by this act as are allowed them by the board of commissioners for the collecting and disbursing other county taxes, however, that no commission shall be allowed the said sheriff and treasurer for receiving and disbursing the funds arising from the sale of said bonds, but such compensation may be allowed for said services by the board of commissioners of said county as in their judgment is proper compensation for said services.

Commissions of sheriff and treasurer.

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

In the General Assembly read three times, and ratified this 21st day of February, A. D. 1905.

CHAPTER 255.

AN ACT TO INCREASE THE PAY OF JURORS IN HALIFAX AND NORTHAMPTON COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. The regular jurors for the superior courts of the counties of Halifax and Northampton and such special veniremen

Regular and tales.

and tales jurors as are taken in the trial of capital cases in said counties shall be paid the sum of two dollars per day and the mileage already provided by law.

Repealing clause.

SEC. 2. All laws and clauses of law in conflict with the provisions of the section are hereby repealed so far as they apply to said counties.

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 21st day of February, A. D. 1905.

CHAPTER 256.

AN ACT TO CONSOLIDATE CERTAIN STOCK LAW DISTRICT IN McDOWELL COUNTY.

The General Assembly of North Carolina do enact:

Stock law boundary changed.

SECTION 1. That chapter six hundred and sixty-nine, section one, of the Laws of one thousand nine hundred and one, be amended as follows, to-wit: Strike out all of said section after the word "fence" in line nine to and including the word "hollow" in line thirteen and insert in lieu thereof the following: "thence the most practical route to Wilson's roller-mill, thence the most practical route to the Pyatt hollow."

Stock law territories consolidated.

SEC. 2. That the boundary lines set forth in chapter one hundred and seventy-nine, section one, of the Laws of one thousand nine hundred and one, and the boundary set forth in chapter six hundred and sixty-nine, section one, of the Laws of one thousand nine hundred and one, as amended in the preceding section, be and they are hereby consolidated in one boundary, to be known and designated as the "Stock Law Boundary" of said county.

County commissioners to elect fence commissioners.

SEC. 3. That the said chapters of the said Laws of one thousand nine hundred and one be further amended as follows: "It shall be the duty of the board of commissioners of said county at their annual meeting in June, one thousand nine hundred and five, and every two years thereafter, to elect three freeholders as fence commissioners, who shall hold the office of fence commissioner for the term of two years or until their successors shall be elected."

Duty and pay of fence commissioners.

SEC. 4. That the duty of the said fence commissioners shall be the same as set out in section two, chapter one hundred and seventy-nine of the Laws of one thousand nine hundred and one; that they shall receive as their compensation the sum of one dollar and fifty cents per diem each for the time actually engaged in the building, repairing and keeping said fence in lawful repair; that they shall file with the board of commissioners of said county an itemized statement, under oath, of all work and labor per-

Accounts to be filed and approved.

formed, material purchased, with the cost of each item; and the said board of commissioners, if such account or accounts are approved by them, shall issue a warrant for the payment of the same on the treasurer of said county, to be paid out of the stock law funds of said county.

SEC. 5. That it shall be the duty of the board of commissioners of said county to levy annually a sufficient amount of taxes on the real property situate in said stock law boundary to keep said fence in lawful repair, said taxes not to exceed the sum of twenty-five cents on the one hundred dollars worth of property; and it shall further be their duty, at their annual meeting in June, one thousand nine hundred and five, to levy a sufficient amount of taxes on the said property situate in said boundary to pay off and discharge the present indebtedness of the said stock law boundary as constituted by this act.

Commissioners to
levy fence tax.

Tax limit.

SEC. 6. That all laws and parts of laws inconsistent with the provisions of this act are hereby repealed.

Repealing clause.

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 21st day of February, A. D. 1905.

CHAPTER 257.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF CURRITUCK COUNTY TO USE SURPLUS OF SPECIAL TAXES FOR GENERAL COUNTY PURPOSES AND TO WITHDRAW AUTHORITY TO LEVY FURTHER SPECIAL TAXES.

The General Assembly of North Carolina do enact:

SECTION 1. WHEREAS, the Commissioners of Currituck County, by virtue of chapter three hundred and seven (307), Public Laws of nineteen hundred and one (1901), were authorized and empowered to levy special taxes to settle certain indebtedness against Currituck County; AND WHEREAS, all the indebtedness, including bonds held against the county, have been fully paid and there will be a surplus of the special tax levy for nineteen hundred and four (1904) in the hands of the county treasurer, the Commissioners of Currituck County are hereby authorized and empowered to use any surplus that may be in the hands of the County Treasurer of Currituck County, by virtue of special taxes levied under chapter three hundred and seven (307), Public Laws of nineteen hundred and one (1901), for general county purposes.

Preamble.

Source of surplus.

Surplus carried to
general fund.

SEC. 2. That authority to levy further special taxes under chapter three hundred and seven (307), Public Laws of nineteen hundred and one (1901), is hereby withdrawn.

Power to levy tax
withdrawn.

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

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

In the General Assembly read three times, and ratified this the 21st day of February, A. D. 1905.

CHAPTER 258.

AN ACT TO AMEND CHAPTER 353, PUBLIC LAWS OF 1899, RELATING TO THE WORKING OF THE PUBLIC ROADS OF CUMBERLAND COUNTY AND TO PROVIDE ADDITIONAL REVENUE THEREFOR.

The General Assembly of North Carolina do enact:

Special appropriation of railroad tax.	SECTION 1. That section one (1) of chapter three hundred and fifty-three (353), Public Laws of one thousand eight hundred and ninety-nine (1899), be amended to read as follows: "That the Board of County Commissioners of Cumberland County, at its regular meeting on the first Monday in June in each and every year, shall set apart from the taxes that shall be due and annually collected from the Atlantic Coast Line Railroad, or any person or corporation owning, using or controlling the railroads or branches of the Atlantic Coast Line Railroad Company in the county of Cumberland, an amount not exceeding the sum of three
Additional special tax.	thousand (\$3,000) dollars, and in addition thereto at such meeting in June of each and every year the said board of commissioners shall levy a special road tax for said county not exceeding ten (10) cents on each one hundred dollars (\$100) worth of
Rate.	property and thirty (30) cents on each poll: <i>Provided</i> , said special tax shall not be levied after the first Monday in June, one thousand nine hundred and twelve (1912), which said fund so
Separate fund.	collected from the said railroad company and from the said special road tax shall be held by the treasurer of said county as a separate fund, to be known as "The Public Road Fund," and which
Application.	shall be applied under the orders of the said board of commissioners for the exclusive purpose of maintaining, clothing, supporting, guarding, providing quarters for and employing overseers for the convicts hereinafter provided for, buying tools, machinery, teams and the maintenance thereof, the same to be used for the construction and keeping in repair the public roads of Cumberland County: <i>Provided</i> , that the said sum shall not be set apart
proviso.	from the taxes collected from the Atlantic Coast Line Railroad Company until the annual interest on the bonds issued by the
When railroad tax available.	county commissioners under the provisions of chapter two hundred and ninety-two (292) of the acts of the General Assembly

of one thousand eight hundred and ninety-three (1893), and known as the "Court-house Bonds," shall have been provided for and a sinking fund for their final redemption created as contemplated by the provisions of said act, said sinking fund to be sufficiently large so that, with its annual accretions, it will be ample to pay said bonds at maturity; and the second section of chapter two hundred and ninety-two (292) of the acts of the General Assembly of one thousand eight hundred and ninety-three (1893) is modified so far only as the provisions of this act are inconsistent therewith.

SEC. 2. That the word "manslaughter" in line ten (10) of section two (2) of chapter three hundred and fifty-three (353), Public Laws of one thousand eight hundred and ninety-nine (1899), be stricken out.

Convicts for manslaughter may be worked on roads.

SEC. 3. That in line one (1) of section three (3) of said chapter three hundred and fifty-three (353), Public Laws of one thousand eight hundred and ninety-nine (1899), between the word "Fayetteville" and the word "And" the following words be inserted: "The mayors of all other incorporated cities and towns."

All cities and towns to send convicts to roads.

SEC. 4. That section eleven (11) of said chapter three hundred and fifty-three (353), Public Laws of one thousand eight hundred and ninety-nine (1899), be and the same is hereby repealed and the following enacted in lieu thereof: "That when any road or section of a road shall have been built or repaired by the convict force as herein provided for it shall be the duty of the supervisor of the convict force to report same to the board of county commissioners, and upon such report the said commissioners shall report same to the township supervisors of roads and the overseer of such sections of roads as shall have been built or repaired by said convict force and direct said supervisors and road overseers to take charge of such road or sections thereof. And it shall be the duty of the said supervisors and road overseers to keep said road or sections of roads in as good condition as when turned over to their charge. And in order to keep such road or sections thereof in such condition, the overseer thereof is hereby empowered to summon out the hands which are or may be hereafter assigned to work on said section under his charge any number of days not to exceed six days in any one year, and each hand shall be required to work at least eight hours each day, and the said overseer may also require such hands as own or have in their control team or teams and cart or carts to bring one team and cart each day for the hauling of earth and other material for building and repairing such roads: *Provided*, that when any hand shall furnish a cart and team and work himself he shall be credited for two days' work. And any supervisor or road overseer who shall fail or refuse to keep said road section thereof in as good condition as when turned over to him shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten dol-

Roads built by convict labor to be turned over to townships.

Road hands to be summoned.

Road duty.

Neglect of duty by overseer.

Misdemeanor.

Penalty.

Failure or refusal
to work a misde-
meanor.

Penalty.

Proviso.

Road hands not
relieved.

lars (\$10) nor more than fifty dollars (\$50), or be imprisoned not more than thirty (30) days. And any hand assigned to work on said road who shall fail or refuse to work after having been summoned according to law shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars (\$50) or imprisoned not exceeding thirty (30) days: *Provided*, that nothing in this act shall be construed to relieve persons required by the law to work the public roads of said county from performing said duty on all roads not having been built or repaired by said convict force under the same law as now exists for the working of public roads in Cumberland County."

Where convicts to
be worked.

SEC. 5. That section twelve (12) of said chapter three hundred and fifty-three (353), Public Laws of one thousand eight hundred and ninety-nine (1899), be and the same is hereby repealed and the following enacted in lieu thereof: "That it shall be the duty of the said board of county commissioners to cause said convicts herein provided for to work upon the various public roads most needing work in said county, with a view of equalizing the public road facilities of the 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 21st day of February, A. D. 1905.

CHAPTER 259.

AN ACT FOR WORKING THE PUBLIC ROADS IN HERTFORD COUNTY.

The General Assembly of North Carolina do enact:

Road-master.

SECTION 1. That there shall be a road-master for each township, to be elected by the board of supervisors in their respective townships, who shall be known as road-master of the township in which he is elected, and who shall hold his office until his successor is duly elected and qualified by taking the oath of office to the effect that he will honestly and faithfully perform the duties of road-master in his township during his term of office and until his successor is duly elected and qualified.

Term of office.

Oath.

Meetings of road
supervisors.

SEC. 2. The road supervisors shall meet on Saturday before the first Monday in June, one thousand nine hundred and five, and on Saturday before the first Monday in June annually thereafter, and elect a road-master for their respective townships, who shall be notified of his election by said board by having a written notice thereof served upon him by the sheriff or a constable in the county, and said road-master shall appear within five days thereafter and take the oath of his office and subscribe to the same

Road-master
elected.
To be notified.

To take oath of
office.

before a justice of the peace in his township, which shall be delivered by said justice to the board of supervisors of his township at their next meeting.

SEC. 3. All roads and ferries that have been laid out or appointed by virtue of any act of Assembly or any order of court are hereby declared to be public roads and ferries; and the supervisors of the roads in each township shall have the supervision and control of the public roads in their townships, and shall have full power and authority within their respective townships to order the laying out of public roads where necessary, to discontinue such roads as shall be found useless; but no such order shall be made until a like notice is given as is required by the general law of the State, but such notice shall be made to conform to the provisions of this act. Any party feeling aggrieved may within ten days after such order appeal therefrom to the board of county commissioners by serving a written notice on the secretary of the board and on the party or his attorney asking for the order, and upon giving an undertaking payable to the appellee in the sum of one hundred dollars, with sufficient sureties, conditioned to pay all costs which may be awarded against the appellant on said appeal: *Provided*, when the appellant is unable to give the undertaking he may be allowed to appeal *in forma pauperis* as in other cases allowed by statute. The commissioners may direct in their order how the cost shall be paid. On appeal the secretary shall, if appellant complies with this act, send up all the papers in the case and a copy of the order of the board and make a memorandum on his record of said appeal.

Public roads and fences.

Supervisors to have control.

Appeal to county commissioners.

Proviso.

Appeal in forma pauperis.

Papers to be sent up.

SEC. 4. That the board of county commissioners shall provide a suitable room in each township for the board to hold its meetings. The meetings in Maney's Neck Township shall be held at Como; in Murfreesboro Township, in the town of Murfreesboro; in St. John's Township, in the town of Union; in Winton Township, in the town of Winton, and in Harrellsville Township, in the town of Harrellsville.

Room for board meetings.

Place of meeting.

SEC. 5. That the road-master after his qualification shall be *ex officio* a member of the board of supervisors of his township, and act with them, except at the meetings held for the election of a road-master.

Road-master member of board.

SEC. 6. That whenever there is a vacancy in the office of road-master the chairman of the board of supervisors shall appoint some suitable person to fill the office until the next meeting of the board, when the vacancy shall be filled for the unexpired term.

Vacancy in road-master's office.

SEC. 7. That the board of supervisors shall again meet on Saturday before the first Monday in August, one thousand nine hundred and five, and annually thereafter on Saturday before the first Monday in August in their respective townships and receive the reports of road overseers or the road-master in their respective townships, and to pass upon the same, to hear complaints of any

Further meetings of board.

and all persons who may desire to complain before the board as to the failure of any road officer in the township to perform his duty, or of the condition of any public road in the township, to hear suggestions from any person as to the best and proper mode of repairing such roads, and to hear and consider any other business within its jurisdiction properly brought before it, and also perform such duties as the general road law of the State requires them to perform at the August meeting.

Road-master to inspect roads and bridges. SEC. 8. That the road-master shall, within twenty days before each annual meeting of the board of supervisors, on Saturday before the first Monday in August, go over and personally inspect the whole of every public road in his township, and examine the condition of all public bridges and private bridges across public roads, and at the ensuing meeting of the board shall report in writing the condition of each road, of the public bridges, and of private bridges aforesaid, with such suggestions as he may deem proper as to the needed repairs on said roads and bridges in his township and of the failure of any road overseer to properly perform his duty. Should it appear to the board that any private bridge across any public road is unsafe or needs repairs the board shall at once, or as soon as practicable, cause written notice to be served on the party whose duty it is under the law to repair said bridge to make necessary repairs and report the same to the road-master, who shall examine said bridge, and if found unsafe and improperly repaired said master shall report the same at once to the chairman of the board of supervisors, who shall report the matter to the next meeting of his board or call a special meeting of the board to consider the matter, when notice shall be given the party whose duty it is to keep up said bridge to show cause why an order should not be made by the board directing the road-master to fill up the stream and remove said bridge or repair the same at the owner's expense, or comply with such other order as said board shall deem just and proper to protect the traveling public against harm in consequence of such defective bridges across the public road. The cost to be paid by the person whose duty it is to keep in repair the bridges, should the supervisors find that the bridge needed repairs or further repairs, otherwise the county shall pay for the cost: *Provided*, nothing herein shall exempt the person whose duty it is to keep up such bridge from indictment under the law of the State for failure to perform his duty to the public in the matter or to excuse him in any action for damages. If the board is satisfied that any public bridge except those under the control of the overseer or board of supervisors is out of repair they shall cause notice thereof to be given the board of county commissioners at their next meeting, who shall have all necessary repairs made under penalty of failing to perform their public duty: *Provided*, this shall not relieve the county commissioners from looking after said

Report in writing.

Private bridges across public roads.

Notice to repair bridge.

Road-master to examine and report.

Notice to show cause.

Costs.

Proviso.

No relief from indictment.

Nor bar action for damages.

Public bridges; notice to county commissioners.

County commissioners not relieved.

bridges as required by the general law of the State. If the board shall be satisfied that any overseer has failed to perform his duty, the chairman shall cause a warrant to be issued for the arrest of said overseer and have him brought before a justice of the peace of an adjoining township to be dealt with according to law. The report to the road-master in all cases shall be received in evidence when pertinent, and shall be presumptive evidence of the truth of the facts it contains. But the presumption may be rebutted by proper and sufficient evidence.

Warrant for overseer neglecting duty.
Report of road-master evidence.
Presumption rebutted.

SEC. 9. That said board of supervisors shall at each of their meetings held on Saturday after the first Monday in June reorganize by electing one of their number as chairman, and elect a secretary from the body of their township, and that the secretary so elected shall keep accurate record of the proceedings of each session of the board in a well-bound book to be kept for that purpose and to be styled "Record of Supervisors" of the township in which it is kept. Said book shall be furnished by the board of county commissioners at the expense of the county. And said record book so kept shall be competent evidence in all courts. The secretary before he shall be allowed to act shall take an oath that he will faithfully discharge the duties of the office, that he shall take care of and preserve such records and the papers left with him by color of and by virtue of his said office, and at the end of his office that he will turn the same over to his successor or to any one else authorized by said board to receive them. He may be removed from office at the discretion of the board of supervisors. A failure of such secretary to perform his duties under this act shall make him guilty of a misdemeanor. When the record book is filled it shall be returned to the county commissioners, which shall be deposited in the office of register of deeds as a record of the county and another furnished.

Reorganization of supervisors.
Record of supervisors.
Record evidence.
Oath of secretary.
Secretary may be removed.
Neglect of duty a misdemeanor.
Record returned to county commissioners.

SEC. 10. That said board of supervisors may hold special meetings not oftener than once in three months, the number to be determined upon and the times for holding same shall be settled by the board of supervisors at each meeting held on Saturday before the first Monday in August of each year. But when the number and times for holding said meetings shall have once been fixed they shall continue until changed at one of said annual meetings. The board shall also elect two of their number other than the road-master, who, with the chairman, shall hold said special meetings and transact the business thereof. Whenever it shall be desired to have the full board to meet the chairman may cause notice to be given to all members to attend the meeting.

Special meetings of supervisors.
Executive committee.

SEC. 11. The road-master shall within a week before each special meeting of the board go over the roads of his township and report to the meeting the condition of the same, and if it appears to the satisfaction of the board that any road overseer or other person has failed to perform his duty, they shall cause a notice to be

Road-master's report to special meetings.
Notice to overseer.

	served on such person by the road-master to comply with the law in such case without unnecessary delay. Any person failing to perform his duty after such notice shall be guilty of a misdemeanor, and upon conviction shall be fined not to exceed fifty dollars or imprisonment not to exceed thirty days.
Failure to perform duty a misdemeanor.	
Penalty.	
Supervisors to make estimates.	SEC. 12. That the board of supervisors at every meeting held on Saturday before the first Monday in June of any year shall determine how much money they will need during the following twelve months to repair the public roads in their respective townships in places where the ordinary system of working the road hands is insufficient and report the amount to the board of county commissioners on the first Monday in June of each year, who shall levy a tax on the property in said township sufficient to raise the amount of money reported, including the expenses of collecting and paying out the same. Said tax shall be collected as other taxes and paid over to the treasurer of county funds, who shall place it to the credit of the board of supervisors of roads of said township in which it was collected, to be paid out only upon the written order of said board of supervisors. And said board of supervisors shall not draw on said fund except for paying for repairing such parts of the roads of the township as they find that the overseers are unable to repair with the road hands under the general road law of the State, and for such ordinary tools for repairing the roads as they may deem necessary and proper to buy for use by road hands while working the roads: <i>Provided</i> , ordinary tools shall be held to mean such tools as are used on farms, such as axes, hoes, shovels, spades, and farm plows suitable for doing road work. The collecting officer shall receive one and one-half per centum on such taxes for collecting and the treasurer the same for paying out said money. The official bonds of the county treasurer and collectors of taxes shall be responsible for the faithful performance of their duties under this act. And to carry out the provision of this section for repairing said parts of said roads the board of supervisors may let out the repairing of same to the lowest contractor, to be done under the supervision of the road-master, or this board may authorize the road-master to hire hands and have the work done and paid for out of any money to the credit of the township for that purpose. The supervisors shall not be compelled to ask for such tax annually, but only when needed.
Money raised by tax on township.	
Money appropriated.	
Proviso.	
Ordinary tools.	
Pay of tax collector and treasurer.	
Bonds of county treasurer and tax collectors.	
Roads may be let to contract.	
Obstructing roads a misdemeanor.	SEC. 13. That if any person shall move or build a fence or erect any post out in any part of the land which has been used or claimed as any part of a public road without first obtaining the permission of the board of supervisors he shall be guilty of a misdemeanor, and in such case it shall be the duty of the overseer and the road-master of that township to have such fence or other obstruction removed from said road at once, and the offending party shall be further liable for the penalty of twenty dollars for
Obstruction to be removed.	
Penalty.	

every such offense, for the use of any person who may sue for same.

SEC. 14. That any person feeling that he has a right to move his fence out on land which has been used as a part of the public highway may file his petition before the board of supervisors of the township, praying that he be allowed to move his fence out to a certain line, and if said board shall find that the petitioner is so entitled they shall make an order to that effect. Any party dissatisfied with the order of the board in any such case may appeal to the board of county commissioners.

Petition to move fence.

SEC. 15. That if any person shall have moved a fence within five years prior to the ratification of this act out into any part of a public road or on land belonging to the public road the same shall be removed within ninety days after the ratification of this act by the person having the same placed there, and a failure to do so shall be a crime, and the overseer of that road or the road-master of the township shall have the same removed and report the expense of so doing to the board of supervisors at their next meeting, who shall take proper steps in their name to collect the money from the offender.

Fences on public roads removed.

SEC. 16. No person shall place and leave any logs, timber or other obstructions in any public road without permission of board of supervisors. Any person violating this section shall be guilty of a crime.

Crime to obstruct road.

SEC. 17. That any person, firm or corporation desiring to use any of the public roads of a township for carrying on his or its business of hauling mill logs or timber or other heavy material with log wagons, log carts and other heavy vehicles shall first obtain a license for this purpose from the board of supervisors of the township in which he or they may desire to operate and make such use of the roads by paying an annual license tax of fifteen dollars for each wagon or cart or vehicle of the kind above described to be used, which tax shall be paid to the treasurer of the board fund and placed to the credit of the board of supervisors of the township, to be used by the board as other funds for said township. Any person violating this section shall be guilty of a crime and liable to a penalty of fifty dollars, to be recovered in an action by the board of supervisors of roads of the township where the offense took place for the benefit of the road fund of that township. The board may employ counsel to collect same, who shall be paid by the board out of the funds belonging to the board of supervisors of that township.

License for log carts.

Penalty.

Board may employ counsel.

SEC. 18. Overseers of roads shall receive one dollar for notifying road hands and one dollar per day for each day actually engaged in working their roads, not exceeding six dollars. The road-master shall receive two dollars per day for each day engaged in the performance of his official duties, not exceeding ten days, except when engaged in repairing roads under an order

Pay of overseers.

Pay of road-master.

of the board of supervisors of his township. But the board of supervisors may reduce any or all of the above amounts for the services aforesaid and fix the amount to be paid for such service, not exceeding the above figures in any case.

Pay of supervisors. SEC. 19. The members of the board of supervisors shall receive fifty cents each for each day actually engaged in the performance of their duty under this act.

Officers paid by county. SEC. 20. All of the above fees shall be paid by the board of county commissioners out of the general fund of the county.

Bridges and swamp roads under general law. SEC. 21. The public bridges, dams, ferries and those parts of public roads through swamps and low, wet lands approaching public bridges and ferries over streams or water-courses shall remain under the jurisdiction of the board of commissioners of the county under the general road law of the State.

Convicts worked on certain roads. SEC. 22. That the board of road supervisors of the township in which is located the common jail of the county may work on the roads in said township the convicts confined in said jail and such other convicts in other counties as may be sentenced to work on roads in said township, whenever said board shall provide sufficient guards and overseers, at the expense of said township, for the safe-keeping and control of said convicts. And the judges of

Guards and overseers. the first and second judicial districts of the State are authorized and empowered to sentence convicts in said county and other counties to work upon the public roads of said township. Said township may have the use of the common jail of said county in confining said convicts: *Provided*, the said board of supervisors shall provide for the maintenance of said convicts from other counties during the time they are sentenced to said roads.

Proviso. SEC. 23. That section seventeen of this act shall not be enforced in any township unless a majority of the members of the board of supervisors of that township shall vote to enforce same.

Convicts from other counties. SEC. 24. That one-half of the net proceeds of all dispensaries for the sale of liquors in Hertford County shall be divided *per capita* between the several townships in said county, and the amount due each township under the apportionment shall be placed to the credit of the board of road supervisors of the respective townships, to be used solely for the repairing of the public roads in the township to which it is apportioned, as provided for in this act. And one-fourth of said net proceeds shall go to the town in which such dispensary is located and one-fourth to the free public schools within the corporate limits of any such town. The principal officer of all such dispensary or dispensaries

License for log carts not enforced but by vote of township. shall make an itemized written report, under oath, of the gross receipts and disbursements to the county commissioners of the county every six months, or oftener if the county commissioners require it, and pay over the net proceeds as aforesaid monthly to the person entitled to receive same. Any person failing to perform any duty imposed by this act shall be guilty of a crime:

Division of dispensary profits. Returns of dispensary officers.

Provided, that any dispensary now doing business in said county shall be allowed to retain for the town and school of the town in which it is located three-fourths of the net proceeds, to be equally divided between the town and schools maintained in this section situate in said towns. Proviso.
Profits of present
dispensaries.

SEC. 25. That all laws and clauses of laws in conflict with this act are hereby repealed. And this act shall only apply to Hertford County. Repealing clause.
Limited to Hert-
ford county.

SEC. 26. This act to take effect from and after its ratification.

In the General Assembly read three times, and ratified this 21st day of February, A. D. 1905.

CHAPTER 260.

AN ACT TO REGULATE ELECTIONS IN BUNCOMBE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. If any candidate for Congress, or for the General Assembly, or for any State, district, county, township or municipal office, or if any person, firm or corporation shall contribute, give, spend, pay, offer, loan or promise any money, whiskey or other thing of value to influence votes for or against a candidate, or for or against any question to be voted upon, or permits the same to be so used with his or its knowledge or consent in any election, primary or nominating convention held in Buncombe County or in the city of Asheville, such candidate, person, firm or corporation shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five hundred dollars or imprisoned not less than one nor more than five years, in the discretion of the court, and shall also be subject in addition thereto to a penalty of five hundred dollars, to be recovered in a civil action by any person suing therefor, one-half of the recovery to be paid to the party bringing suit and the other one-half to be paid into the county school fund: *Provided, however*, that no expenditure by any candidate or his friends, or by any person, firm or corporation, or by the chairman or secretary of any executive or campaign committee, or the manager or secretary of any campaign committee for the purpose of printing, advertising, circulating literature, securing halls for public speakings, for the expenses of public speakers, office rent and office expenditures incurred in connection with said office, hire of clerks, stenographers and typewriters, telephone rent and tolls, postage, telegrams, stationery, express and freight charges, buttons, badges, banners and barbecues, employing competent men to make polls and canvasses of precincts and wards, hiring carriages to take to the polls aged, Use of money,
whiskey or other
thing of value to
influence election
or primaries a mis-
demeanor.

Punishment.

Penalty.

Proviso.
Certain expendi-
tures legal.

sick and disabled voters, shall be considered illegal, but all other expenditures for all other purposes shall be illegal.

Statement of election expenses to be filed.

SEC. 2. Every chairman, secretary or manager of any executive or campaign committee, and every person who shall be a candidate before any nominating convention, or any primary election, or any election held in Buncombe County or in the city of Asheville for any State, district, county, township or municipal office or for the General Assembly shall, within five days after the election, convention or primary election be held to fill such office or place, make out and file with the officer or board empowered by law to issue certificates of election to such office or place, and a duplicate thereof with the Clerk of the Superior Court of Buncombe County a statement in writing, which statement and duplicate shall be subscribed and sworn to by such candidate before an officer authorized to administer oaths, setting forth in detail all sums of money, amount of whiskey and other things of value contributed, disbursed, expended, paid, given or promised to him, wholly or in part, endeavoring to secure his nomination or election to such office or place, and also all sums of money, amount of whiskey and other thing of value contributed, disbursed, expended, paid, given or promised by him in support of and in connection with the nomination or election of any other persons at such election, primary or nominating convention, or in connection with any election, general or special, showing the dates when the person to whom and the purposes for which all such sums were paid, expended or promised. Such statement shall also set forth that the same is as full and explicit as affiant is able to make it, and he shall also before some officer qualified to administer oaths take, subscribe to and file with said statement the following oath: "I do solemnly swear that the statement herewith filed embraces all money and all things given or contributed or spent in my behalf, with my knowledge or consent, by my adherents and friends. I also swear that I have neither directly or indirectly arranged, encouraged or connived at the spending of any money or other thing of value other than is shown in my said statement. I also swear that I have not repaid any money so spent or claimed to have been spent, and that I will not do so, and that I have not violated any of the provisions of this act in letter or in spirit. So help me, God."

Statement to be sworn to.

Form of oath.

Statement of campaign contributions.

SEC. 3. Every chairman of a committee, either campaign or executive, and every person, firm or corporation which shall directly or indirectly contribute, expend, pay, promise, give, loan or become pecuniarily liable for any money, whiskey or other valuable thing in behalf of or against any candidate for office at any election, primary or other nominating convention held in Buncombe County or in the city of Asheville, and the chairman, secretary or manager of every committee and every person, firm or corporation who shall either directly or indirectly contribute,

expend, pay, give, promise or loan to the chairman, secretary or manager of any executive committee, campaign committee, or to any political organization, or to any other person any money or other thing of value to be used at any election at which any question is to be voted for or against, or who shall give, pay, loan, promise or offer to pay or give any money, whiskey or other thing of value to any person to influence his vote for or against any question to be voted on at any election held in said county or city shall within five days after such election, primary or convention make out and file with the clerk of the superior court of the county in which he resides an itemized statement in writing, sworn to by the maker before an officer authorized to administer oaths, setting forth in detail all sums of money, amount of whiskey or other thing of value contributed, expended, promised, given or offered by him in support of or in connection with such election, convention, primary or other election at which any question is to be voted for or against, showing the dates, when, the person to whom and the purposes for which all such sums of money were paid, expended or promised, or other valuable thing given. Such statement shall set forth that the same is a full, complete and explicit statement, and the oath attached to such statement shall be as follows: "I do solemnly swear that the statement herewith filed by me embraces all money contributed, expended, paid or promised by me at the election held on the day of So help me, God."

Statement to be sworn to.

Form of oath.

SEC. 4. Any candidate, chairman, secretary or manager of any committee or other person, firm or corporation who shall fail to file the itemized sworn statement and oath mentioned in sections two and three of this act, in the manner and form prescribed, shall be liable to a fine of not exceeding five thousand dollars, to be recovered in the name of the State by any person suing therefor, and one-half of such fine so collected shall be paid to the person bringing the suit and one-half shall be paid into the school fund of the county. Any candidate or person who shall willfully file a false statement shall be guilty of perjury.

Penalty for failure to file statement.

False statement perjury.

SEC. 5. No officer or board authorized by law to issue commissions or certificates of election shall issue any such certificates or commissions to any such person until such statement and oath have been so made, verified and filed by such person with such officer.

Commissions not issued until statements filed.

SEC. 6. No person shall enter upon the duties of any elective office until he shall have filed the statement, oath and duplicate provided for in this act. nor shall he receive any salary or any emolument for any period prior to the filing of the same.

Statement to be filed before entering into office.

SEC. 7. Said statement and oath shall at all times be open to public inspection and copies of same furnished any applicant.

Statements open to inspection.

SEC. 8. Any person who shall for money or other thing of value vote, or agree, or promise to vote for or against any candidate

Persons having sold votes disqualified.

Judges of election
to challenge.

Power of judges.

Misdemeanor to
qualify voter by
paying poll tax.

Fine or imprison-
ment.

Penalty.

Witnesses pro-
tected.

Repealing clause.

Act limited to
Buncombe and
Asheville.

for office, or for or against any question to be voted on at any election to be held in said county and State, shall not be permitted to vote in such election. Whenever any judge of election or other person believes or has reason to believe that any voter has sold or has agreed or promised to sell his vote, it shall be the duty of such judge or other person to challenge such voter when he offers himself to vote, and such judges shall immediately try and determine the question as to whether such person shall be entitled to vote. Said judges shall have power to swear witnesses and take their testimony, and any person who falsely swears upon such investigation before said judges shall be guilty of perjury. Should the judges, upon all the testimony, become convinced that such person has sold or has agreed or promised to sell his vote they shall decline to allow such person to vote.

SEC. 9. If any person, firm or corporation, for the purpose of paying the poll tax of any voter in order to qualify said voter for voting according to the Constitution and laws of this State, shall either directly or indirectly contribute, expend, promise, pay, give, offer or loan any money or other valuable thing for the payment of the poll tax of any person who has failed to pay the same, or shall pay the poll tax of such person, such person, firm or corporation shall be guilty of a misdemeanor, and shall be fined not less than one hundred dollars nor more than one thousand dollars or imprisoned, in the discretion of the court, and in addition thereto shall be subjected to a penalty of two hundred dollars, to be recovered in a civil action by any person suing therefor, one-half to be paid to the person bringing the suit and the other one-half to be paid into the county school fund.

SEC. 10. The statement of any person testifying under this act shall not be used against him in any way.

SEC. 11. All laws and clauses of laws inconsistent with any of the provisions of this act are hereby repealed.

SEC. 12. This act shall only apply to all elections held in Buncombe County and the city of Asheville.

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 21st day of February, A. D. 1905.

CHAPTER 261.

AN ACT TO ESTABLISH A STOCK LAW FOR A PART OF NEILL'S CREEK TOWNSHIP IN HARNETT COUNTY.

The General Assembly of North Carolina do enact:

When law effect-
ive.

SECTION 1. That from and after the twentieth day of February, one thousand nine hundred and five, no person shall allow his or

her stock to run at large in the portion of Neill's Creek Township embraced in the following boundaries, to-wit: Beginning on the bank of Cape Fear River and runs with S. A. Salmon's fence, his line to the river road to J. A. Green's line on said road, then as his line and fence to Dr. J. F. Mackey's, then with his line and fence on said road to fence to Lily and Gray, then as said road and with the line across the land of Dr. J. A. Sexton, then with the fence of Lily and Gray on said road to the Vestal land, then as their fence to H. H. Poe's, then with his fence estate to Jenneb McMaman, then as their fence on said road to William Pearson's fence, then to W. F. Pearson's fence to a point on said road near Buie's Creek bridge, then with Pearson's and McKay's fence to Cape Fear River.

SEC. 2. That the word "stock" in the preceding section shall be construed to mean cattle, hogs, goats and all other live stock.

SEC. 3. That S. A. Salmon, J. A. Green and H. H. Poe be and they are hereby appointed fence commissioners in said territory, with power to contract with any person to erect and maintain a good and lawful fence along said boundaries as described in section first of this act and keep the same in good repair and to have good and sufficient gates placed across the public roads where necessary; that said commissioners shall hold their office for two years from the first day of March, one thousand nine hundred and five. And every two years thereafter the Commissioners of Harnett County shall elect three fence commissioners for said stock law territory as shall be recommended by land-owners in said territory. Said fence commissioners before proceeding to act as such shall take an oath before some one qualified to administer oaths that they will faithfully and impartially discharge the duties of their office; that they shall organize by electing one of their number chairman and one secretary, and they shall on or before the first Monday in June each and every year recommend to the County Commissioners of Harnett County the necessary tax to be levied upon the real estate in said territory for the erection and repairs of the fence and gates thereof and not exceeding the sum hereinafter specified: *Provided*, in lieu of said tax levy the owner of real estate within said boundary may agree with the fence commissioners to keep and maintain a fence across their own lands on said boundary.

SEC. 4. That for the purpose of erecting and maintaining and keeping in repair said fence and gates the Board of Commissioners of Harnett County shall, on the first Monday in June of each year, levy a tax upon all real estate within said territory to raise the required amount for the purpose herein expressed, not to exceed twenty-five cents in any one year on each one hundred dollars in value of land, as shown by abstract of tax list taken in said township. Said taxes shall be levied and collected as other county taxes and paid over to chairman of the fence com-

Stock law bound-
ary.

Fence commis-
sioners named.

Fence to be built.

Term of commis-
sioners.

Election of com-
missioners.

Oath.

Organization.

Fence tax.

Proviso.

Work in lieu of tax.

County commis-
sioners to levy
fence tax.

Limit.

missioners, who shall give bond for double the amount, payable to the State of North Carolina, for safe-keeping and disbursing of said fund as may be ordered by the fence commissioners, who shall have their secretary to keep a record of all receipts and disbursements.

Stock under general law.

SEC. 5. Any live stock above that may be found running at large in said territory may be taken up, impounded and dealt with as provided in chapter twenty, second volume of The Code and all laws amendatory thereto, and any person who shall willfully or maliciously burn, destroy, remove or otherwise injure the fence or gates of said territory, or leave the same open, or rescue or release any impounded stock, or obstruct the erection or repairing said fence shall be guilty of a misdemeanor, and the provisions of chapter twenty, second volume of The Code are hereby made applicable to said territory.

Injury to fence or release of stock misdemeanor.

Penalty.

Contiguous lands may be included.

SEC. 6. That any person or persons owning lands contiguous to the above stock law territory may have their land included in said territory upon such terms as may be agreed upon by the party so desiring on one part and the fence commissioners on the other, and when admitted shall be governed and become a part of the stock law territory within the meaning of this act, subject to the same taxes and privileges as are therein expressed.

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

In the General Assembly read three times, and ratified this the 21st day of February, A. D. 1905.

CHAPTER 262.

AN ACT TO AMEND CHAPTER 187, LAWS OF 1903, RELATIVE TO PUBLIC ROADS IN MADISON COUNTY.

The General Assembly of North Carolina do enact:

Special road tax.

Limit.

Proviso.
Part may be applied to poor fund.

SECTION 1. That section thirty (30) of chapter one hundred and eighty-seven (187) of the Public Laws of one thousand nine hundred and three (1903) be and the same is hereby amended to read as follows: "The Board of County Commissioners of Madison County shall, at the time of levying State and county taxes in each and every year, levy a special road tax of not more than six (6) cents on every one hundred dollars (\$100) worth of taxable property in Madison County and not exceeding eighteen (18) cents on each taxable poll, to be specially applied on the public roads of the county in the purchase of blasting and bridge material: *Provided, however,* that the board of commissioners of said county may apply not exceeding seventy-five (75)

per cent. of the amount so levied and collected to the support of the paupers of said county."

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

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

In the General Assembly read three times, and ratified this the 21st day of February, A. D. 1905.

CHAPTER 263.

AN ACT TO REGULATE THE PAY OF COUNTY SURVEYORS IN ROWAN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That county surveyors shall be allowed the sum of Three dollars per three dollars per day while in the actual discharge of their official duties: *Provided*, that this act shall only apply to the county Limited to Rowan. of Rowan.

SEC. 2. That all laws and clauses of laws in conflict with this Repealing clause. 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 21st day of February, A. D. 1905.

CHAPTER 264.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF GASTON COUNTY TO ISSUE BONDS IN THE SUM OF \$300,000 TO BUILD, MACADAMIZE AND IMPROVE THE PUBLIC ROADS OF SAID COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of building, grading, macad- Bond issue author- amizing and otherwise improving the public roads of Gaston ized. County the board of commissioners of said county is hereby authorized, empowered and directed to issue bonds of the county to an amount not exceeding three hundred thousand dollars Amount. (\$300,000). in denominations not exceeding one thousand dollars Denominations. (\$1,000), bearing interest from the date thereof at not exceeding Interest. the rate of four per centum per annum, with interest coupons attached, payable semi-annually at such time and places as may be directed by said board of county commissioners; such bonds

Description of bonds.	to be of such form and tenor, and transferable in such way, and the principal thereof payable at such time or times, not exceeding thirty years from the date thereof, and at such place or places as the said board of county commissioners may determine: <i>Provided</i> , that none of the bonds authorized by this act shall be disposed of either by sale, exchange, hypothecation or otherwise for a less price than their face value.
Proviso. Bonds not to be sold under par.	
Bonds numbered, how authenticated.	SEC. 2. Such bonds and coupons shall be numbered and shall be signed by the chairman of said board of commissioners and attested by the treasurer of said county and shall bear the corporate seal of said county.
Record of bonds.	SEC. 3. A record shall be kept by the said board of commissioners in a separate book for that purpose of all bonds sold, and to whom, the amount and date of sale, and the issuing of each bond and its number.
Special tax for interest, sinking fund and road fund.	SEC. 4. In order to pay the interest on said bonds, create a sinking fund for taking up said bonds at maturity, and supporting the chain-gang or convict force, and establishing, altering and maintaining the public roads and highways of said county in good condition, the board of commissioners for the county of Gaston, or other authorities vested with levying taxes for said county, shall annually compute and levy at the time of levying other county taxes a sufficient 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: <i>Provided</i> , there shall not be at any time levied in the county of Gaston for the purpose of road improvement, and including all expenditures made necessary by this act, a tax greater than twenty-five (25) cents upon the hundred dollars of property and seventy-five (75) cents on each poll.
Rate.	
Tax to be kept separate.	SEC. 5. That said taxes when collected shall be kept separate and apart from all other taxes and shall be used only for the purpose for which it was collected.
Investment of sinking fund.	SEC. 6. That it shall be the duty of the board of commissioners for the county of Gaston to annually invest any and all moneys arising from the special tax for sinking fund in the purchase of any of said bonds at a price deemed advantageous to said county by said board of commissioners, and to be agreed upon between them and the owners thereof. But in case said county bonds cannot be purchased, the said commissioners shall invest said sinking fund upon approved security and upon terms advantageous to said county.
Interest on sinking fund.	SEC. 7. That any money of said sinking fund so loaned shall have the legal rate of interest in North Carolina, and any interest from said fund shall be annually invested in the same way.

SEC. 8. That the money arising from the sale of said bonds shall be used to purchase improved road-working machinery, to survey, to lay out, grade, macadamize, improve and maintain the public roads of said county by contract or otherwise, and in guarding and maintaining such convict force as may from time to time be assigned to work on said roads.

Expenditure of
proceeds of bonds.

SEC. 9. That the bonds herein provided for shall be deposited in some safe deposit company or bank to be designated by said board of commissioners, and only drawn out on the joint order of the said board of commissioners and the treasurer of said county, the proceeds of which shall be applied to the purposes as herein provided for.

Bonds to be de-
posited.

SEC. 10. For the purpose of ascertaining the wishes of the voters of Gaston County upon the question of issuing such bonds and improving the roads as provided for in this act, an election shall

Election on bond
issue.

be held at all the voting precincts in said county of Gaston on the first Tuesday in May in the year one thousand nine hundred and five (1905), it being the second day of the said month of May. At said election all voters in Gaston County qualified to vote at said election may vote a written or printed ticket. Those who favor the purposes of this act shall vote a ticket with the words "For Road Improvements" written or printed thereon, and those who oppose the purposes of this act shall vote a ticket with the words "Against Road Improvements" written or printed thereon.

Form of ballots.

And if a majority of the voters of Gaston County qualified to vote at said election shall vote "For Road Improvements," then the bonds provided for in this act shall be issued and sold according to the provisions herein contained. The said election shall be

Bonds to be issued
if act approved.

held in the manner provided by law for the election of members of the General Assembly, except as is otherwise or differently provided in this act. There shall be a new registration of said voters of said county for said election, and the registration books for said new registration shall be opened from the first day of April, one thousand nine hundred and five, at twelve o'clock noon, and shall be closed on the twenty-ninth day of April, one thousand nine hundred and five, at sunset. The registrars and judges of

Election under
general law.

New registration.

election of each precinct shall meet at their respective precincts on Saturday, the twenty-ninth day of April, one thousand nine hundred and five, at nine o'clock A. M., and shall hear any complaint for refusing of registration and also all challenges which may be made against any person admitted to registration. But

Challenge day.

no name shall be erased from the registration list without notice to said person and a hearing, and said hearing may be on said date or at any day after the registration books shall have closed to and including the day of election. The registrars and judges of election shall be appointed by the board of commissioners for the county of Gaston not later than the first Monday in March, one thousand nine hundred and five, and the list of persons so

Notice of hearing
challenge.

Appointment of
registrars and
judges.

- appointed shall be published for two weeks in some newspaper published in Gaston County during the month of March, one thousand nine hundred and five. There shall be appointed one registrar and two judges of election for each precinct, and the said registration and election shall be held in all respects like the elections for members of the General Assembly are held, except as is otherwise or differently provided in this act. At the close of the election in each precinct the votes shall be counted and returned, over the signatures of the registrars and judges of election, or a majority of them, to the board of commissioners for the county of Gaston. Abstracts or blanks for this purpose shall be prepared by said board of commissioners and furnished to each precinct, and the registrar or one judge of election shall be chosen as a messenger to transmit said returns to said board of commissioners. Said returns shall be executed in triplicate. One copy shall be transmitted as aforesaid to the board of commissioners of the county of Gaston, one copy to the clerk of the superior court of said county, and one copy retained by the registrar of each precinct. On the second Monday in May, one thousand nine hundred and five, being the eighth day of said month, and the Monday succeeding the election the board of commissioners for the county of Gaston shall meet as a canvassing board and shall receive the returns of said election, and shall canvass and judicially pass upon the same and declare the result of said election. If a majority of the voters of Gaston County qualified to vote at said election shall have voted "For Road Improvements," then the bonds provided for in this act shall be issued and sold. At any election held under this act any person who shall not have been entitled to registration while the said registration books were open for registration, but shall have become entitled to registration after said registration books were closed, and before or on the day of election, shall be entitled to register on the day of election and vote.
- Count and return of votes.**
- Abstracts and blanks.**
- Returns in triplicate.**
- Canvassing board.**
- Persons qualified after registration.**
- Former road law in force except where inconsistent.**
- Future elections if act not approved at first election.**
- SEC. 11. That this act shall not be construed as repealing any part of chapter five hundred and eighty-one (581) of the Public Laws of eighteen hundred and ninety-nine (1899) except in so far as the said chapter or any part thereof may be repugnant to any part of this act.
- SEC. 12. That if a majority of the voters of Gaston County qualified to vote at the election hereinbefore provided for shall fail to vote "For Road Improvement" at such election, then and in that event the same question may again be submitted to the voters of Gaston County, by order of the board of commissioners for the county of Gaston at such time or times as said board of commissioners shall designate and appoint in the year nineteen hundred and six (1906), in the years nineteen hundred and seven (1907), nineteen hundred and eight (1908) and nineteen hundred

and nine (1909): *Provided*, that if at any such election a majority of the voters of said county qualified to vote in any such election shall vote "For Road Improvement," then no further election shall be held on said question, but the board of commissioners of said county of Gaston shall proceed to issue and sell bonds of said county to an amount not exceeding three hundred thousand dollars (\$300,000) in the manner and for the purposes specified hereinbefore. There shall be a new registration for each and every election. Such elections shall be held in the manner provided by law for the election of members of the General Assembly, except as is otherwise or differently provided in this act. The board of commissioners of Gaston County shall, at least forty days before any such election, appoint one registrar and two judges of election for each precinct, and a list of the persons so appointed shall be published for two weeks next succeeding this appointment in some newspaper published in said county. The registrar of each precinct shall be furnished with a registration book by said board of commissioners, and it shall be his duty between the hours of nine (9) o'clock A. M. and sunset on each day (Sunday excepted) for twenty (20) days preceding the day for closing the registration books, as hereinafter provided, to keep open said registration book for the registration of any electors residing within such precinct and entitled to registration. The said registration books shall be closed for registration at sunset on the second Saturday before each such election. On each Saturday during the period of registration the registrar shall attend with his registration book at the polling place of his precinct for the registration of voters; it shall be the duty of the registrar to attend the polling place in his precinct on the Saturday preceding the election from the hour of nine (9) o'clock A. M. to the hour of three (3) o'clock P. M., when and where the said books shall be open to inspection of the electors of the precincts, and any of said electors shall be allowed to object to the name of any person appearing on said books: *Provided*, nothing herein contained shall prohibit any elector from challenging or objecting to the name of any person registering or offering to register at any other time than that above specified. Challenges or objections shall be heard and disposed of in the manner specified in the general election law of this State. At the close of the election in each precinct the votes shall be counted and returned, over the signatures of the registrar and judges of election, or a majority of them, to the board of commissioners for the county of Gaston. Abstracts or blanks for this purpose shall be furnished by said board of commissioners, and the registrar or one judge of election shall be chosen as a messenger to transmit the said returns. Said returns shall be executed in triplicate, and one copy shall be transmitted as aforesaid to the board of commissioners for the county of Gaston, one copy to the clerk of the superior court of said county and

Proviso.

No further election if bonds approved.

New registration for each election.

Regulations for further elections.

one copy shall be retained by the registrar. On the Monday next succeeding the election the board of commissioners for the county of Gaston shall meet as a canvassing board and shall receive the said returns of election, shall canvass and judicially pass upon the same, and shall declare the result of the election. If a majority of the voters of Gaston County qualified to vote at such election shall have voted "For Road Improvement," then the bonds provided for in this act shall be issued and sold according to the provisions hereinbefore set forth.

No tax levy under former road law.

SEC. 13. That when the board of commissioners for the county of Gaston shall have issued and sold the bonds provided for in this act, said board of commissioners shall thereafter levy no tax under the provisions of chapter five hundred and eighty-one of the Public Laws of one thousand eight hundred and ninety-nine, and no free labor on the roads of said county shall thereafter be required of any person under the provisions of sections four, five, six or seven of said act or any other act.

Free road labor abolished.

Secretary to send copy of act.

SEC. 14. Immediately after the passage of this act the Secretary of State shall send a certified copy of the same to the registrar of deeds of Gaston County.

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 21st day of February, A. D. 1905.

CHAPTER 265.

AN ACT FOR THE BETTER PROTECTION OF CLAMS IN THE WATERS OF NEW HANOVER COUNTY.

The General Assembly of North Carolina do enact;

Close season.

SECTION 1. That it shall be unlawful for any person or persons, firm or corporation to catch any clams in the waters of New Hanover County for sale, or to pound, or to bed, or to ship outside of the county of New Hanover, between the first day of April and the first day of November of any year.

Misdemeanor.
Penalty.

SEC. 2. Any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction fined not exceeding fifty dollars (\$50) or imprisoned not exceeding thirty (30) days for each and every offense.

Clams for table use.

SEC. 3. This act shall not be construed to prevent the catching and selling of clams for table use to the residents of the sounds, of the city of Wilmington and of New Hanover County between the first (1st) day of April and the first (1st) day of November in each year.

SEC. 4. All laws and clauses of laws in conflict with this act Repealing clause.
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 21st day of February, A. D. 1905.

CHAPTER 266.

AN ACT TO PROVIDE FOR AND REGULATE THE HOLDING OF PRIMARY ELECTIONS IN THE CITY OF ASHEVILLE AND IN THE COUNTY OF BUNCOMBE.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of choosing candidates for county, city and township offices and for the purpose of ascertaining the wishes of the voters as to their choice for candidates for Congress, for solicitor and for judge of the superior court, and for selecting delegates to county conventions and electing precinct committees, every political party in Buncombe County and in the city of Asheville shall hold at the usual voting places a primary election, the date thereof to be fixed by the executive committees of the different political parties. Primary elections for selection of candidates.

SEC. 2. The hours for holding said primary elections within the city of Asheville shall be from one P. M. to eight P. M., and the hours for holding said primary elections in all precincts outside of the city of Asheville, hereinafter called "Country Precincts," shall be from two P. M. to five P. M. All primary elections of any one political party shall be held on the same day. Hours of election : In Asheville. In outside precincts. On same day.

SEC. 3. In the city of Asheville there shall be a party registration of voters and no person in said city shall be allowed to vote in any primary unless he shall have been registered as provided for in this act. Party registration in Asheville.

SEC. 4. There shall be appointed by the executive committee a registrar for the city precincts, and there shall also be appointed by the executive committee two managers for each city precinct, and two managers shall also be appointed by the executive committee for each country precinct. The two managers for each city precinct, together with the registrar and the two managers for each country precinct, shall constitute the precinct board of managers for holding primary elections. Registrar and managers.

SEC. 5. The registration books of the city precincts shall be kept open at the usual voting places for six days preceding the date for the closing of registration books and shall be open between the hours of nine A. M. and five P. M., except that on the last day of registration they shall close at eight P. M. Said Registration.

- When to close. registration books shall close on the second day preceding the date of the primary. No person shall be permitted to register except at the times herein specified and shall not be permitted to register except at the voting places. The registration books shall at all times be open to the inspection of any one who may desire to examine the same.
- Registration books open for inspection.
- Oath of registrar and managers. SEC. 6. Before entering upon their duties the registrars and managers shall take and subscribe to an oath before a notary public or some other officer authorized to administer oaths that they will honestly, fairly, impartially and lawfully hold said primary election.
- Voters to take oath. SEC. 7. Every voter desiring to register in any of the city precincts, before he is registered shall take the following oath: "I do solemnly swear that I am a *bona fide* member of the party, and that I am a resident of Precinct Number, and that at the election to be held on the day of for offices I will have been a resident of the State of North Carolina for two years; and I do further swear that I am a qualified elector under the laws of the State of North Carolina."
- Form of oath.
- Challenge day. SEC. 8. On the day before a primary election is held the registrars and managers appointed for the city precincts shall assemble at ten o'clock A. M. for the purpose of allowing an examination of the registration books, and any person shall be permitted to challenge the right of any voter whose name appears thereon; and the judges, after notice to the person whose vote is challenged, shall hear and determine the right of the said voter to vote in said primary election; and if said managers are satisfied from the evidence, which they shall hear upon oath, that the person challenged is not entitled to vote, the name of the person so challenged shall be struck from the registration books and he shall not be permitted to vote in said primary election.
- Challenges in outside precincts. SEC. 9. The managers for the country precincts shall also have the right and power to determine the right of any voter to vote in any primary election held in their respective precincts, and voters may be challenged and a trial had on the day of the primary either for the country or city precincts.
- Eligibility of voters. SEC. 10. Every *bona fide* member of a political party who is a qualified elector shall be permitted to participate in the primary of that political party to which he belongs, but only in the precinct in which he resides; and before any voter shall be allowed to vote in such primary in the country precincts he shall take an oath that he is a duly qualified elector for said primary election and that he has not voted before in said primary election.
- Ballot boxes to be opened and inspected. SEC. 11. Before any ballots are received for said primary election, and immediately before opening the polls, the managers shall open each ballot box to be used in such election and examine the same carefully to ascertain whether there are any ballots in the box. The box shall then be closed and locked and the ballots
- Ballots deposited.

shall be deposited in the same, through an opening in the top, and said box shall not be opened until the election is closed. The managers shall also keep a complete list of the names of each voter voting at such election, and at the close of such election the managers shall publicly count the votes and declare the result; and shall on or before eleven o'clock of the second day after the primary certify the same to the chairman of the executive committee.

Box not to be opened.

Poll books to be kept.

Managers to count votes, declare and certify results.

SEC. 12. The executive committee shall meet at eleven o'clock on the second day after the primary and canvass the vote and declare the result; and if any person has received a majority of all the votes cast for the office for which he is a candidate the said committee shall so declare and the person receiving the majority of votes shall be the nominee of his party; but if no person has received a majority of all the votes cast for an office the committee shall declare the person receiving the highest number of votes to be the nominee of the party for such office unless the person receiving the next highest vote for such office demands of said committee in writing that another primary be held; in which case a second primary shall be ordered and held under the rules and regulations herein provided, and said second primary shall be held within ten days from the time of said call: *Provided*, that in the second primary election no votes shall be cast except for the two persons receiving respectively the highest and next highest vote in the first primary. In the event each person voted for in the second primary receives the same number of votes the executive committee shall decide which of them shall be the candidate of the party for that office. No new registration shall be allowed for the second primary.

Executive committee to canvass votes.

Plurality of votes to determine result.

Person next highest may demand new election.

Proviso.

In second primary only two voted for.

Committee to break tie.

No registration for second election.

SEC. 13. At such primary an executive committee of five shall be elected in each precinct, and there shall also be elected as delegates to the county convention the number of delegates to which each precinct may be entitled.

Executive committee and delegates elected by primary.

SEC. 14. Every person who wishes to be a candidate before said primary shall, at or before ten o'clock P. M. on the tenth day preceding the date of the same, file with the executive committee a written announcement naming the office for which he is a candidate, and stating that he will abide the result of the primary; and he shall also pay to the executive committee the sum of ten dollars, the same to be used in defraying the expenses of holding said primary, and the name of no candidate shall be printed upon the official ballot until he has paid said ten dollars: *Provided, however*, that five friends of any person who may desire to be a candidate may, at or before ten P. M. on the tenth day preceding said primary, file with the secretary of the committee a written statement requesting said secretary to place the name of such candidate upon the official ballot, and should such statement or request be so filed the name of such person shall be

Candidates to file announcement.

Entrance fee of candidates.

Proviso.

Friends of candidate may announce candidacy.

Proviso.

Justices of the peace and constables in outside township excepted. Candidates for representatives distinguished.

placed upon the official ballot, provided ten dollars is deposited with the executive committee as herein provided: *Provided, however*, that this section shall not apply to justices of the peace and to constables other than in Asheville Township. Candidates for the lower house of the General Assembly shall be designated and voted for as representative number one and representative number two, and announcements of such candidates shall so be made.

No announcement necessary for executive committee men nor delegates to convention.

SEC. 15. It shall not be necessary for persons to be voted for as delegates to the county convention or as members of the precinct committee to announce themselves as candidates, but such persons may file their announcements or five friends of such persons may file a written request that their names may be printed upon the official ballot for the respective precincts in which they are to be voted; and if they are so filed at or before ten P. M. on the tenth day preceding the primary, the names of such persons shall be placed upon the official ballot.

Lists of candidates to be published.

SEC. 16. The executive committee shall immediately after the announcements of all candidates have been filed publish for at least two times a list of the same in at least two newspapers published in the city of Asheville. Said executive committee shall provide registration books, poll books, ballot boxes and voting places, and shall also print the official ballots and attend to the delivery of tickets at the voting places, and have general supervision of the primary; and shall pay each registrar and manager one dollar and a half per day for services.

Official ballots.

SEC. 17. The names of all candidates except justices of the peace and of members of the precinct committee and of delegates to the county convention shall be written or printed on one piece of paper, and no other tickets shall be voted or counted at such primary election. The names of all candidates for one office shall be grouped together under the title of the office for which the persons named are candidates, and immediately under the title of the office and above the name of the first candidate there shall appear in parentheses the words "Vote for one," and every voter shall indicate his choice of candidates by drawing a mark made by either pen or pencil through the names of the candidates for which he does not care to vote. Each voter shall be allowed to vote for one candidate for each office, and should any voter attempt to vote for more than one candidate for any one office the votes for the same shall not be counted. There shall also be sufficient space on the official ballot for the names of five precinct committees and for the number of delegates each precinct may be entitled to in the county convention.

How ballots printed.

How choice indicated.

One candidate for each office.

Additional space on ballot.

Penalty on voter for false swearing.

SEC. 18. Any voter who shall swear falsely in taking the prescribed oath, or shall unlawfully vote in any election, or repre-

sent another person in order to vote, shall be guilty of a misdemeanor and fined not exceeding fifty dollars or imprisoned not exceeding three months.

SEC. 19. Any voter who has participated in one party primary and attempts to vote in a different party primary election held for the same purpose during the same political campaign shall be guilty of fraudulently voting, and shall be punished in the same manner and to the same extent as if he had voted illegally in a general election; and if any voter who is not entitled in a party primary shall vote in any primary except that of the party to which he belongs he shall be guilty of a misdemeanor, and shall be fined not less than ten dollars nor more than fifty dollars, or be imprisoned not less than ten days nor more than thirty days.

Penalties for fraudulent voting.

SEC. 20. If any person, whether candidate or otherwise, shall influence or attempt to influence the vote of another by the use of money, intoxicating liquors, or by anything of value, or shall bribe or offer to bribe any voter by a promise of anything as a reward to be delivered or a service to be performed prior to, at the time of, or subsequent to the time of the primary, he shall be guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five nor more than one hundred dollars.

Penalty for bribery or attempt to bribe.

SEC. 21. On the day after every primary election is held every candidate voted for in the same shall file with the Clerk of the Superior Court for Buncombe County an itemized sworn statement of the money or other things of value spent or used by him in said primary election, setting forth the name of the person to whom money or other thing of value was given and the purpose for which it was given; and should any candidate fail or refuse to file such sworn statement within the time prescribed he shall be disqualified for the nomination to which he aspires, and in addition thereto shall be guilty of a misdemeanor and shall be fined not less than fifty dollars.

Candidates to file statement of election expenses.

Penalty on failure.

SEC. 22. Every person, firm or corporation who shall contribute, use or give, directly or indirectly, any money or other thing of value to the executive committee to assist in conducting a primary, or who shall contribute, use or spend any money or other thing of value to influence or secure the nomination of any candidate either directly or indirectly shall file with the Clerk of the Superior Court of Buncombe County on the day of the primary an itemized sworn statement setting forth the money or other thing of value used or given for such purpose, also the name of the person to whom the same is given; and any person, firm or corporation who fails to comply with the provision of this section shall be guilty of a misdemeanor and fined not less than one hundred dollars.

Contributors to file statement.

Penalty on failure.

SEC. 23. The executive committee of any political party by a two-thirds majority of all the members of the committee shall have the power and authority to make such other rules and regulations.

Executive committee may make further regulations.

Or refuse to hold primary.

Proviso.
Act limited to Buncombe county.

lations as they may deem advisable for the proper holding of any primary election in the said city of Asheville and said county of Buncombe, and may with a two-thirds majority of all the members of the executive committee refuse and decline to hold any primary election whatever if they should desire: *Provided*, this act shall apply only to Buncombe County.

SEC. 24. This act shall be in force and effect from and after its ratification.

In the General Assembly read three times, and ratified this 22d day of February, A. D. 1905.

CHAPTER 267.

AN ACT TO PREVENT OBSTRUCTING OF PEACHTREE CREEK, CHEROKEE COUNTY, BY FELLING TREES OR BRUSH THEREIN.

Unlawful to put trees or brush in stream.

Misdemeanor.
Penalty.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person to obstruct the waters of Peachtree Creek in the county of Cherokee by cutting, felling or putting any tree or trees or brush in said stream, unless the same shall be immediately removed.

SEC. 2. That any person violating the provisions of this act shall be guilty of a misdemeanor and upon conviction shall pay a fine of not more than ten dollars (\$10) nor less than two dollars (\$2) or imprisoned not more than thirty days in the discretion of the court.

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 22d day of February, A. D. 1905.

CHAPTER 268.

AN ACT TO PREVENT THE FELLING OF TIMBER TREES AND THE DEPOSITING OF DEAD BODIES IN THE STREAMS OF ASHE AND BUNCOMBE COUNTIES.

Unlawful to fell and allow timber to remain in any creek or river.

Misdemeanor, penalty.

The General Assembly of North Carolina do enact:

SECTION 1. That if any person shall fell any timber tree and wantonly permit same to remain in any creek or river in Ashe and Buncombe Counties, or if any timber tree, which has fallen on his premises, to remain in any creek or river in said counties, he shall be guilty of a misdemeanor and be fined not less than five

nor more than twenty dollars or imprisoned not more than thirty days.

SEC. 2. That if any person shall willfully and wantonly deposit any dead animal of any kind in any of the streams of Ashe and Buncombe Counties he shall be guilty of a misdemeanor and fined not less than two nor more than twenty dollars or imprisoned not more than thirty days. Unlawful to deposit dead animals in streams.
Misdemeanor, penalty.

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

In the General Assembly read three times, and ratified this the 22d day of February, A. D. 1905.

CHAPTER 269.

AN ACT TO PREVENT FISHING IN THE WATERS IN CECIL AND CATALOOCHEE TOWNSHIPS IN HAYWOOD COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful to catch or destroy fish in the waters of Cecil and Cataloochee Townships in Haywood County until April first, one thousand nine hundred and seven. Close season until 1907.

SEC. 2. That any person violating the provisions of this act shall be fined not less than ten nor more than fifty dollars, one-half of the fine to go to the informer and the other half to the school fund. Penalty.

SEC. 3. That any person violating the provisions of this act and upon conviction and refusal to pay the fine imposed by the court shall, in lieu of paying such fine, be worked on the public roads of said county or imprisoned in the county jail for a term of thirty days. Person refusing to pay fine worked on roads or imprisoned.

SEC. 4. That this act shall be in force from and after April first, one thousand nine hundred and five. When act in effect.

In the General Assembly read three times, and ratified this the 22d day of February, A. D. 1905.

CHAPTER 270.

AN ACT TO REPEAL CHAPTER 81, PUBLIC LAWS OF 1897, AND CHAPTER 121, PUBLIC LAWS OF 1899, RELATING TO THE HUNTING OF DEER IN HYDE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter eighty-one (81), Public Laws of eighteen hundred and ninety-seven (1897), and chapter one hundred and twenty-one, Public Laws of eighteen hundred and ninety-nine (1899), be and the same are hereby repealed. Laws protecting deer 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 22d day of February, A. D. 1905.

CHAPTER 271.

AN ACT SUPPLEMENTAL TO AN ACT RATIFIED THE 9TH DAY OF FEBRUARY, 1903, ENTITLED "AN ACT TO PROTECT FISH AND BIRDS IN BURKE COUNTY."

The General Assembly of North Carolina do enact:

Close season established for partridge, quail and pheasants.

SECTION 1. That an act ratified the ninth day of February, nineteen hundred and three, entitled "An act to protect fish and birds in Burke County," be and the same is hereby amended as follows: "That it shall be unlawful for any person to net, trap, kill, capture or destroy any partridge, quail or pheasant in the county of Burke between the first day of February and the first day of November in any year."

Misdemeanor.
Penalty.

SEC. 2. Any person violating section one of this act shall be guilty of a misdemeanor and punished by fine not exceeding fifty dollars or imprisoned in jail not exceeding thirty days.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

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

In the General Assembly read three times, and ratified this the 22d day of February, A. D. 1905.

CHAPTER 272.

AN ACT RELATING TO THE BIRD LAW IN CATAWBA COUNTY.

The General Assembly of North Carolina do enact:

Close season for partridge and quail.

SECTION 1. The close season in Catawba County, or time in each year during which quail and partridges shall not be shot, killed, wounded, netted or trapped, or in any manner hunted, taken or captured, shall be from the fifteenth day of February to the fifteenth day of November.

Misdemeanor.
Penalty.

SEC. 2. That every person violating this act shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

SEC. 3. That all laws and clauses of laws in conflict with this Repealing clause. 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 22d day of February, A. D. 1905.

CHAPTER 273.

AN ACT TO BETTER REGULATE FISHING IN CURRITUCK SOUND.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons to catch or capture any fish with nets or other appliances in the waters of Currituck County between the thirty-first (31st) day of March and the twentieth (20th) 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, not to exceed twenty-five (25) pounds at any time for home consumption, and sell or give not more than ten (10) pounds to any one person in one day: *Provided further*, that any person or persons found with more than twenty-five (25) pounds of fresh-water fish in their possession between the thirty-first (31st) day of March and the twentieth (20th) day of October of each year shall be guilty of a misdemeanor, herring, mullets, shad and eels excepted: *Provided further*, it shall be unlawful to catch eels for market between the thirtieth day of April and the twentieth day of October following in each year.

Close season from 31st March to 20th October.

Shipping forbidden. Proviso.

May catch for home use.

Proviso.

Having fish in possession misdemeanor.

Exceptions.

Proviso. Close season for eels 30th April to 20th October.

SEC. 2. That any constable, game warden or justice of the peace of Currituck County who may be informed, or have cause to suspect that this act is being violated, is hereby authorized and empowered to examine the contents of any fishing boat, or packages in transit, and any person or common carrier refusing to exhibit the contents of any fishing boat or package to such officer shall be guilty of a misdemeanor.

Right of search.

SEC. 3. That it shall be unlawful for any firm, 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 (6) pound or dutch nets, or use more than one hundred (100) yards of hedging to a net, or set a stand of said nets exceeding eight hundred (800) yards in length from land to the extreme outward end.

Use of nets limited.

SEC. 4. That it shall be unlawful for any person or persons to set any pound or dutch nets to the east of the center of Currituck Sound.

Dutch nets unlawful east of center of Currituck Sound.

Proviso.
Exceptions.

tuck Sound: *Provided*, that this act shall not prohibit the setting or fishing pound or dutch nets on the east side of Currituck Sound from the west point of Mackey's Island north of the Virginia line.

Unlawful to start
fishing before sun-
rise or continue
after dark.

SEC. 5. That it shall be unlawful for any person or persons to leave any landing or anchorage before sunrise for the purpose of fishing in Currituck Sound or tributaries, or to continue to fish after dark: *Provided*, that this act shall not prohibit fishing after dark in that part of said sound west of a line beginning at the north point of Bell's Island, thence north not more than one thousand (1,000) yards from the main land to the mouth or entrance of Tull's Creek: *Provided further*, that this act shall not prohibit night fishing between the thirty-first (31st) day of March and the twentieth (20th) day of October, five hundred (500) yards from the shore from Martin's Point to Kitty's Hawk Bay.

Proviso.
Exception.

Proviso.
Further exception.

SEC. 6. That this act shall not prohibit the setting of fishing or pound nets between September fifteenth (15th) and April thirty-first (31st) following of each year, not exceeding five hundred (500) yards east of a line beginning at Pig Point, a straight course south to the southeast point of Powell's Point.

Another exception.

Misdemeanor.

SEC. 7. That any person violating any of the preceding sections or any part thereof shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars (\$50) nor less than twenty-five dollars (\$25) for each and every offense.

Penalty.

Repealing clause.

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

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

In the General Assembly read three times, and ratified this the 22d day of February, A. D. 1905.

CHAPTER 274.

AN ACT TO PREVENT THE DESTRUCTION OF SMALL MENHADEN IN THE WATERS OF THE STATE OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Size of net or seine
prescribed.

SECTION 1. That it shall be unlawful for any person, firm or corporation to catch any menhaden or fatbacks within the waters of the State of North Carolina to the extreme limits of the State's jurisdiction in and over such waters in any purse net or purse seine with a bar of less than one (1) inch and with a mesh of less than two (2) inches; and that for the purposes of this act the following boundaries be and the same are hereby declared to be the boundaries to which the waters of the said State extend.

to-wit: a distance of three (3) nautical miles, measured from the outer beach or shores of the State of North Carolina out into the waters of the Atlantic Ocean; and any portions of any water within a distance of three (3) miles from said waters of the Atlantic Ocean to any beach or shore of said State shall be deemed within the waters of said State for the purposes of this act.

SEC. 2. That it shall be unlawful for any person, firm or corporation to knowingly cook or manufacture for fertilizer any menhaden or fatbacks caught in any net or seine having bars of less than one (1) inch or having meshes of less than two (2) inches at any place within the State of North Carolina.

SEC. 3. That any person, firm or corporation violating any of the provisions of this act shall be guilty of a misdemeanor, and for each and every offense shall be fined not less than five hundred dollars or imprisoned for one year, or both, in the discretion of the court.

In the General Assembly read three times, and ratified this the 22d day of February, A. D. 1905.

CHAPTER 275.

AN ACT TO FIX SALARIES FOR THE PUBLIC OFFICERS OF GUILFORD COUNTY AND TO INCREASE THE ROAD FUND.

The General Assembly of North Carolina do enact:

SECTION 1. The Sheriff of Guilford County may appoint one or more deputies in each township in the county, and may allow such deputies the fees made and collected by them in serving summons, subpoenas, notices and processes of all kinds and all fees and commissions made and collected by them from executions.

SEC. 2. All other fees, commissions, profits and emoluments of all kinds now belonging or appertaining to or hereafter by any law belonging or appertaining to the sheriff by virtue of his office shall be faithfully collected by him and turned over to the treasurer of said county, to be disposed of as hereinafter provided.

SEC. 3. The sheriff shall appoint a jailer, whose salary shall be fixed by the board of county commissioners: *Provided*, that such salary shall not be less than fifty dollars per month.

SEC. 4. The said sheriff shall receive a salary of two thousand five hundred dollars per annum in lieu of all other compensation whatsoever, and may appoint one deputy at a salary to be fixed by the county commissioners: *Provided*, that said salary shall not

be less than six hundred dollars per annum: *And provided further*, that the sheriff's bond shall be paid for out of the fund hereinafter created.

Clerk superior court, register of deeds and treasurer to collect fees and turn over to county treasurer.

SEC. 5. The clerk of the superior court, the register of deeds and treasurer of said county shall faithfully collect, account for and turn over to the treasurer of said county, to be disposed of as hereinafter provided, all fees, commissions, profits and emoluments of every kind now or hereafter by any law accruing, belonging or appertaining to them by virtue of their office.

Salary of clerk of superior court and register of deeds.

SEC. 6. The clerk of the superior court and register of deeds shall each receive a salary of two thousand two hundred and fifty dollars per annum in lieu of all other compensation whatsoever, and shall each be allowed the sum of one thousand dollars per annum for clerk hire and assistants, if in their opinion so much shall be needed.

Salary of treasurer.

SEC. 7. The Treasurer of Guilford County shall receive a salary of twelve hundred dollars per annum in lieu of all other compensation whatsoever.

Officers to perform duties.

SEC. 8. The officers hereinbefore mentioned shall faithfully perform all the duties of their several offices imposed upon them by law, and shall receive no other compensation or allowances whatsoever for any extra or additional service rendered to the county or State or other governmental agencies, and they shall be liable to all the pains and penalties now or hereafter provided for failure to perform the duties of their several offices.

Fees paid over apportioned.

SEC. 9. All the moneys coming into the hands of the Treasurer of Guilford County by virtue of this act shall be held by him as separate and distinct fund, and after paying the salaries and allowances provided for in this act and after paying for the sheriff's bond in some bonding company the balance of said fund shall semi-annually be paid to the treasurer of the "Highway Commission," to be used by the said commission in the permanent improvement of the roads of Guilford County.

Balance paid monthly.

SEC. 10. The salaries and allowances herein provided for shall be paid by the treasurer of said county, upon warrant as required by law, to the officers and assistants in monthly installments:

Proviso: allowances may be paid as needed.

Provided, that the allowances may be paid in warrants of irregular size, according to the needs of the various offices, but shall never exceed for the year the amounts herein provided.

Settlements monthly.

SEC. 11. The officers hereinbefore required to turn over to the Treasurer of Guilford County moneys coming into their hands shall make settlement with said treasurer on the last day of each and every month; and the county commissioners may at any time require said officers, or any of them, to exhibit to them all books and accounts, showing all moneys received and turned over to the treasurer under the provisions of this act.

Officer failing to collect fee guilty of misdemeanor.

SEC. 12. Any officer or clerk or assistant herein mentioned who shall wilfully fail or refuse to collect the full fee, commission or

emolument of any kind belonging to this office shall be guilty of a misdemeanor.

SEC. 13. All laws and parts of laws in conflict herewith are Repealing clause. hereby repealed.

SEC. 14. That this act shall be in full force and effect on and after the first Monday in December, 1906.

In the General Assembly read three times, and ratified this the 23d day of February, A. D. 1905.

CHAPTER 276.

AN ACT TO AMEND CHAPTER 644, PUBLIC LAWS OF 1901, RELATIVE TO WORKING CONVICTS ON PUBLIC ROADS.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter six hundred and forty-four, Public Laws of one thousand nine hundred and one, be amended by striking out the word "shall" in line six and inserting in lieu thereof the word "may," and that section two of said act be amended by striking out the word "shall" in line one and inserting in lieu thereof the word "may." Execution made discretionary.

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

In the General Assembly read three times, and ratified this 23d day of February, A. D. 1905.

CHAPTER 277.

AN ACT TO AMEND SECTION 2 OF CHAPTER 147, PUBLIC LAWS OF 1885, TO EXTEND THE TIME FOR PROOF OF DEEDS.

The General Assembly of North Carolina do enact:

SECTION 1. That section two, chapter one hundred and forty-seven of the Public Laws of one thousand eight hundred and eighty-five, be amended by striking out the words "fifty-five" in line four of said section and substituting the word "seventy" therefor. Also amend section two of said chapter one hundred and forty-seven of the Public Laws of one thousand eight hundred and eighty-five by inserting after the word "handwriting" in line ten and before the word "said" in line eleven the following: "*Pro-* Time extended for proof of unregistered deeds by oath of holder.
vided, that it shall also be made to appear by affidavit that affiant Additional affidavit.
believes such deed to be a *bona fide* deed and executed by the grantor therein named: *And provided further*, that this act shall Proviso.

Vested rights
saved.

not interfere with vested rights nor shall a deed so admitted to record be used as evidence in any action now pending."

When act to take
effect.

SEC. 2. That this act shall be in force from and after the first day of February, one thousand nine hundred and five.

In the General Assembly read three times, and ratified this the 23d day of February, A. D. 1905.

CHAPTER 278.

AN ACT TO AMEND SECTION 3410 OF VOLUME 2 OF THE
CODE OF NORTH CAROLINA, PREPARED UNDER THE
LAWS OF 1881 AND 1883.

The General Assembly of North Carolina do enact:

SECTION 1. That section 3410 of The Code of 1883 be and the same is hereby amended as follows:

Fish-ways to be
provided in dams.

SEC. 2. In line twenty-six (26) thereof, after the word "county" and before the word "in" insert the following: "in Stony Fork Creek, a tributary of the Yadkin River, from its mouth to John M. Jones' old store."

SEC. 3. That this act shall be in force from and after the first day of May, 1906.

In the General Assembly read three times, and ratified this the 23d day of February, A. D. 1905.

CHAPTER 279.

AN ACT TO PAY WITNESSES ATTENDING COURTS OF JUS-
TICES OF THE PEACE IN FRANKLIN COUNTY.

The General Assembly of North Carolina do enact:

Witnesses allowed
per diem and
mileage.

SECTION 1. That all witnesses subpoenaed to attend courts of justices of the peace in the trial of civil or criminal cases in any township other than their resident townships shall be paid the same *per diem* and mileage that is now paid witnesses attending the Superior Courts of Franklin County.

Limited to Frank-
lin county.

SEC. 2. That this act applies only to Franklin County.

Repealing clause.

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

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

In the General Assembly read three times, and ratified this 23d day of February, A. D. 1905.

CHAPTER 280.

AN ACT TO PROTECT FISH IN ROBESON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person, persons, ^{Unlawful to set fish-trap or net in close season.} firm or corporation to set a fish-trap or net tied to stakes in any of the waters in Robeson County, except in a mill-pond or private ^{Exceptions.} fish-pond, between the fifteenth day of March and the first day of ^{Close season.} October of any year.

SEC. 2. That any person or persons, firm or corporation violating ^{Misdemeanor.} this act shall be guilty of a misdemeanor, and upon conviction ^{Penalty.} shall pay a fine of not less than five nor more than ten dollars, one-half to go to the informer, the other to the school fund of 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 23d day of February, A. D. 1905.

CHAPTER 281.

AN ACT TO PREVENT THE CATCHING OF FISH IN THE WATERS OF FORNEY'S CREEK OR HAZEL CREEK OR THEIR TRIBUTARIES IN THE COUNTY OF SWAIN.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful to catch or kill fish in any ^{Streams closed for four years.} manner in the waters of Hazel Creek or Forney's Creek or their tributaries in Swain County for a term of four (4) years from the date of the ratification of this act.

SEC. 2. That any person violating the provisions of this act shall ^{Misdemeanor.} be guilty of a misdemeanor, and upon conviction shall be fined or ^{Penalty.} imprisoned at the discretion of the court.

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

In the General Assembly read three times, and ratified this 23d day of February, A. D. 1905.

CHAPTER 282.

AN ACT FOR THE PROTECTION OF FISH IN THE WATERS OF FRYING PAN IN TYRRELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. It shall be unlawful to set any pound-net or dutch- ^{Pound or dutch nets forbidden.} net in Alligator River within one-half mile of the mouth of Frying Pan Creek in Tyrrell County, or in Frying Pan Creek within three miles of where it enters into Alligator River.

- Penalty. SEC. 2. Any person violating this act shall be fined fifty dollars or imprisoned thirty days, or both, at the discretion of the court.
- Repealing clause. SEC. 3. All laws and clauses of laws in conflict herewith are hereby repealed.
- SEC. 4. This act shall be in force from and after its ratification. In the General Assembly read three times, and ratified this the 23d day of February, A. D. 1905.

CHAPTER 283.

AN ACT TO REGULATE THE CATCHING OF FISH IN THE WATERS OF SOUTH CREEK, BOND CREEK AND THEIR TRIBUTARIES IN BEAUFORT COUNTY.

The General Assembly of North Carolina do enact:

- Seines, drag, purse or hauling nets forbidden. SECTION 1. That it shall be unlawful for any persons to catch fish with seine, drag-nets, purse-nets or hauling-nets of any description in the waters of South Creek, Bond Creek or their tributaries in Beaufort County.
- Misdemeanor. SEC. 2. That any persons violating this act shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than five nor more than ten dollars for each and every offense.
- Penalty.
- Repealing clause. SEC. 3. That all laws or clauses of laws in conflict with this act are hereby repealed.
- SEC. 4. This act shall be in force from and after its ratification. In the General Assembly read three times, and ratified this 23d day of February, A. D. 1905.

CHAPTER 284.

AN ACT TO PROTECT THE SQUIRRELS OF PENDER AND MONTGOMERY COUNTIES.

The General Assembly of North Carolina do enact:

- Close season. SECTION 1. That it shall be unlawful for any person, during the period from the first day of April to the first day of September, to hunt, kill or wound or in any manner capture squirrels in the counties of Pender and Montgomery, and any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than twenty-five dollars.
- 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 23d day of February, A. D. 1905.

CHAPTER 285.

AN ACT TO AMEND SECTION 1727 OF THE CODE, AS
APPLIED TO CUMBERLAND COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That section one thousand seven hundred and twenty-seven of The Code be and the same is hereby amended by adding after the word "scrolls" in line five and before the word "and" in line five the following words: "and the commissioners may, in their discretion, cause to be drawn from the jury box an additional twelve scrolls." Additional jury-men.

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

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

In the General Assembly read three times, and ratified this the 23d day of February, A. D. 1905.

CHAPTER 286.

AN ACT TO CHANGE THE LAW MAKING THE EXECUTOR
OF AN EXECUTOR THE EXECUTOR OF THE FIRST TESTATOR.*The General Assembly of North Carolina do enact:*

SECTION 1. That the executor of an executor shall not be entitled to qualify as executor of the first testator. Not entitled 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 the 23d day of February, A. D. 1905.

CHAPTER 287.

AN ACT TO AMEND CHAPTER 159 OF THE PUBLIC LAWS
OF 1903, IT BEING AN ACT TO PROTECT WATER SUPPLIES,
PROVIDING THAT SAID ACT SHALL APPLY TO WATER COMPANIES
WHICH MAY HEREAFTER BE ORGANIZED.*The General Assembly of North Carolina do enact:*

SECTION 1. That section four of chapter one hundred and fifty-nine of the Public Laws of one thousand nine hundred and three be amended by striking out all of said section after the word "health" in line eleven. Analysis of water from artesian wells.

Law extended to
future companies.

SEC. 2. That section sixteen of said chapter be amended by inserting after the words "now operating" in line one the words "or which may be hereafter organized or be operated."

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 23d day of February, A. D. 1905.

CHAPTER 288.

AN ACT TO PROTECT FISH IN WHITE'S MILL-POND IN PALMYRA TOWNSHIP, HALIFAX COUNTY.

The General Assembly of North Carolina do enact:

Seines, nets and
trot-lines forbid-
den.

SECTION 1. That it shall be unlawful for any person to fish with seines or set or fish any kind of nets or netting or trot-lines in White's mill-pond in Palmyra Township in the county of Halifax.

Penalty.

SEC. 2. That any person violating this act shall be fined not less than five dollars nor more than fifty dollars, or imprisoned not more than thirty days.

Repealing clause.

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

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

In the General Assembly read three times, and ratified this the 23d day of February, A. D. 1905.

CHAPTER 289.

AN ACT FOR THE PROTECTION OF PERCH DURING THE BEDDING SEASON.

The General Assembly of North Carolina do enact:

Unlawful to shoot
perch or hunt
them by firelight.

SECTION 1. That it shall be unlawful for any person or persons to shoot with a gun or any kind of fire-arms, or to strike by fire-light at night, any fresh-water perch during the bedding season; and for the purposes of this act said bedding season is prescribed to be the months of May, June and July.

Bedding.

Possession of perch
prima facie evi-
dence.

SEC. 2. That the possession of any fresh-water perch apparently so killed by gun or by striking at any time during the season prescribed in section one shall be *prima facie* evidence of a violation of this act.

Misdemeanor.

Penalty.

SEC. 3. That any person or persons violating the provisions of this act shall be guilty of a misdemeanor and fined not exceeding fifty dollars or imprisonment not exceeding thirty days.

SEC. 4. That this act shall apply only to Brunswick County.

Limited to Brunswick 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 23d day of February, A. D. 1905.

CHAPTER 290.

AN ACT TO AMEND CHAPTER 312 OF THE PUBLIC LAWS OF 1889, RELATIVE TO KILLING FISH WITH DYNAMITE AND OTHER EXPLOSIVES.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred and twelve of the Public Laws of one thousand eight hundred and eighty-nine be amended by adding at the end of section one (1) of said chapter the following words: "one-half of said fine to be paid to the informer." Also by adding at the end of section two (2) of said chapter the words "and Stanly, Ashe, Montgomery." One-half fine to be paid to informer.
Act 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 23d day of February, A. D. 1905.

CHAPTER 291.

AN ACT IN REFERENCE TO THE CATCHING OF FISH IN CHEROKEE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section six of chapter three hundred and fifty-three, Public Laws of one thousand nine hundred and three, be stricken out and that the following be inserted in lieu thereof, viz.: "It shall be unlawful for any person or persons to obstruct more than two-thirds of the channel of any of the rivers of Cherokee County by the building or erecting therein of any fish-trap, dam, or to fish in any of said rivers in said county with net-seine, drag-net or drags." Fish-traps regulated. Use of net-seines, drag-nets or drags forbidden.

SEC. 2. That all laws and clauses of laws in conflict herewith be repealed in so far as they conflict herewith. Repealing clause.

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 23d day of February, A. D. 1905.

CHAPTER 292.

AN ACT TO REGULATE FISHING IN ALBEMARLE AND PAMLICO SOUNDS AND WATERS CONNECTED WITH THEM.

The General Assembly of North Carolina do enact:

Unlawful to set or fish nets, seines or appliances in certain limits.

SECTION 1. That it shall be unlawful for any person to set or fish any net, seine or appliance of any kind for catching fish at any place within a radius of two and one-half miles either way from Roanoke Marshes Light-house at a distance more than five hundred yards from the shore of Roanoke Island or the mainland on the western side of Croatan and Pamlico Sounds.

Dutch or pound nets forbidden.

SEC. 2. That it shall be unlawful for any person to set or fish any pound or 'dutch net on the eastern side of Pamlico Sound within ten miles of the Roanoke Marshes Light-house, except such as shall be fished within five hundred yards of the Roanoke Island or Hog Island shores.

Dutch or pound nets further forbidden.

SEC. 3. That it shall be unlawful for any person to set or fish any dutch or pound net on the eastern side of Pamlico Sound more than two thousand yards west of a line running south-southeast from Big Island to Bulkhead or shoal west of Chicamacomico or south of said point more than two thousand yards from the shoals as marked on the United States Government chart made from data obtained to November twenty-second, one thousand nine hundred and four.

Pound or dutch nets further forbidden.

SEC. 4. That it shall be unlawful for any person to set or fish any dutch or pound net on the west side of Pamlico Sound in said sound extending into the water more than two thousand yards from the shore of the mainland.

Pound or dutch nets further forbidden.

SEC. 5. That it shall be unlawful for any person to set or fish any pound or dutch net in Croatan Sound further from the shore than one-fifth the width of said sound at that point, or to set or fish any pound or dutch net in the Albemarle Sound more than two thousand yards from the shore of the mainland, or in Chowan River further from shore than one-third the width of said river at place where said nets are fished or set, or within one-fourth mile of any wharf used by a steamer on said river.

All nets or appliances forbidden in certain localities.

SEC. 5. That it shall be unlawful for any person to set or fish any net or appliance of any kind for catching fish within one mile on north or south side of a line five miles long running west from center of New Inlet or Oregon Inlet, or on north or south side of a line five miles long running northwest from center of Hatteras Inlet.

Act to apply from January 15th to May 15th.

SEC. 7. That the provisions of this act shall apply only to that part of each year beginning January fifteenth and ending May fifteenth.

Misdemeanor.

SEC. 8. That any person who shall violate any section or provision of this act shall be guilty of a misdemeanor, and upon con-

viction in any county opposite the place at which said act is done shall be fined or imprisoned in the discretion of the court. Penalty.

SEC. 9. That it shall be the duty of the Oyster Commissioner or Assistant Oyster Commissioner, whenever an affidavit is delivered to him stating that the affiant is informed and believes that said act is being violated at any particular place, to go himself or send a deputy to such place, investigate same, and they shall seize and remove all nets or other appliances setting or being used in violation of this act. sell same at public auction and apply proceeds of sale to payment of cost and expenses of such removal, and pay any balance remaining to the school fund of county nearest to where offense is committed. Oyster commissioner to investigate.
To seize, remove and sell unlawful nets or appliances.
Proceeds to school fund.

SEC. 10. 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 23d day of February, A. D. 1905.

CHAPTER 293.

AN ACT TO PROTECT FISH IN MOCCASIN CREEK, JOHNSTON 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 or traps in the waters of Moccasin Creek, Johnston and Nash Counties, from the old Taylor mill on Moccasin Creek, now owned by Barbee Bros., down said creek down to Contentnea Creek; thence up Turkey Creek, Nash County, to the old John Murry mill. Use of seines or traps forbidden.

SEC. 2. That any person violating the provisions of this act shall be fined not exceeding twenty-five dollars or imprisoned not exceeding ten 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 24th day of February, A. D. 1905.

CHAPTER 294.

AN ACT TO AMEND SECTION 363 OF THE CODE.

The General Assembly of North Carolina do enact:

SECTION 1. That section three hundred and sixty-three of The Code be amended in line six by adding after the word "managing" and before the word "agent" the words "or local," and that said Attachments on foreign corporations.

section be further amended by adding at the end thereof: "*Provided*, that any person receiving or collecting moneys within this State for or on behalf of any corporation of this or any other State or government shall be deemed a local agent for the purpose of this section; but such service can be made in respect to a foreign corporation only when it has property within this State, or the cause of action arose therein, or when the plaintiff resides in the State, or when such service can be made within the State personally upon the president, treasurer or secretary thereof."

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

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

In the General Assembly read three times, and ratified this the 23d day of February, A. D. 1905.

CHAPTER 295.

AN ACT TO PROTECT WOOD AND TIMBER LANDS FROM FIRE.

The General Assembly of North Carolina do enact:

Willfully or negligently setting woods on fire, or willfully or negligently allowing fire to escape a misdemeanor.

Penalty.

Liable for damage.

SECTION 1. That any person who willfully, negligently or carelessly sets on fire any woods, whether or not on his own land, by means whereof the property of another is endangered, or any person willfully, negligently or carelessly suffers any fires set by himself to escape beyond the limits of his own property and to damage the property of another, is guilty of a misdemeanor and shall be punished by a fine not exceeding fifty dollars (\$50) or imprisonment in jail not over thirty (30) days, and shall be liable for all damages caused thereby.

Fires within provision of act.

Penalty.

Employer's liability for hireling.

SEC. 2. Fires kindled by throwing down a lighted match, torch, cigar or other burning substance shall be deemed within the provisions of this act, and every one violating the same shall be fined fifty dollars (\$50) or imprisoned not over thirty (30) days.

SEC. 3. Wherever an offense shall be committed against this act by a hireling with the consent or by the command of his employer such employer shall be liable: *Provided*, that this act shall apply to Pitt County only.

Proviso. Limited to Pitt County.

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

In the General Assembly read three times, and ratified this the 24th day of February, A. D. 1905.

CHAPTER 296.

AN ACT TO REGULATE THE PAY OF JURORS IN HARNETT COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That jurors shall receive two dollars per day for each day's attendance at court or inquest, and mileage at the rate of five cents per mile. Jurors to receive \$2 per day and mileage.

SEC. 2. That this act shall apply to Harnett County only. Limited to Harnett county.

SEC. 3. That all laws and clauses of laws in conflict with this act are hereby repealed so far as they relate to Harnett 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 25th day of February, A. D. 1905.

CHAPTER 297.

AN ACT TO PROTECT LANDLORDS AND TENANTS.

The General Assembly of North Carolina do enact:

SECTION 1. That any tenant or cropper who procures advances from his landlord to enable him to make a crop on the land rented by him, and then willfully abandons the same without good cause and before paying for such advances, shall be guilty of a misdemeanor. Abandonment of crop by tenant after advancements misdemeanor.

SEC. 2. That any landlord who may contract with a tenant or cropper by agreeing to furnish him advances to enable him to make a crop, and willfully fails or refuses to furnish said advances according to his agreement without good cause, shall be guilty of a misdemeanor. Violation of contract by landlord misdemeanor.

SEC. 3. Any person who employs a tenant or cropper who has violated the provisions of section one of this act with knowledge of such violation shall be liable to the landlord furnishing such advances for the amount thereof, also be guilty of a misdemeanor. Employing deserting tenant misdemeanor.

SEC. 4. That whenever any tenant or cropper shall enter into a contract for the rental of land for the current or ensuing year, and without just cause willfully neglects or refuses to perform the terms of his contract, then such tenant or cropper shall forfeit his right of possession to the premises and the landlord may recover possession of said premises in the manner provided for in section one thousand seven hundred and seventy-seven of The Code. Tenant or cropper violating contract forfeits possession.

SEC. 5. The punishment for any violation of any of the provisions of this act shall not exceed a fine of fifty dollars or imprisonment for more than thirty days. Penalty.

SEC. 6. That this act shall apply to the following counties: Wayne, Lenoir, Greene, Johnston, Jones, Onslow, Craven, Cleve- Limited to certain counties.

land, Sampson, Pitt, Duplin, Gates, Cumberland, Perquimans, Chowan, Robeson, Bladen, Nash, Harnett, Edgecombe, Hertford, Wilson, Rockingham, Pender, Currituck, Gaston, Northampton, Beaufort, Chatham, Tyrrell, Mecklenburg, Guilford, Halifax, Caswell, Camden, Cabarrus, Columbus, Martin and Montgomery.

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 24th day of February, A. D. 1905.

CHAPTER 298.

AN ACT FOR REGULATING THE TIME OF HOLDING THE SUPERIOR COURTS OF FRANKLIN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the paragraph on page one hundred and sixty-five, chapter twenty-eight of the Laws of one thousand nine hundred and one, which provides for holding the Superior Courts of Franklin County, be stricken out and in lieu thereof the following paragraph be inserted:

FRANKLIN COUNTY.

Terms of court
prescribed.

Sixth Monday before the first Monday in March, to continue for two weeks, for the trial of civil and criminal cases.

Sixth Monday after the first Monday in March, to continue for two weeks, for the trial of civil and criminal cases.

Second Monday before the first Monday in September, to continue one week, for the trial of criminal cases exclusively; but this shall be an appearance term for civil cases.

Sixth Monday after the first Monday in September, to continue for two weeks, for the trial of civil cases exclusively.

SEC. 2. 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 February, A. D. 1905.

CHAPTER 299.

AN ACT TO PROTECT LANDLORDS AND TENANTS IN CERTAIN COUNTIES

The General Assembly of North Carolina do enact:

Abandonment of
crop by tenant or
cropper after ad-
vancements misde-
meanor.

SECTION 1. That any tenant or cropper who procures advances from his landlord to enable him to make a crop on the land rented by him and then willfully refuses to cultivate such crop, or will-

fully abandons the same without good cause and before paying for such advances shall be guilty of a misdemeanor.

SEC. 2. That any landlord who induces another to become tenant or cropper by agreeing to furnish him advances to enable him to make a crop, and willfully fails or refuses to furnish said advances according to his agreement without good cause, shall be guilty of a misdemeanor. Violation of contract by landlord misdemeanor.

SEC. 3. Any person who employs a tenant or cropper who has violated the provisions of section one of this act with knowledge of such violation shall be liable to the landlord furnishing such advances for the amount thereof. Employing deserting tenant or cropper misdemeanor.

SEC. 4. That any person who entices, persuades or procures any tenant, lessee or cropper who has a contract agreeing to cultivate the land of another to abandon, refuse or fail to cultivate such land, or after notice to harbor, detain on his own premises, or on the premises of another, any such tenant, lessee or cropper, shall be guilty of a misdemeanor. Enticing tenant or cropper to abandon contract or harbor such tenant or cropper misdemeanor.

SEC. 5. That a tenant or cropper committing any of the acts made unlawful in this act shall forfeit his right of possession to the premises and the landlord may recover possession of said premises in the manner provided for in section one thousand seven hundred and seventy-seven of The Code. Tenant or cropper violating contract forfeits possession.

SEC. 6. The punishment for any violation of any of the provisions of this act shall not exceed a fine of fifty dollars or imprisonment for more than thirty days. Penalties.

SEC. 7. This act shall only apply to the following counties: Wake, Hyde, Anson, Hertford, Sampson, Franklin and Union. Limited to certain counties.

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 25th day of February, A. D. 1905.

CHAPTER 300.

AN ACT TO REGULATE HUNTING OF WILD FOWL IN CURRITUCK SOUND.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons to use more than one "bush blind," either afloat or stationary, in that portion of Currituck Sound south of a line beginning at E. W. Baum's Landing; thence east a straight course to Whale's Head Light-house, and north of a line extending from the wharf at Poplar Branch; thence east to Currituck Club Lands. Bush blinds regulated.

SEC. 2. That it shall be unlawful for any person or persons before or after they have put decoys in the waters of Currituck Use of boats regulated.

Sound to sail or propel a boat in any way in the above described territory for the purpose of picking up or forcing game of any kind on the wing, except by the use of oars or poles.

Skiffing or ring-shooting crow ducks allowed.

SEC. 3. That section seven of chapter two hundred and forty-five, Public Laws of one thousand eight hundred and ninety-nine, be amended by adding at the end of said section the following: "*Provided*, that nothing herein contained shall be construed to prevent the skiffing or ring-shooting of crow ducks in the waters of said sound from the fifteenth day of February to the fifteenth day of April, inclusive, of each year."

Misdemeanor.

SEC. 4. That any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding fifty dollars or be imprisoned not exceeding thirty days.

Penalty.

Repealing clause.

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

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

In the General Assembly read three times, and ratified this the 25th day of February, A. D. 1905.

CHAPTER 301.

AN ACT TO REGULATE THE PAY OF JURORS IN GREENE COUNTY.

The General Assembly of North Carolina do enact:

Regular and tales jurors.

SECTION 1. That all regular and tales jurors shall receive two dollars per day.

Special veniremen not chosen.

SEC. 2. That all jurors summoned upon a special venire in capital cases but not chosen to serve as jurors in the case shall receive seventy-five cents per day.

Limited to Greene county.
Repealing clause.

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

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

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

In the General Assembly read three times, and ratified this 25th day of February, A. D. 1905.

CHAPTER 302.

AN ACT TO ABOLISH THE OFFICE OF STANDARD KEEPER
IN CURRITUCK COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That sections three thousand eight hundred and forty and three thousand eight hundred and forty-one of The Code shall not apply to Currituck County, and the office of standard keeper of Currituck County is hereby 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 25th day of February, A. D. 1905.

CHAPTER 303.

AN ACT TO PREVENT THE SALE OF MEATS OF DISEASED
ANIMALS.*The General Assembly of North Carolina do enact:*

SECTION 1. That any person or persons, firm or corporation, who knowingly and willfully slaughters any diseased animal and sells or offers for sale any of the meat of the said diseased animal for human consumption; or any person or persons, firm or corporation who knows the meat offered for sale or sold for human consumption by such person or persons, firm or corporation is that of any diseased animal shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both, in the discretion of the court.

Misdemeanor to slaughter any diseased animal and offer meat for sale.
Or offer for sale meat of diseased animal.
Penalty.

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

In the General Assembly read three times, and ratified this 25th day of February, A. D. 1905.

CHAPTER 304.

AN ACT TO VALIDATE THE PROOF AND REGISTRATION
OF CERTAIN DEEDS AND CONVEYANCES OF LAND.*The General Assembly of North Carolina do enact:*

SECTION 1. That all deeds and conveyances for lands in this State which have heretofore been proven or acknowledged before any justice of the peace or notary public who has no seal or

Defective probates cured.

failed to impress the same upon the instrument in any other State, and the clerk of any court of record in said State has certified as to the official character of such justice of the peace or such notary public, or that such deeds or conveyances have been executed in accordance with the laws of the State where the grantor, donor or bargainor resided at the time of the execution thereof, and such deeds and conveyances have been registered in the office of the register of deeds for the county wherein the lands thereby conveyed are situate or were situate at the time of such registration, either upon or without the adjudication or order of registration of the clerk of the superior court of the county where such lands are or were situate, as to the fact of their execution, shall be deemed and held to be legally registered and good and valid in law, and no further registration of such deeds or conveyances shall be necessary: *Provided*, this act shall not apply to existing suits.

Proviso.
Existing suits not
affected.

Deeds or certified
copies used in evi-
dence.

SEC. 2. That all deeds and conveyances proven or acknowledged and registered as aforesaid, or certified copies of the same, may be used as evidence of title to the lands therein conveyed in the trial of any suits in any of the courts of this State where the title of said lands shall come in controversy: *Provided*, this act shall not apply to Rowan County.

Proviso.
Rowan county ex-
cepted from 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 27th day of February, A. D. 1905.

CHAPTER 305.

AN ACT TO CONSOLIDATE THE LAWS RELATING TO THE PROTECTION OF QUAIL IN IREDELL AND CATAWBA COUNTIES.

The General Assembly of North Carolina do enact:

Supplement game
act of 1903 repealed.

SECTION 1. That chapter four hundred and fifty-six of the Public Laws of one thousand nine hundred and three be and the same is hereby repealed.

Unlawful to shoot
quail except from
November 15th to
February 15th.

SEC. 2. That section one of chapter two hundred and sixty-eight of the Public Laws of one thousand nine hundred and three be and the same is hereby repealed and the following enacted in lieu thereof: "SECTION 1. That it shall be unlawful to hunt, kill or shoot any quail in Iredell and Catawba Counties except from November fifteenth to February fifteenth in each and every year.

Unlawful to trap
or net quail at any
time.

That it shall be unlawful to net, trap or otherwise take or destroy any quail in Iredell and Catawba Counties at any time except by

hunting and shooting during the open season aforesaid. It shall be unlawful to take or destroy the eggs of any quail in said counties at any time. That any person who shall violate any provision of this section shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned in the discretion of the court.

SEC. 3. That it shall be unlawful for any person, persons, firm or corporation to ship, haul, carry, transport or otherwise convey beyond the limits of Iredell and Catawba Counties any quail, dead or alive. Any person or corporation violating this section shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned in the discretion of the court.

SEC. 4. That it shall be unlawful for any person, persons, firm or corporation to sell, offer for sale, trade, barter or otherwise dispose of any quail within said counties: *Provided*, that this section shall not apply to any person within said counties who shall kill by hunting as allowed by this act any quail upon his own land. Any person violating the provisions of this section shall be guilty of a misdemeanor and punished by fine or imprisonment in the discretion of the court.

SEC. 5. That section four of chapter two hundred and sixty-eight of the Public Laws of one thousand nine hundred and three be and the same is 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. 1905.

CHAPTER 306.

AN ACT TO AMEND AND MAKE MORE EFFECTIVE CHAPTER 86, PUBLIC LAWS OF 1899, AS SUPPLEMENTED BY CHAPTER 369, PUBLIC LAWS OF 1899, TO PREVENT THE SALE OF ADULTERATED AND MISBRANDED FOOD.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter eighty-six, Public Laws of eighteen hundred and ninety-nine, be and the same hereby is amended by adding at the end of section three of said act the following:

"In all prosecutions arising under said act as amended the certificate of the chemist making the analysis or test, when duly sworn to by such analyst, shall be *prima facie* evidence of the fact or facts therein certified.

SEC. 2. If it shall appear from such examination or analysis that any of the provisions of said act have been or are being violated, the Commissioner of Agriculture shall cause to be published

in the newspaper having the largest circulation in the town or city in which such violation has been committed, and in any other newspaper in his discretion, a brief statement of the results of the examination or analysis, with the name of the person or firm having committed such violation, and the name of the person or firm manufacturing or packing such product.

SEC. 3. At the end of subsection six, section six of said act, shall be added the following: "If it contain any of the following substances, which are hereby declared deleterious and dangerous to health when added to human food, to-wit: Colors which contain antimony, arsenic, barium, lead, cadmium, chromium, copper, mercury, uranium or zinc; or the following colors: gamboge, corallin, picric acid, aniline, or any of the coal-tar dyes; saccharine, dulcin, glucin or any other artificially or synthetically prepared substitute for sugar; paraffine, formaldehyde, beta-naphthol, abrasol, benzoic acid or benzoates, salicylic acid or salicylates, boric acid or borates, sulphurous acid or sulphites, hydrofluoric acid or any fluorine compounds, sulphuric acid or potassium sulphate or wood alcohol: *Provided*, that catsups and condimental sauces may, when the fact is plainly and legibly stated in the English language on the wrapper and label of the package in which it is retailed, contain not to exceed two-tenths of one per cent. of benzoic acid or its equivalent in sodium benzoate. Fermented liquors may contain not to exceed two-tenths of one per cent. of combined sulphuric acid, and not to exceed eight-thousandths of one per cent. of sulphurous acid."

SEC. 4. At the end of subsection eight, section six of said act, shall be added the following: "In cases of meats, oysters or fish sold or offered for sale in the fresh state, if such meats, oysters or fish shall have been inoculated, dusted, powdered, sprayed, rubbed, anointed, washed, sprinkled or fumigated, or in any manner treated with any of the substances declared deleterious and dangerous by this act, or with any antiseptic or chemical preservative or dye-stuff whatsoever, whose use and apparent purpose is to retard, prevent or mask decomposition, or to give to the meat, oysters or fish a false appearance of freshness or quality. In addition to the ways already provided, sausage shall be deemed adulterated if it is composed in any part of liver, lungs, kidneys or other viscera of animals: *Provided*, that the use of animal intestines as sausage casings shall not be deemed an adulteration."

SEC. 5. 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. 1905.

CHAPTER 307.

AN ACT RELATING TO CERTAIN DEEDS EXECUTED BY
CORPORATIONS OF THIS STATE.*The General Assembly of North Carolina do enact:*

SECTION 1. That all deeds and conveyances for lands in this State, made by any corporation of this State, which have heretofore been proven or acknowledged before any notary public in any other State, or before any commissioner of deeds and affidavits for the State of North Carolina in any other State, and sealed with the common seal of the corporation and attested by the treasurer, are hereby ratified and confirmed and declared to be good and valid deeds for all purposes.

Deeds ratified and confirmed.

SEC. 2. That wherever any such deeds heretofore executed by any corporation of this State by the president thereof and attested by the treasurer of said corporation, and sealed with the common seal of said corporation, have been proven or acknowledged before any notary public of any State, or before any commissioner of deeds and affidavits for the State of North Carolina in any other State, and said acknowledgment or probation has been duly passed upon by any deputy clerk and adjudged to be correct and sufficient and in due form, and ordered to be registered, said acknowledgment, probate and registration are hereby ratified and confirmed, and said deed is declared to be legally executed and good and valid in law, and no further registration of such deeds shall be necessary.

Probates and registrations validated.

SEC. 3. That all such deeds and conveyances proven or acknowledged and registered as aforesaid, or certified copies of the same, may be used as evidence of title to the lands therein conveyed in the trial of any suits in any of the courts of this State where the title of said lands shall come in controversy.

May be used as evidence of title.

SEC. 4. 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. 1905.

CHAPTER 308.

AN ACT TO RESTORE BURNT, LOST OR DESTROYED
RECORDS.*The General Assembly of North Carolina do enact:*

SECTION 1. That whenever any of the records of any of the courts in this State have been burnt, lost or destroyed, and there is in existence any copy thereof or of any part of the same, duly certified, whether under the seal of the court or otherwise, by

Certified copy of lost or destroyed record may be recorded.

any former clerk of said court, it shall be the duty of the present clerk of said court, or any clerk of said court hereafter in office, upon presentation to him of such copy and the payment of his lawful fees therefor, to record said copy upon the minutes or records of said court; and after the same shall have been so recorded the record then shall be used as and be taken and deemed and shall have all the force and effect of the original record so burnt, lost or destroyed; and such record thereof, or a copy of the same duly certified by the clerk of said court, shall be in all respects competent in the same way and manner as the original record in all the courts of this State.

To have force and effect of original.

Limited to certain counties.

SEC. 2. That this act shall apply only to the counties of Buncombe, Madison, Yancey and Haywood.

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. 1905.

CHAPTER 309.

AN ACT TO PROTECT QUAIL IN COVE CREEK TOWNSHIP, WATAUGA COUNTY.

The General Assembly of North Carolina do enact:

Unlawful to kill partridges or quail.

SECTION 1. That it shall be unlawful to kill partridges or quail in Cove Creek Township of Watauga County.

Misdemeanor.
Penalty.

SEC. 2. All persons violating this act shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned at the discretion of the court.

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

In the General Assembly read three times, and ratified this the 27th day of February, A. D. 1905.

CHAPTER 310.

AN ACT TO PROHIBIT DEALING IN FUTURES IN GASTON COUNTY.

The General Assembly of North Carolina do enact:

Unlawful to conduct bucket shops or deal in contracts on margin.

SECTION 1. That it shall be unlawful for any person, firm, copartnership or corporation, or any agent of such person, firm, copartnership or corporation to conduct in Gaston County any bucket shop, or within said county to deal in or sell any con-

tracts on margin for future delivery of any stock, grain, cotton, tobacco, meat, bacon, iron, steel or other commodity, where the article sold or agreed to be sold is not delivered to the purchaser, as the consideration of the price agreed to be paid within a reasonable time after the said contract is entered into.

SEC. 2. That any one violating the provisions of this act shall ^{Penalty.} for each offense be imprisoned not more than ten days or fined not more than fifty dollars, each day's or part of day's conduct of the business herein prohibited to constitute a separate offense.

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

In the General Assembly read three times, and ratified this the 27th day of February, A. D. 1905.

CHAPTER 311.

AN ACT TO PROHIBIT FISHING IN NORTH FORK OF NEW RIVER IN ASHE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons ^{Unlawful to take fish in any way during four years.} to take fish in any way out of the waters of North Fork of New River and its tributary streams above J. A. Dixon's mill in Ashe County for a period of four (4) years.

SEC. 2. That any person or persons violating this act shall be ^{Misdemeanor.} guilty of a misdemeanor, and upon conviction shall be fined not ^{Penalty.} less than twenty-five dollars for each offense or imprisoned at the discretion of the court.

SEC. 3. That one-half of said fine shall go to the informer. ^{One-half fine to informer.}

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. 1905.

CHAPTER 312.

AN ACT TO AMEND SECTION 22 OF CHAPTER 164. PUBLIC LAWS OF 1899. WITH REFERENCE TO NEWSPAPER TRANSPORTATION.

The General Assembly of North Carolina do enact:

SECTION 1. That section twenty-two, chapter one hundred and sixty-four of the Public Laws of one thousand eight hundred and ninety-nine be and the same is hereby amended by adding the ^{Exchange of advertising space for transportation allowed.}

following after the word "employees" in line twenty-nine: "And nothing in this act shall be construed to prevent or restrict transportation companies from contracting with newspapers for advertising space in exchange for transportation over their lines to such an extent as may be agreed upon between the two parties for said consideration."

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

In the General Assembly read three times, and ratified this 27th day of February, A. D. 1905.

CHAPTER 313.

AN ACT TO REGULATE THE HUNTING OF QUAIL, PARTRIDGES AND OTHER GAME BIRDS IN EDGECOMBE COUNTY.

The General Assembly of North Carolina do enact:

Close season.

SECTION 1. That it shall be unlawful to hunt with gun or dogs, net, trap or otherwise catch or kill any quail, partridges or other game birds in the county of Edgecombe between the first day of March and the fifteenth day of November in any year.

Misdemeanor.

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

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 27th day of February, A. D. 1905.

CHAPTER 314.

AN ACT TO AMEND CHAPTER 374 OF THE PUBLIC LAWS OF 1893 TO INCREASE THE RANK OF QUARTERMASTER GENERAL, ETC.

The General Assembly of North Carolina do enact:

SECTION 1. That section nine of chapter three hundred and seventy-four of the Public Laws of one thousand eight hundred and ninety-three be amended as follows: Strike out all of said section nine, beginning with the word "The" after the word "Major" in line nine and insert in lieu thereof the following: "The General Staff shall consist of an Adjutant-General, with the rank of Brigadier-General; a Quartermaster-General and Chief of

Rank of general
staff of State Guard
fixed.

Ordinance, with the rank of Brigadier-General; one Inspector-General, one Surgeon-General, one Commissary-General, one Chief of Engineers, one Inspector of Small Arms Practice, one Judge-Advocate-General, one Paymaster-General, each with the rank of Colonel. The Commander-in-Chief may appoint additional assistants to each of said officers, with rank not higher than that of Lieutenant-Colonel, if, in his judgment, it is best for the interest of the service." Additional assistants.

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. 1905.

CHAPTER 315.

AN ACT CONCERNING THE HUNTING OF OPOSSUMS IN LINCOLN AND HARNETT COUNTIES.

The General Assembly of North Carolina do enact:

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

SEC. 2. That any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days. 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 27th day of February, A. D. 1905.

CHAPTER 316.

AN ACT TO VALIDATE CERTAIN AMENDMENTS TO THE CERTIFICATES OR ARTICLES OF INCORPORATION OF SUNDRY CORPORATIONS.

The General Assembly of North Carolina do enact:

SECTION 1. That all amendments to the plan of incorporation of any corporation which was organized under the provisions of the General Laws of North Carolina prior to the passage of the act entitled "An act to revise the corporation law of North Carolina," being chapter two, Public Laws of one thousand nine hundred and one, are hereby declared to be valid in all respects, Amendments prior to act of 1901 validated.

Except amend-
ments not author-
ized by present law.

whether such amendments have been made in accordance with the provisions of chapter three hundred and eighty of the Public Laws of one thousand eight hundred and ninety-three, or in accordance with the provisions of chapter two of Public Laws of one thousand nine hundred and one; but no amendment shall be validated by this act unless it is an amendment of such nature as is authorized to be made under the provisions of chapter two of Public Laws of one thousand nine hundred and one.

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

In the General Assembly read three times, and ratified this the 27th day of February, A. D. 1905.

CHAPTER 317.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF WAYNE COUNTY TO FIX THE COMPENSATION OF THE CHAIRMAN OF SAID BOARD.

The General Assembly of North Carolina do enact:

Board of commis-
sioners to fix pay
of chairman.

SECTION 1. That the board of commissioners of Wayne County are hereby authorized to pay the chairman of said board for his services as chairman a sum the same as that paid a member of the board of county commissioners while engaged in other county work, the same to be approved by the board of county commissioners.

Repealing clause.

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

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

In the General Assembly read three times, and ratified this the 27th day of February, A. D. 1905.

CHAPTER 318.

AN ACT TO CHANGE THE TIME FOR HOLDING COURT IN THE SEVERAL COUNTIES IN THE FOURTEENTH JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter twenty-eight, Public Laws of one thousand nine hundred and one, be amended by striking out all of section one of said act under the heading "Fourteenth District" and the following be inserted in lieu thereof, to-wit:

"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—Third Monday after the first Monday in Yancey county. March and first Monday in September, each to continue for two weeks; fifteenth Monday after the first Monday in March, to continue for one week, for the trial of civil causes only.

"McDowell County—Second Monday before the first Monday in McDowell county. March; sixth Monday before the first Monday in September, and second Monday after the first Monday in September, each to continue for two weeks; the sixth Monday before the first Monday in March, to continue two weeks, for the trial of civil causes only.

"Henderson County—First Monday in March, for trial of criminal cases exclusively, one week; tenth Monday after the first Monday in March, and tenth 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; fourth Monday after the first Monday in September, to continue for two weeks, for the trial of criminal cases exclusively. Henderson county.

"Rutherford County—Fourth Monday before the first Monday Rutherford county. in March and second Monday before 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, and eighth Monday after the first Monday in September, each to continue two weeks, for the trial of criminal and civil causes.

"Polk County—Seventh Monday after the first Monday in Polk county. March, and sixth Monday after the first Monday in September, each to continue for two weeks.

"Burke County—First Monday after the first Monday in March, Burke county. and fourth Monday before the first Monday in September, each to continue for two weeks, for the trial of both criminal and civil causes; thirteenth Monday after the first Monday in March, and thirteenth Monday after the first Monday in September, to continue for two weeks, for the trial of civil causes exclusively."

SEC. 2. That all acts or amendments of acts in conflict with this Repealing clause, act are hereby repealed.

SEC. 3. That this act shall be in force on and after the first day of July, A. D. 1905.

In the General Assembly read three times, and ratified this the 27th day of February, A. D. 1905.

CHAPTER 319.

AN ACT PROVIDING A SHORT FORM OF CROP LIEN APPLICABLE TO SCOTLAND, NORTHAMPTON, DAVIDSON, HALIFAX, FRANKLIN AND UNION COUNTIES; AND AMENDING CHAPTER 329, PUBLIC LAWS OF 1901.

The General Assembly of North Carolina do enact:

Law prescribing
short form of crop
lien extended.

SECTION 1. That chapter three hundred and twenty-nine of the Public Laws of one thousand nine hundred and one be and the same is hereby amended by adding at the end of section six the name of the "county of Scotland; and Northampton, Davidson, Halifax, Franklin and Union 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 27th day of February, A. D. 1905.

CHAPTER 320.

AN ACT TO AMEND CHAPTER 503 OF THE PUBLIC LAWS OF 1903, REGULATING THE PRACTICE OF VETERINARY MEDICINE AND SURGERY IN THE STATE OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That section eleven of chapter five hundred and three of the Public Laws of one thousand nine hundred and three be and is hereby amended by striking out the words "one thousand nine hundred and five" in the last line of said section and inserting in lieu thereof the words "one thousand nine hundred and six."

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

In the General Assembly read three times, and ratified this the 27th day of February, A. D. 1905.

CHAPTER 321.

AN ACT TO ABOLISH THE PILOTAGE LAWS OF NORTH CAROLINA RELATING TO THE CAPE FEAR RIVER.

The General Assembly of North Carolina do enact:

Code provisions
repealed.

SECTION 1. That sections three thousand four hundred and eighty to three thousand five hundred and eight, inclusive, of chapter forty-six, volume two of The Code of North Carolina,

and all acts amendatory and supplementary thereof, be and are hereby repealed.

SEC. 2. That chapter one hundred and eighty-three of the Public Laws of one thousand eight hundred and eighty-three; chapter ninety-five of the Public Laws of one thousand eight hundred and eighty-seven; chapter forty-six of the Public Laws of one thousand eight hundred and eighty-nine; chapter four hundred and eighty-six of the Public Laws of one thousand eight hundred and ninety-one; chapter one hundred and twenty-one of the Public Laws of one thousand eight hundred and ninety-seven, and chapter four hundred and sixty-three of the Public Laws of one thousand nine hundred and one be and the same are hereby repealed.

SEC. 3. That all other laws or clauses of laws relating to pilots or pilotage on the river or bar of the Cape Fear River 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. 1905.

CHAPTER 322.

AN ACT TO PREVENT THE HUNTING OF QUAIL AND PARTRIDGES IN FRANKLINVILLE TOWNSHIP, RANDOLPH COUNTY, WITHOUT PERMISSION.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons to hunt quail and partridges with gun, dog or in any other manner in Franklinville Township, Randolph County, North Carolina, without permission, in writing, of the owners of the land in said township. No quail shall be killed except during the month of December of each year.

SEC. 2. That any one violating this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding five dollars or imprisoned not exceeding ten days.

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

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

In the General Assembly read three times, and ratified this the 27th day of February, A. D. 1905.

CHAPTER 323.

AN ACT TO PREVENT HUNTING ON THE LANDS OF ANOTHER IN CURRITUCK COUNTY WITHOUT THE WRITTEN PERMISSION OF THE OWNER.

The General Assembly of North Carolina do enact:

Hunting forbidden
without written
permission of land-
owner.
Proviso.
Limited to Curri-
tuck.

Misdemeanor.

Penalty.

SECTION 1. That it shall be unlawful for any person or persons to hunt with gun or dog upon the lands of another without the written permission of the owner: *Provided*, this act shall only apply to the county of Currituck.

SEC. 2. Any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof may be fined not exceeding ten dollars or be imprisoned not exceeding ten days for each offense.

SEC. 3. 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. 1905.

CHAPTER 324.

AN ACT FOR RELIEF OF CERTAIN WITNESSES IN CHATHAM, ROWAN AND RUTHERFORD COUNTIES.

The General Assembly of North Carolina do enact:

Witnesses paid
whether or not bill
found.

Limited to counties
named.

SECTION 1. That in all criminal cases in which witnesses are subpoenaed to appear before the grand jury and do attend they shall be entitled to prove their attendance as in other cases, whether a true bill is found or not, and the court shall be liable as in case of true bill found: *Provided*, that this act shall apply only to Chatham, Rowan and Rutherford Counties.

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

In the General Assembly read three times, and ratified this the 27th day of February, A. D. 1905.

CHAPTER 325.

AN ACT TO AMEND CHAPTER 437, PUBLIC LAWS OF 1901, REGARDING THE BIRD LAW OF HENDERSON COUNTY.

The General Assembly of North Carolina do enact:

Unlawful to hunt
on posted lands.

SECTION 1. That the words "without the written permission of the owner or his agent" in section one of chapter four hundred and thirty-seven of the Public Laws of one thousand nine hundred and one be stricken out and the following inserted in lieu thereof:

“where the owner shall have posted the same in four public places upon the said lands and at the court-house door of the county, forbidding all persons from trespassing or shooting thereon.”

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

SEC. 3. That this act shall 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. 1905.

CHAPTER 326.

AN ACT TO PROVIDE FOR ADDITIONAL TERMS OF THE SUPERIOR COURT OF ROCKINGHAM COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That there shall be held each year in Rockingham County four terms of the superior court. Four terms to be held.

SEC. 2. That the said terms shall begin on the following times, Dates, respectively, to-wit: The first Monday before the first Monday in March, to continue two weeks, for the trial of both criminal and civil cases; the fourteenth Monday after the first Monday in March, to continue two weeks, for the trial of civil cases exclusively; the fifth Monday before the first Monday in September, to continue one week, for the trial of criminal cases exclusively; the ninth Monday after the first Monday in September, to continue two weeks, for the trial of both civil and criminal cases.

SEC. 3. That all acts or parts of acts in conflict with this act Repealing clause. 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 28th day of February, A. D. 1905.

CHAPTER 327.

AN ACT TO AMEND CHAPTER 733 OF THE PUBLIC LAWS OF 1899, ENTITLED “AN ACT RELATING TO NEGOTIABLE INSTRUMENT LAW AND MAKING THE SAME UNIFORM.”

The General Assembly of North Carolina do enact:

SECTION 1. That section one hundred and ninety-seven, chapter seven hundred and thirty-three of the Public Laws of one thousand eight hundred and ninety-nine, be and the same is hereby amended by striking out all of said section after the word Days of grace abolished.

Exempt on sight drafts.

"thereof" in line eight. But the laws now in force in this State with regard to days of grace on sight-drafts shall remain in force and shall not be construed to be repealed by this act.

When act in force.

SEC. 2. That this act shall be in force from and after April the first, one thousand nine hundred and five.

In the General Assembly read three times, and ratified this the 28th day of February, A. D. 1905.

CHAPTER 328.

AN ACT TO FIX AND REGULATE THE TIME FOR HOLDING THE SUPERIOR COURTS IN THE SIXTH JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact:

Courts to be held: SECTION 1. That the courts of the Sixth Judicial District shall be held as follows:

Harnett county. Harnett—Fourth Monday before the first Monday in March, two weeks; eleventh Monday after the first Monday in March, one week; first Monday in September, one week; tenth Monday after the first Monday in September, two weeks, which shall be for the trial of civil cases only.

Johnston county. Johnston—First Monday in March, two weeks; first Monday after the first Monday in September, two weeks; fourteenth Monday after the first Monday in September, two weeks.

Wake county. Wake—Eighth Monday before the first Monday in March, two weeks; third Monday after the first Monday in March, two weeks; eighth Monday before the first Monday in September, two weeks; and the third Monday after the first Monday in September, two weeks—all for the trial of criminal cases exclusively; second Monday before the first Monday in March, two weeks; seventh Monday after the first Monday in March, three weeks; and seventh Monday after the first Monday in September, three weeks—all for the trial of civil cases exclusively.

Wayne county. Wayne—Sixth Monday before the first Monday in March, two weeks; fifth Monday after the first Monday in March, two weeks; second Monday before the first Monday in September, two weeks; twelfth Monday after the first Monday in September, two weeks.

Civil cases in Wayne county. SEC. 2. That no civil action shall be tried in the county of Wayne during the first week of any of said terms except by consent.

Repealing clause. SEC. 3. That all 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 28th day of February, A. D. 1905.

CHAPTER 329.

AN ACT FOR THE PROTECTION OF BIRDS AND OTHER
GAME IN MINERAL SPRINGS TOWNSHIP AND WOLF-
PIT TOWNSHIP, RICHMOND COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person or persons to hunt with dog or gun upon the lands of another in Mineral Springs Township or in Wolfpit Township, Richmond County, without first obtaining the written consent of the owner of the land to so hunt.

Unlawful to hunt on lands of another without written permission.

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

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 28th day of February, A. D. 1905.

CHAPTER 330.

AN ACT TO REGULATE THE MANNER IN WHICH COMMON
CARRIERS DOING BUSINESS IN THIS STATE SHALL
ADJUST FREIGHT CHARGES AND CLAIMS FOR LOSS OR
DAMAGE TO FREIGHT.*The General Assembly of North Carolina do enact:*

SECTION 1. That from and after the passage of this act all common carriers doing business in this State shall settle their freight charges according to the rate stipulated in the bill of lading, provided the rate therein stipulated be in conformity with the classifications and rates made and filed with the Interstate Commerce Commission in case of shipments from without the State and with those of the Corporation Commission of this State in case of shipments wholly within this State, by which classifications and rates all consignees shall in all cases be entitled to settle freight charges with such carriers, and it shall be the duty of such common carriers to inform any consignee or consignees of the correct amount due for freight according to such classification and rates, and upon payment or tender of the amount due on any shipment which has arrived at its destination according to such classification and rates such common carrier shall deliver the freight in question to consignee or consignees, and any failure or refusal to comply with the provisions hereof shall subject such carrier so failing or refusing

Freight charges to be settled as in bill of lading.

Proviso: classification and rates to conform to classification and rates filed with Interstate Commerce Commission and Corporation Com-

Penalty for failure to deliver freight on tender of amount due.

to a penalty of fifty dollars for each such failure or refusal, to be recovered by any consignee or consignees aggrieved by any suit in any court of competent jurisdiction.

Claims to be adjusted and paid.

SEC. 2. That every claim for loss of or damage to property while in possession of such common carrier shall be adjusted and paid within sixty days in case of shipments wholly within this State, and within ninety days in case of shipments from without the State, after the filing of such claim with the agent of such carrier at the point of destination of such shipment or point of delivery to another common carrier: *Provided*, that no such claim shall be filed until after the arrival of the shipment, or of some part thereof, at the point of destination, or until after the elapse of a reasonable time for the arrival thereof. In every case such

Proviso: no claim to be filed before arrival of shipment.

Liability of carrier.

common carrier shall be liable for the amount of such loss or damage, together with interest thereon from the date of the filing of the claim therefor until the payment thereof. Failure to adjust and pay such claim within the periods respectively herein prescribed shall subject each common carrier so failing to a penalty of fifty dollars for each and every such failure, to be recovered by any consignee or consignees aggrieved in any court of competent jurisdiction: *Provided*, that unless such consignee or consignees recover in such action the full amount claimed, no penalty shall be recovered, but only the actual amount of the loss or damage, with interest as aforesaid.

Proviso: no penalty without recovery of full amount of claim.

Subrogation.

SEC. 3. That any common carrier, upon complying with the provisions of this act, shall have all the rights and remedies herein provided for against a common carrier from which it receives the freight in question.

Actions may be united.

SEC. 4. That causes of action for the recovery of the possession of the property shipped for loss or damage thereto and for the penalties herein provided for may be united in the same complaint.

Conflicting acts repealed.
Proviso: existing rights saved.

SEC. 5. That all acts or parts of acts inconsistent with this act be and the same are hereby repealed: *Provided, however*, that this act shall not deprive any consignee or consignees of any rights or remedies now existing against common carriers in regard to freight charges or claims for loss or damage to freight, but shall be deemed and held as creating an additional liability upon said common carriers.

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 28th day of February, A. D. 1905.

CHAPTER 331.

AN ACT TO PERMIT COUNTY COMMISSIONERS TO REGULATE THE SPEED OF AUTOMOBILES, MOTOR-CYCLES AND OTHER LIKE VEHICLES ON PUBLIC ROADS AND BRIDGES.

The General Assembly of North Carolina do enact:

SECTION 1. That section seven hundred and seven of The Code be amended by adding at the end of subsection fifteen the following: "to regulate the speed of automobiles, motor-cycles and other like vehicles on the public roads and bridges, and make such ordinances as they may deem necessary governing the same. Any person violating such ordinances shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days. This act shall not apply to the counties of New Hanover and Mecklenburg.

County commissioners to make ordinances regulating speed.

Violation of ordinances misdemeanor. Penalty. New Hanover and Mecklenburg exempted.

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. 1905.

CHAPTER 332.

AN ACT TO AMEND CHAPTER 325, PUBLIC LAWS OF 1903, REGARDING THE SALE OF CONCENTRATED COMMERCIAL FEEDING STUFFS.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred and twenty-five of the Public Laws of one thousand nine hundred and three, entitled "An act to regulate the sale of concentrated commercial feeding stuffs," be amended so as to read as follows:

Former law amended.

SEC. 2. That every lot or parcel of concentrated commercial feeding stuff and condimental feed used for feeding domestic animals or poultry sold, offered or exposed for sale within this State shall be registered annually with the Commissioner of Agriculture and shall have affixed thereto or printed on the bag or other package in a conspicuous place on the outside thereof a legible and plainly printed statement clearly and truly certifying the number of net pounds of feeding stuff contained therein: *Provided*, that all concentrated commercial feeding stuffs shall be in standard-weight bags or packages of eighty, one hundred, one hundred and twenty-five, one hundred and fifty-four, one hundred and eighty-two, or two hundred pounds each; also the name, brand or trade-mark under which the article is sold, the name and address of the manufacturer, importer or jobber, and a statement of the maxi-

Weight of contents to be stated on package.

Proviso: standard weights.

Bags to show. Name, trade-mark or brand of contents. Name and address of manufacturer, importer or jobber.

Statement of constituents.	<p>mum percentage it contains of crude fiber, and the minimum percentage of crude fat and of crude protein, allowing one per cent. of nitrogen to equal six and one-fourth per cent. of protein; all three constituents to be determined by the methods in use at the time by the Association of Agricultural Chemists of the United States.</p>
Commercial feeding stuff defined.	<p>SEC. 3. The term "concentrated commercial feeding stuff" as herein used shall include linseed meals, corn and cob meal, coconut meals, gluten feeds, gluten meal, germ feeds, corn feeds, starch feeds, sugar feeds, dried brewers' grains, malt sprouts, dried distillers' grains, dried beet refuse, hominy feeds, cerealing feeds, rice meals, rice bran, rice polish, peanut meals, oat feeds, corn and oat feeds, corn bran, wheat bran, wheat middlings, wheat shorts, ground beef or fish scraps, mixed feeds, clover meal, alfalfa meal and feeds, peavine meal, cotton-seed meal feeds, whole seeds and grains and meals, mixed or unmixed, made from such seeds or grains, and all materials of a similar nature.</p>
Copy of statement on package to be filed with commissioner of agriculture.	<p>SEC. 4. Each and every manufacturer, importer, jobber, agent or seller, before selling, offering or exposing for sale in this State any concentrated commercial feeding stuff as defined in section three of this act, shall, for each and every feeding stuff bearing a distinguishing name or trade-mark, file with the Commissioner of Agriculture a copy of the statement named in section two of this act, and accompany said statement, when so requested by the Commissioner of Agriculture, by a sealed glass jar or bottle containing at least one pound of the feeding stuff to be sold, exposed or offered for sale, which sample shall correspond within reasonable limits to the feeding stuff which it represents in the percentages of protein, fat and fiber which it contains.</p>
Samples.	
Tonnage tax.	<p>SEC. 5. Each and every manufacturer, importer, jobber, agent or seller of any concentrated commercial feeding stuff as defined in section three of this act shall pay to the Commissioner of Agriculture an inspection tax of twenty cents per ton for each ton of such concentrated feeding stuff sold, offered or exposed for sale in the State, and shall affix to each car shipped in bulk and to each bag, barrel or other package of such concentrated feeding stuff a tag, to be furnished by said Commissioner of Agriculture, stating that all charges specified in this section have been paid: <i>Provided</i>, that the inspection tax of twenty cents per ton shall not apply to wheat bran, wheat middlings and wheat shorts, separated or mixed, and when not mixed with other substances, and whole seeds and grains and pure meals made from whole grains and seeds. The Commissioner of Agriculture is hereby empowered to prescribe the form for such tax tags, and the Board of Agriculture is empowered to adopt standards for concentrated feeding stuffs and such regulations as may be necessary for the enforcement of this law, the violation of any of which regulations shall be a misdemeanor. Whenever a manufacturer, importer or jobber</p>
Tags for tax.	
Proviso: exemptions.	
Form of tags.	
Board of agriculture to adopt standards and regulations.	

of a concentrated feeding stuff shall have filed the statement named in section two of this act and paid the inspection tax, no agent or seller of said manufacturer, importer or jobber shall be required to file such statement or pay such tax.

SEC. 6. The Commissioner of Agriculture shall have the power to refuse the registration of any feeding stuff under a name which would be misleading as to the materials of which it is made up, or when the percentage of crude fiber is above or the percentages of fat and protein below the standard adopted by the Board of Agriculture under authority given in the preceding section. Should such materials as referred to above be registered and it is afterwards discovered that they are in violation of the above provisions, the Commissioner of Agriculture shall have the power to cancel the registration.

Commissioner may refuse registration.

Registration may be cancelled.

SEC. 7. Any manufacturer, importer, jobber, agent or seller who shall sell, offer or expose for sale or distribution in this State any concentrated commercial feeding stuff as defined in section three of this act without complying with the requirements of the preceding sections of this act, or who shall sell or offer or expose for sale or distribution any concentrated commercial feeding stuff which contains substantially a smaller percentage of constituents than are certified to be contained, or who shall adulterate any feeding stuff with foreign, mineral or other substance or substances, such as rice hulls or chaff, peanut shells, corn cobs, oat hulls or other similar materials of little or no feeding value, or with substances injurious to the health of domestic animals, shall be guilty of a violation of the provisions of this act and fined not more than fifty dollars or imprisoned not exceeding thirty days for each offense, and the lot of feeding stuff in question shall be subject to seizure, condemnation and sale by the Commissioner of Agriculture as is prescribed for the seizure, condemnation and sale of commercial fertilizers in this State, and the proceeds from said sales shall be covered into the State Treasury for the use of the Department of Agriculture in executing the provisions of this act.

Who deemed guilty of violation of act.

Penalty.

Feeding stuff subject to seizure.

SEC. 8. The Commissioner of Agriculture is hereby authorized to have collected a sample, not exceeding two pounds in weight, for analysis, from a lot, parcel or package of concentrated commercial feeding stuff as defined by section three of this act which may be in the possession of any manufacturer, importer, agent or dealer, but said sample shall be taken from not less than ten per cent. of the whole lot inspected.

Commissioner of agriculture to collect samples.

SEC. 9. Any manufacturer, dealer or other person who shall impede, obstruct, hinder or otherwise prevent or attempt to prevent any inspector or other person in the performance of his duty in collecting samples or otherwise in connection with this act shall be guilty of a misdemeanor, and shall upon conviction be fined not less than ten dollars nor more than fifty dollars.

Obstructing inspector a misdemeanor.

Penalty.

General provisions
as to penalties.

SEC. 10. Any violation of the provisions of this act shall be punishable by a fine not exceeding fifty dollars or imprisonment not exceeding thirty days.

SEC. 11. 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. 1905.

CHAPTER 333.

AN ACT TO AMEND CHAPTER 233 OF THE PUBLIC LAWS OF 1891.

The General Assembly of North Carolina do enact:

Lawful fence.

SECTION 1. That chapter two hundred and thirty-three of the Public Laws of eighteen hundred and ninety-one be amended so as to apply to Brunswick 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 1st day of March, A. D. 1905.

CHAPTER 334.

AN ACT TO AMEND CHAPTER 383, PUBLIC LAWS OF 1901, RELATIVE TO THE PROTECTION OF GAME IN SURRY COUNTY.

The General Assembly of North Carolina do enact:

Unlawful to convey game out of county.

SECTION 1. That the following section be added to [chapter] three hundred and eighty-three of the Public Laws one thousand nine hundred and one, viz.: "That it shall be unlawful for any person to ship, carry or in any way convey any quail or partridges to any point outside of the said county of Surry.

Misdemeanor.

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.

Punishment.

SEC. 3. That all laws and clauses of law 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 1st day of March, A. D. 1905.

CHAPTER 335.

AN ACT TO PUNISH THE WILLFUL OR MALICIOUS TAKING OR REMOVING OF THE WASTE OR PACKING FROM ANY JOURNAL BOX.

The General Assembly of North Carolina do enact:

SECTION 1. That if any person shall willfully and maliciously take or remove the waste or packing from any journal box or boxes of any locomotive, engine, tender, carriage, coach, car, caboose or truck used or operated upon any railroad, whether the same be operated by steam or electricity, he shall, upon conviction thereof, be fined or imprisoned in the jail or State's Prison, in the discretion of the court. Unlawful to remove waste or packing.

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

In the General Assembly read three times, and ratified this 1st day of March, A. D. 1905.

CHAPTER 336.

AN ACT TO RELIEVE THE BOARD OF AGRICULTURE FROM CONTRIBUTING TO THE CURRENT EXPENSES OF THE A. & M. COLLEGE, AS RECOMMENDED BY HIS EXCELLENCY, GOVERNOR AYCOCK, IN HIS MESSAGE OF JANUARY, 1905.

The General Assembly of North Carolina do enact:

SECTION 1. That section eleven, chapter four hundred and two, Public Laws of one thousand nine hundred and three, be amended by striking out that portion beginning in line five with the words "for one year" to and including the words "Board of Agriculture" in lines ten and eleven. Appropriation from board of Agriculture stricken out.

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

In the General Assembly read three times, and ratified this 1st day of March, A. D. 1905.

CHAPTER 337.

AN ACT REGULATING THE HOLDING OF THE COURTS IN SURRY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter six hundred and fifty-six of the Public Laws of the session of the General Assembly of one thousand nine hundred and three be and the same is hereby repealed. Separate civil and criminal terms abolished.

Additional term.

SEC. 2. That an additional term of the Superior Court of Surry County is hereby established, to be held on the fourth Monday before the first Monday in March of each year, to continue for one week, for the trial of both criminal and civil causes.

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. 1905.

CHAPTER 338.

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

The General Assembly of North Carolina do enact:

Number raised to seven.

SECTION 1. That there shall be elected in the county of Beaufort and at the next general election and every two years thereafter seven county commissioners of said county, who shall hold office until their successors are elected and qualified.

Repealing clause.

SEC. 2. That all laws and clauses of law 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 1st day of March, A. D. 1905.

CHAPTER 339.

AN ACT TO AMEND CHAPTER 233 OF THE PUBLIC LAWS OF 1903, REGULATING THE MANUFACTURE AND SALE OF LIQUORS IN NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Manufacture or rectification of liquor forbidden except in towns of not less than 1,000 inhabitants.

SECTION 1. That section one, chapter two hundred and thirty-three of the Public Laws of one thousand nine hundred and three, be amended by striking out the word "manufacture" in line two thereof, and that said chapter and section be further amended by striking out the words "or manufacture" in line five thereof, and that said chapter and section be further amended by adding after the words "special statute" in line seven of said section the following: "It shall be unlawful for any person or persons, firm or corporation to manufacture or rectify for gain any spirituous, vinous or malt liquors or intoxicating bitters within the State of North Carolina except in incorporated cities and towns having not

less than one thousand population, wherein the manufacture of liquor is not or may not hereafter be prohibited by law or regulated by special statute."

SEC. 2. That section four of chapter two hundred and thirty-three of the Public Laws of one thousand nine hundred and three be amended by inserting after the word "manufacture" in line two thereof the words "or rectification."

SEC. 3. That section nineteen of said chapter be amended by striking out the words "manufacture and" in lines two and three thereof and inserting at the end thereof the following: "That nothing in this act shall be construed to repeal, alter or amend any special act prohibiting or regulating the manufacture of liquors in any incorporated city or town having not less than one thousand population."

SEC. 4. That chapter two hundred and thirty-three of the Public Laws of one thousand nine hundred and three be further amended by adding after section nineteen the following, numbered as "section twenty": "That every incorporated city or town in which spirituous, vinous or malt liquors or intoxicating bitters are permitted to be sold or manufactured under the provisions of this act shall maintain a town or city government as provided in its charter of incorporation and a police force of not less than two policemen; and it shall be the duty of some member of said police force to visit each place where liquor is sold or manufactured in said city or town at least once every week and make a careful and thorough inspection and examination thereof, with a view of ascertaining whether the laws regulating the manufacture and sale of liquor are observed and obeyed and whether the said business is conducted in an orderly and lawful manner, and to make a written report setting forth the result of said visitation to the mayor and board of aldermen or other governing authorities of said city or town, which report or several reports the said mayor shall deliver to the solicitor of the district on or before the assembling of the ensuing term of the superior court of the county in which said town or city is situated; and in case such town or city shall fail to maintain a city government or provide the police force, investigations and report herein prescribed, the board of commissioners of the county in which the same is situated may revoke and cancel the license and permission authorizing the sale and manufacture of liquor in said town or city."

SEC. 5. That said chapter two hundred and thirty-three of the Public Laws of one thousand nine hundred and three be further amended by adding thereto another section after the preceding section, to be numbered "section twenty-one," as follows: "That the possession of or issuance to any person, firm or corporation of a license to manufacture, rectify or sell, at wholesale or retail, spirituous or malt liquors by the United States Government or any officer thereof in any county, city or town where the manu-

Rectifying forbidden.

Special acts prohibiting or regulating manufacture not affected.

Police regulations.

Police to visit and inspect.

To make written reports.

Mayor to deliver reports to solicitor.

License to be cancelled if police not maintained.

United States license prima facie evidence.

facture, sale or rectification of spirituous or malt liquors is forbidden by the laws of this State shall be *prima facie* evidence that the person, firm or corporation having such license, or to whom the same was issued, is guilty of doing the act permitted by the said license in violation of the laws of this State.

Section number
changed.

SEC. 6. That chapter two hundred and thirty-three of the Public Laws of one thousand nine hundred and three be further amended by changing the figures "20" in line one, section twenty thereof, to the figures "23."

Conflicting laws
repealed.
Proviso.
Laws relative to
sale of cider, wine,
or brandy not af-
fected.

SEC. 7. That all laws and clauses of laws in conflict with this act are hereby repealed: *Provided*, that nothing in this act shall be construed to repeal, alter or amend any of the provisions of chapter two hundred and thirty-three, Public Laws one thousand nine hundred and three, known as the "Watts bill," relative to the manufacture or sale of cider, wine or brandy, but same shall remain in full force.

SEC. 8. That this act shall take effect from and after the first day of January, A. D. one thousand nine hundred and six.

In the General Assembly read three times, and ratified this the 1st day of March, A. D. 1905.

CHAPTER 340.

AN ACT TO PROVIDE FOR THE ELECTION OF THE BOARD OF COMMISSIONERS OF NEW HANOVER COUNTY BY A VOTE OF THE PEOPLE.

The General Assembly of North Carolina do enact:

Commissioners to
be elected by peo-
ple in 1906 and
thereafter.

SECTION 1. That at the next general election to be held in New Hanover County, on Tuesday after the first Monday in November in the year one thousand nine hundred and six and every two years thereafter, there shall be elected by the qualified voters of said county five persons, who shall constitute the board of county commissioners of said county and who shall qualify on the first Monday in December following their election and shall hold their offices for two years from and after their qualification and until their successors shall be elected and qualified, and who shall have all the powers and duties which are now or may hereafter be prescribed by law for county commissioners.

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

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

In the General Assembly read three times, and ratified this the 2d day of March, A. D. 1905.

CHAPTER 341.

AN ACT TO AMEND CHAPTER 294, PUBLIC LAWS 1903, RELATIVE TO TIME FOR HOLDING COURT IN GREENE AND CRAVEN COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. Amend section one, chapter two hundred and ninety-four, Public Laws one thousand nine hundred and three, by adding after words "Greene County" in line five (5) thereof the following: "third Monday in May, to continue for two weeks, for the trial of civil causes only." Also amend same section by adding after words "Craven County" in line eleven the following: "fifth Monday after the first Monday in September, to continue one week, for trial of civil causes only."

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

In the General Assembly read three times, and ratified this the 2d day of March, A. D. 1905.

CHAPTER 342.

AN ACT TO EMPOWER EXECUTORS, ADMINISTRATORS, ADMINISTRATORS WITH THE WILL ANNEXED AND ADMINISTRATORS DE BONIS NON WITH THE WILL ANNEXED TO SELL LAND BID IN FOR THE BENEFIT OF THE ESTATE THEY REPRESENT.

The General Assembly of North Carolina do enact:

SECTION 1. That whenever land is conveyed to an executor, administrator, administrator with will annexed or administrator *de bonis non* with the will annexed, for the benefit of the estate he represents, he may sell and convey same upon such terms as he may deem just and for the advantage of said estate. "That the sales provided for in this act shall be public, after due advertisement, as for judicial sales, unless the conveyance is made to the party entitled to the proceeds."

SEC. 2. That whenever land conveyed to any such personal representative as mentioned in section one of this act is not conveyed by such personal representative during his life or term of office his successor may sell and convey said land as if the title had been made to him: *Provided*, if said predecessor has contracted in writing to sell said lands, but fails to convey same, his successor in office may do so upon payment of the purchase price.

In the General Assembly read three times, and ratified this the 2d day of March, A. D. 1905.

Personal representatives may sell land bid in for estate.

Sales to be public.

Power continued to successor.

Proviso.

In case of sale successor may make conveyance.

CHAPTER 343.

AN ACT TO REGULATE THE KILLING OF QUAIL AND
OTHER GAME BIRDS IN BUNCOMBE COUNTY.*The General Assembly of North Carolina do enact:*

Close season.

SECTION 1. That it shall be unlawful for any person to shoot, kill, capture or destroy any quail, partridge, pheasant, wild turkey, grouse or dove in the county of Buncombe except between the first day of December and the first day of February of each and every year, except as hereinafter provided.

Unlawful to sell or have game in possession in close season.

SEC. 2. That it shall be unlawful for any person, firm or corporation to sell or offer for sale or have or keep in his or her possession for sale any of said game birds killed within said Buncombe County except between the first days of December and February of every year.

Unlawful to kill more than 25 in one day.

SEC. 3. That it shall be unlawful for any one person to kill more than twenty-five of such game birds in one day.

Leicester township closed for three years.

SEC. 4. That it shall be unlawful for any person to hunt, shoot or kill any game bird in that part of said Buncombe County known as Leicester Township at any time within three years from and after the ratification of this act.

Misdemeanor.

Penalty.

SEC. 5. Any violation of any of the provisions of this act shall constitute a misdemeanor and shall be punishable by a fine not exceeding \$50 or imprisonment in jail not exceeding thirty days.

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 2d day of March, A. D. 1905.

CHAPTER 344.

AN ACT TO CURE DEFECTIVE ORDERS TO REGISTRATION
OF DEEDS, ETC.*The General Assembly of North Carolina do enact:*

Formal defect in registration cured.

SECTION 1. In all cases where any clerk of the superior courts or clerk of the inferior courts or clerk of any criminal courts of this State has passed, shall hereafter pass upon the certificate of an officer, taking the proof or acknowledgment of any deed, deed in trust, mortgage or other instrument required to be registered, and has then worded or shall word the order to registration substantially as follows: "Therefore, let the same with this certifi-

cate be registered," and the instrument has been admitted or shall hereafter be admitted to registration on such order, such registration shall be as good and valid as if the order to registration had been as follows: "Therefore, let the instrument with the certificates be registered."

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

In the General Assembly read three times, and ratified this the 2d day of March, A. D. 1905.

CHAPTER 345.

AN ACT TO REGULATE THE FEES OF THE SHERIFF AND THE CLERK OF THE SUPERIOR COURT OF FRANKLIN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That in all criminal cases originating in the court of a justice of the peace, of which the justice has final jurisdiction and in which the defendant is convicted and appeals to the superior court, in case there is a verdict of not guilty on such appeal, or a *nol. pros.* is entered by the solicitor or the judgment of the justice's court is reversed, the clerk of the superior court shall be entitled to the same fees against the county, to be taxed in like manner as if the case had been instituted in and the superior court had had original jurisdiction of the same. Fees in appeals from justices of the peace.

SEC. 2. That in all criminal cases in which the defendant shall have been bound over to the superior court by a justice of the peace or the prosecution shall originate in the superior court upon bill sent to the grand jury, if the bill shall be returned by the grand jury "not a true bill" the clerk of the superior court shall be entitled to like fees against the county, to be taxed in like manner as if the bill had been returned "a true bill" and a verdict of "not guilty" had thereon. Fees where bill ignored.

SEC. 3. That the sheriff shall be entitled to his fees accruing and earned after the docketing in the superior court in all cases mentioned in sections 1 and 2 of this act. Sheriff's fees.

SEC. 4. This act shall apply to Franklin County only and in so far as said county is affected thereby. All laws and clauses of laws in conflict with this act are hereby repealed. Limited to Franklin 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 2d day of March, A. D. 1905.

CHAPTER 346.

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

The General Assembly of North Carolina do enact:

John C. Puett appointed commissioner.

SECTION 1. That John C. Puett of Dallas Township, Gaston County, be and he is hereby appointed and elected a member of the Board of Commissioners for the County of Gaston, with the same rights and powers and subject to the same duties and liabilities as members of said board of commissioners as if he had been elected at the last general election in said county.

Six commissioners elected hereafter.

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, six county commissioners for said county, one of whom must be a resident of Dallas Township, one a resident of Gastonia Township, one a resident of River Bend Township, one a resident of South Point Township, one a resident of Crowder's Mountain Township and one a resident of Cherryville Township.

New commissioner to qualify.

SEC. 3. That said John C. Puett shall qualify as county commissioner of said county before the clerk of the superior court of said county, and shall hold office from his qualification until the first Monday in December, one thousand nine hundred and six.

Clerk of board to break tie.

SEC. 4. That if at any time said Board of Commissioners for the county of Gaston shall be equally divided upon any question pending before them and there shall be a tie vote, then and in that event the clerk of said board is authorized and empowered to cast the deciding vote and to determine such question.

Secretary of State to send copy of act.

SEC. 5. 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 the register of deeds of said county immediately upon the ratification hereof.

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

In the General Assembly read three times, and ratified this 2d day of March, A. D. 1905.

CHAPTER 347.

AN ACT TO FACILITATE THE CALCULATION OF THE PRESENT WORTH OF ANNUITIES.

The General Assembly of North Carolina do enact:

Cash value ascertained.

SECTION 1. That whenever it shall be necessary to establish the present worth or cash value of an annuity to a person, payable annually during his life, such present worth or cash value may be ascertained by the use of the following table in connection with

the mortuary tables established by law, the first column representing the number of years the annuity is to run and the second column representing the present cash value of an annuity of one dollar for such number of years, respectively:

<i>No. of years annuity is to run.</i>	<i>Cash value of the annuity of \$1.</i>
1	\$0.943
2	1.833
3	2.673
4	3.465
5	4.212
6	4.917
7	5.582
8	6.209
9	6.801
10	7.360
11	7.886
12	8.383
13	8.852
14	9.295
15	9.712
16	10.106
17	10.477
18	10.827
19	11.158
20	11.469
21	11.764
22	12.042
23	12.304
24	12.550
25	12.783
26	13.003
27	13.211
28	13.406
29	13.591
30	13.765
31	13.929
32	14.084
33	14.230
34	14.368
35	14.498
36	14.621
37	14.737
38	14.846
39	14.949
40	15.046
41	15.135

<i>No. of years annuity is to run.</i>	<i>Cash value of the annuity of \$1.</i>
42	\$15.219
43	15.299
44	15.374
45	15.445
46	15.514
47	15.579
48	15.641
49	15.699
50	15.754

Annuities for frac-
tion of years.

SEC. 2. That the present cash value of the annuity for a frac-
tion of a year may be ascertained as follows: Multiply the differ-
ence between the cash value of the annuities for the preceding and
succeeding full year by the fraction of the year in decimals and
add the sum to the present cash value for the preceding full year.

Life interest con-
sidered as annui-
ties.

SEC. 3. When a person is entitled to the use of a sum of money
for life, or for a given time, the interest thereon for one year may
be considered as an annuity and the present cash value be ascer-
tained as herein provided.

SEC. 4. That this act shall be in force from and after its ratifi-
cation.

In the General Assembly read three times, and ratified this the
2d day of March, A. D. 1905.

CHAPTER 348.

AN ACT TO INCREASE THE JURY TAX FROM TWO DOL-
LARS IN CRIMINAL CASES AND THREE DOLLARS IN
CIVIL CASES TO FIVE DOLLARS IN ALL CASES WHERE
A JURY IS IMPANELED IN PITT COUNTY.

The General Assembly of North Carolina do enact:

Code amended.

SECTION 1. That section seven hundred and thirty-two of the
first volume of The Code be and the same is hereby amended by
striking out the word "two" in line four of said section and insert-
ing in its stead the word "five," and by striking out the word
"three" in line six of said section and inserting in its stead the
word "five": *Provided*, that this amendment shall apply only to
the county of Pitt.

Limited to Pitt.

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. 1905.

CHAPTER 349.

AN ACT TO MAKE THE MAY TERM OF VANCE COUNTY
SUPERIOR COURT A TWO-WEEKS TERM.*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter twenty-eight of the Public Laws of one Term extended, thousand nine hundred and one be amended by adding after the word "March" in line eighteen, under the subtitle "Fourth District," on page one hundred and sixty-five, the words "to continue for two weeks," thus changing the May Term of Vance Superior Court from a one-week to a two-weeks term.

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

In the General Assembly read three times, and ratified this the 2d day of March, A. D. 1905.

CHAPTER 350.

AN ACT TO AMEND SECTION 1022 OF THE CODE IN REF-
ERENCE TO ESCAPES.*The General Assembly of North Carolina do enact:*

SECTION 1. That section one thousand and twenty-two (1022) of The Code be and the same is hereby amended by adding after the word "fined" in line twelve (12) of said section and before the word "at" in line thirteen (13) the words "or imprisoned or both." Officer suffering escapes may be imprisoned.

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 March, A. D. 1905.

CHAPTER 351.

AN ACT TO PREVENT THE HEDGING OF FISH IN THE
WATERS OF CARTERET COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person or persons to hedge fish in the waters of Carteret County with stakes, logs, bushes or any other means that shall prevent the free passage of fish in any sound, river, creek, slough or other tributary of any of the waters of said Carteret County, excepting only the catching of fish by the general methods of drop-nets, hauling-nets and seines. Unlawful to hedge fish in Carteret county,

Misdemeanor.

SEC. 2. Any person or persons violating section one (1) of this act shall be guilty of a misdemeanor, and for each offense shall be fined two hundred dollars (\$200) and imprisoned six (6) months.

Penalty.

SEC. 3. This act shall be in force from and after April twenty (20), one thousand nine hundred and five (1905).

In the General Assembly read three times, and ratified this the 2d day of March, A. D. 1905.

CHAPTER 352.

AN ACT TO REGULATE THE FEES OF THE TREASURER OF MARTIN COUNTY.

The General Assembly of North Carolina do enact:

Two and one-half per cent. on receipts and disbursements.

SECTION 1. That the Treasurer of Martin County shall receive as his commission two and one-half per cent. on all money received by him as general county fund and two and one-half per cent. on all money disbursed by him as general county fund. That commissions on school fund shall remain as already provided for in public school law.

School fund as already provided.

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 2d day of March, A. D. 1905.

CHAPTER 353.

AN ACT TO DISBURSE EQUAL AMOUNTS OF MONEY PER CAPITA FOR LAND AND NAVAL FORCES FOR ENCAMPMENT.

The General Assembly of North Carolina do enact:

Naval forces to share per capita.

SECTION 1. That section 9, chapter 390, Public Laws of eighteen hundred and ninety-nine, be amended by adding at the end of said section the following: *Provided further*, that the same amount of money shall be disbursed annually *per capita* for the naval forces as for the land forces for the purpose of encampment or practice marches or service afloat.

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 2d day of March, A. D. 1905.

CHAPTER 354.

AN ACT TO APPOINT JUSTICES OF THE PEACE FOR THE
SEVERAL COUNTIES OF NORTH CAROLINA.*The General Assembly of North Carolina do enact:*

SECTION 1. That the following named persons be and they are hereby appointed justices of the peace for their respective counties and townships in North Carolina for a term of six (6) years, except when a different length of time is named herein; said term to begin from and after the ratification of this act, and shall have thirty days within which time to qualify:

ALAMANCE COUNTY.

Alamance county.

TOWNSHIP.

Graham—Lewis H. Holt.*Mortons*—T. B. Barker, D. M. Ireland, A. D. Madren (2 years), C. E. Topscott.*Albright*—George T. Thompson, John A. Long (4 years each).

ALLEGHANY COUNTY.

Alleghany county.

Cherry Lane—J. C. Roberts.*Prather's Creek*—H. D. Estel, M. C. Sheppard.*Whitehead*—D. C. Cawdill, Col. G. Fender.*Gap Civel*—R. M. Nichols.

ANSON COUNTY.

Anson county.

Ansonville—A. P. Mills, M. T. Ballard, Jr.*Burnsville*—J. F. Gaddy.*Morven*—A. S. Morrison.

ASHE COUNTY.

Ashe county.

Jefferson—George Bare.*Peak Creek*—James F. Johnson, A. C. Dancy (until next regular election for members of the General Assembly).*Old Fields*—J. W. Duncan, W. A. Houck, Ira Duncan.*Clifton*—H. C. Poe.*Horse Creek*—J. D. Stanbery, J. J. Lyall.*Piney Creek*—D. A. Fender.*Peak Creek*—J. W. Reid.*Laurel*—D. J. Patrick, H. L. Williams, L. W. Pennington.

BEAUFORT COUNTY.

Beaufort county.

Washington—W. H. McDevet, John C. Latham.*Richland*—C. G. Midyett, J. D. Aldridge, Edward Tripp, Warren Tenten, W. A. Thompson, B. W. Miller, Edwin Lewis, B. D. Rowe.*Pantego*—O. F. Davis, W. D. Sadler.

Long Acre—J. R. Pinkham, W. B. Fleming, H. C. Boyd.

Chocowinity—W. A. B. Branch, N. C. Hughes, Jr.

Bath—J. F. Latham.

Bertie county.

BERTIE COUNTY.

Roxobel—Edward L. Bishop, T. S. Norfleet, W. E. Parker, A. W. Easley.

Mitchells—William A. Jenkins, G. R. Dunning.

Windsor—W. T. Asbell, W. T. Heckstall, A. L. Pritchard, Joseph A. Creech, John W. Cooper.

Merry Hill—W. R. Capehart, Thomas M. White, George A. Harden, E. H. Walke.

Whites—John T. Hoggard, Thomas P. Smallwood.

Snake Bite—Levi Hoggard, Charles Taylor, William E. Harrell, J. R. Cherry.

Indian Woods—A. S. Collins, E. D. Spruill.

Colerain—John H. White, W. R. Rayner, William S. Tayloe, D. R. Britton.

Woodville—A. T. Eason, J. A. Modlin, J. L. Harrington, E. C. Pittman.

Bladen county.

BLADEN COUNTY.

Central—J. B. West, A. Hocutt, J. W. McDuffie (4 years each).

Turnbull—B. F. Tatum (4 years).

White's Creek—James A. Wooten (4 years).

French Creek—W. H. G. Lucas, L. C. Boswell (4 years each).

Elizabethtown—W. H. Barnhill (4 years).

Brown Marsh—John N. Kelly (4 years).

Bethel—A. M. McNeill, J. J. McMillan.

Bladenboro—Dayton McLean, Alexander Shaw.

Brunswick county.

BRUNSWICK COUNTY.

Northwest Township—J. P. Murrell (2 years), T. C. Williams (2 years), R. L. Chinnis (2 years), J. D. Robbins (2 years).

Lockwood's Folly—Samuel Lewis (2 years), George Leonard (2 years), George W. Kirby (2 years).

Town Creek Township—George H. Bellamy (2 years), George M. McKeithen (2 years), A. V. Goodman (2 years), David R. Mercer (2 years).

Smithville Township—Howard C. Curtis, W. T. Pinner (2 years), S. P. Thorp (2 years), A. B. Drew (2 years).

Waccamaw Township—Asa R. Edwards (2 years), L. E. Formyduval (2 years), S. K. Millikin (2 years).

Shallotte Township—Robert Piggott (2 years), Samuel Hickman (2 years).

Buncombe county.

BUNCOMBE COUNTY.

Avery's Creek—S. B. Bishop.

Asherille—M. L. Buckner, R. C. Sales.

Lower Hominy—E. H. Britt, S. L. Morgan.
Reem's Creek—J. M. Whitmore.
Ivey—M. T. Arrowood, J. H. Woodard.
French Broad—David H. Meadows.

BURKE COUNTY.

Burke county.

Icard—H. A. Adams.
Linville—J. R. Rust.
Lovelady—J. R. Connell.

CABARRUS COUNTY.

Cabarrus county.

No. 1—L. McKee Morrison.
No. 1—D. Lafayette Morrison.
No. 9—D. J. Little, Paul F. Widenhouse.
No. 10—Daniel W. Turner, William Long.
No. 12—James N. Brown.

CALDWELL COUNTY.

Caldwell county.

Lower Creek—M. E. Shell (2 years).
Little River—P. C. Downs, E. T. Bowman.
Yadkin Valley—W. J. Harrington, W. J. Lenoir.
King's Creek—James Livingston.
John's River—William T. Mayes, J. T. T. Hood, R. S. Crisp.

CAMDEN COUNTY.

Camden county.

Shiloh—J. B. Burgess.
South Mills—C. H. Spencer.
Court House—W. E. Whaley.

CARTERET COUNTY.

Carteret county.

Hunting Quarters—Ralph Styron, Joe Long, Ed. Neilson.
Portsmouth—A. R. Styron.
Smyrna—Clifford Davis.
Morehead City—L. L. Leary.

CATAWBA COUNTY.

Catawba county.

Hickory—J. T. Yoder.
Jacob's Fork—W. J. Boggs.
Catawba—J. H. Fisher (2 years), B. M. Morrow, Z. V. Leonard (4 years), H. I. Lawrence.

CHATHAM COUNTY.

Chatham county.

Hadleys—J. O. Clark (2 years).
Williams—H. D. Mason, L. F. Williams, J. S. Howard (2 years each).
Gulf—J. M. Stinson.

Caswell county.

CASWELL COUNTY.

Anderson—J. R. Burton, S. Y. Florance.

Dan River—L. P. Goodson, James McCrary, J. B. Walters, R. T. Wilson, John Denny.

Hightowers—W. W. Murray, J. R. Smith, D. J. Wilkerson, H. S. Thackston, John B. McMullan, James M. Williams.

Leasburg—H. T. Connelly, S. P. Newman.

Locust Hill—Edgar Allison, John A. Cobb, E. B. Blackwell, T. D. Worsham.

Milton—Dr. J. A. Hurdle, Thomas Chandler.

Pelham—J. D. Gatewood, S. A. Pierce, C. J. Wright, John W. Travis.

Stoney Creek—William Leath, Julius Turner.

Yanceyville—George T. Manly, Monroe Oliver, J. H. Kerr.

Chowan county.

CHOWAN COUNTY.

No. 2—J. R. Hollowell, J. M. Forehand, W. W. Bunch, Henderson Layton (term to begin May 1st, 1905).

Cleveland county.

CLEVELAND COUNTY.

No. 3—T. E. Elliott, S. R. Anthony.

No. 4—M. R. Collins.

No. 8—A. B. C. DePriest.

No. 9—A. J. R. Hoyle, J. W. Grigg.

No. 11—G. W. Peeler.

No. 2—John Beason.

Columbus county.

COLUMBUS COUNTY.

Tatoms—Pritchard Lennon, G. W. Lennon (4 years each), E. K. Brown.

Bogue—R. J. Batten, S. L. Sykes, James Thompson (2 years each).

Chadbourn—W. J. Hughes (2 years).

Whiteville—N. W. Fryer (4 years), J. H. Maxwell (2 years).

Fair Bluff—N. D. Williamson (2 years).

Lees—D. J. Jolly, E. P. White (2 years).

Ransom—S. N. Formedual, G. W. Applewhite (2 years), A. T. Clark (4 years), S. B. King (2 years), James D. Strauss (2 years).

Waccamaw Township—H. H. Holton.

Craven county.

CRAVEN COUNTY.

No. 1—F. H. Gaskins, J. R. Boyd.

No. 2—S. W. Latham, Alfred Gaskins.

No. 3—M. D. Lane, J. S. Robinson.

No. 5—Joshua Adams, L. F. McCabe.

No. 6—John D. Pittman.

No. 7—J. W. Latham.

No. 8—G. B. Waters, C. E. Foy, J. B. French.

No. 9—M. W. Carman, W. B. Lane, E. Z. R. Davis.

CHEROKEE COUNTY.

Cherokee county.

Murphy Township—A. A. Faim, J. B. Martin, G. K. Welch, R. J. Roane.

Valley Town Township—S. Porter, J. M. Richardson, Edwin G. Heneman, Rickard W. Collett.

Beaver Dam Township—G. J. Crow.

Shoal Creek Township—A. L. Martin, P. E. Nelson.

Notta Township—S. W. Davidson, A. M. Hatchett.

Hot House Township—S. W. Lefever, John M. Newman.

CUMBERLAND COUNTY.

Cumberland county

Stewartsville—M. A. McBryde (6 years), E. S. Whitaker (4 years), J. B. Calhoun (2 years), J. W. Jonegan (6 years).

Springhill—Lock McNeill (6 years), W. J. Mathews (4 years).

Laurel Hill—Capt. J. M. Wright (6 years), Archie McNeill (2 years), James Patterson (6 years).

Williamson—William Mason (6 years), John D. McDonald (4 years), Charlie Duncan (6 years).

Cross Creek—D. N. McLean.

Quechiffle—W. J. McCraney, D. B. McLean (until next general election and until their successors shall qualify).

Cross Creek—W. S. Cook, W. W. Huske, J. A. Davis.

Cedar Creek—Alexander Thaggard, Jonathan Evans, F. J. Bullock.

Beaver Dam—Alexander Simmons, J. S. Horne, J. D. Jessup, W. J. F. Beard.

DARE COUNTY.

Dare county.

Nag's Head—William F. Forbes.

Manteo—W. G. Forbes, John J. Homer.

Avon—B. P. Miller.

Mann's Harbor—B. F. Gore.

Wanchese—B. F. Daniels.

Collington—J. M. Crank, Jr.

East Lake—Murray Sawyer.

Hatteras—Litchfield Gaskil.

Buxton—A. W. Simpson.

DAVIDSON COUNTY.

Davidson county.

Boone—J. H. Wilson.

Abbott's Creek—C. M. Hammer.

Conrad Hill—Thomas J. Kindley.

Emmons—J. W. Hendrick.

Fairmont—J. D. Lookabill, Eugene Holmes.
Heating Springs—J. A. Carrick, James Rush, L. A. H. Rogers.
Jackson Hill—W. M. C. Surratt, W. H. Moore.
Midway—Isaac N. Clodfelter, Roby Charles.
Lexington—J. D. Holt.
Reedy Creek—John D. Hoffman.
Thomasville—J. R. Stone.
Tyro—H. Helmstetler.
Alleghany—A. L. Newsome.

Davie county.

DAVIE COUNTY.

Farmington—John A. Safley (4 years), James Taylor.
Calahan—L. B. Walker (4 years), A. J. Anderson.
Jerusalem—C. D. Lefler (4 years), John B. Foard.
Mocksville—G. E. Horne.
Shady Grove—W. J. Mock (4 years), J. H. Hartman.
Clarksville—A. H. McMahan.
Fulton—P. W. Hairston (4 years), Jesse Davis.

Duplin county.

DUPLIN COUNTY.

Glissons—D. C. Potter, G. A. Outlaw.
Wolfsrape—John F. Goodson, Hezekiah Kornegay.
Faison—George M. Long.

Edgecombe county.

EDGECOMBE COUNTY.

No. 7—Gaston Battle.

Forsyth county.

FORSYTH COUNTY.

Kernersville—J. Pink Linville, Thomas Wilson.
Lewisville—M. M. Reynolds, J. H. Tesh, A. A. Styers.
Middle Fork—Charles M. Hauser, E. W. Linville, L. M. Disher,
 R. J. Morris.
Salem Chapel—L. C. Merritt, A. G. Martin, J. F. Grubbs.
South Fork—C. R. Snider, Alex. H. Patterson, John Shore.
Vienna—R. C. Lineback, E. W. Hauser, Amos E. Transou, J. J.
 Marshall.
Clemmons ville—J. C. Womack, Frank Cook.
Winston—J. C. Bessent, J. M. Wilson, R. A. Jenkins, T. B.
 Douthit.
Old Town—John G. Clayton, J. H. Miller.
Broadbay—W. A. Hege.

Franklin county.

FRANKLIN COUNTY.

Gaston county.

GASTON COUNTY.

Cherryville—N. B. Kendrick.
Dallas—M. D. Friday.
South Point—C. W. Nipper.

GATES COUNTY.

Gates county.

GRAHAM COUNTY.

Graham county.

Stecoah—D. A. Taylor, Thea Shenan.*Cheoah*—D. K. Blanton.

GRANVILLE COUNTY.

Granville county.

Walnut Grove—R. W. Hobgood, W. P. Slaughter, J. M. Phipps.*Oak Hill*—D. T. Winston, John N. Watkins, L. S. Royster, W. A. Tuck.*Sassafras Fork*—W. L. Taylor, J. H. Chandler, Ira T. Green, C. L. Lewis, S. J. Currin.*Oxford*—Samuel V. Ellis, W. S. Barnwell, A. S. Hall, A. C. Parham, W. T. Lyon, J. K. Wood, C. A. Carroll, L. T. Buchanan, T. N. Barnwell.*Salem*—W. S. Hester, E. A. Hunt, R. O. Smith, B. I. Breedlove, Lannie Breedlove, Howard Dorsey.*Fishing Creek*—J. R. Penn, J. P. Bradsher, W. A. Parham, Thomas G. Taylor, A. P. Overton, E. C. Harris, Charles R. Gordon, D. G. Brummett.*Brassfield*—W. A. Blackley, W. H. Garner, H. D. Mangum, Allen Davis, J. P. Jenkins, T. C. Rogers, J. D. Davis, W. E. Cannady, G. L. Allen, C. E. Lloyd, E. J. Jenkins.*Dutchville*—M. B. Waller, T. D. Aiken, J. N. Tilley, M. L. Coley, J. D. Tilley, J. L. Peed, R. G. Stern, B. L. Hester.*Tally Ho*—Robert V. Wade, B. D. Howard, W. D. Kimball, L. L. Crews, W. T. Allen, Wayne B. Horner, John P. Cannady, Otho Daniel.

GREENE COUNTY.

Greene county.

Ormondsville—E. D. Little.

GUILFORD COUNTY.

Guilford county.

Deep River—J. W. Sapp.*Madison*—J. Richard Moore.

HALIFAX COUNTY.

Halifax county.

Halifax—W. A. Wilcox, W. D. Wilcox (4 years each).*Brinkleyville*—J. H. Connell, H. S. Quarles, J. H. Norman (4 years each).*Littleton*—W. E. Spruill, T. W. Myrick.*Scotland Neck*—R. H. Smith, J. E. Shields.*Butterwood*—Nick W. Warren.*Brinkleyville*—F. M. Taylor, W. V. Bobbitt.*Weldon*—K. E. Kilpatrick, B. A. Pope.*Roanoke Rapids*—J. E. Hockaday, J. K. Dickens, Hannibal Shearin, V. M. Burton, T. J. E. Hockaday, T. M. House.

Faucetts—W. H. Daniel.

Weldon—F. W. Garrett, J. L. Harris.

Brinkleyville—Thomas W. Taylor, W. V. Bobbitt.

Harnett county.

HARNETT COUNTY.

Anderson's—H. D. McCormick, Hugh Bain, A. Ray, J. S. Johnson, D. P. Ray (4 years each).

Averysboro—H. C. McNeill, J. N. Creel, J. V. Barefoot, J. D. Phillips, John R. Godwin (4 years each).

Barbecue—A. D. Waddell (4 years).

Black River—A. W. Gregory (4 years).

Buckhorn—J. D. Champion, T. B. Lanier, R. S. Abernethy, B. F. Harrington, Estel Truelove (4 years each).

Grove—J. A. Stewart, John A. Turlington, C. D. Stewart, Washington Whittington (4 years each).

Hector's Creek—A. L. Baughcum, W. R. Johnson, N. A. Smith (4 years each).

Johnsonville—R. B. Cameron, W. J. Smith, H. A. Morrison (4 years each).

Lillington—C. McArtan, S. W. Withers, R. P. Beel, W. F. Marsh, Sr., James E. Bryan (4 years each).

Neill's Creek—C. H. Biggs, E. B. Johnson, F. H. Taylor, W. J. Long, N. A. Stewart (4 years each).

Stewart's Creek—J. S. Williams, D. J. Parker, J. T. Dollar (4 years each).

Upper Little River—S. P. McKay, W. J. Mason, C. R. Bethea, M. E. Wade, T. B. McLeod (4 years each).

Averysboro—V. L. Stephens.

Haywood county.

HAYWOOD COUNTY.

Beaver Dam—B. W. Hall, J. L. Moore.

Waynesville—Noah Harrison.

Halifax county.

HALIFAX COUNTY.

Halifax—M. H. Clark.

Enfield—John Benton.

Henderson county.

HENDERSON COUNTY.

Hendersonville—John L. Orr, Joseph McCulloch, Henry Lane, J. D. Dermid, G. P. Liverett, W. G. Gullick, S. A. Edwards, Andy Davenport.

Blue Ridge—James W. Case.

Edneyville—Russell Oates, G. B. Hill, F. C. Whittaker, T. A. Whittaker.

Hooper's Creek—D. W. Hutchinson, J. T. Sales.

Mills River—N. W. Posey, J. L. Allen, B. T. Morris, J. L. Carland.

Green River—C. J. Heatherly.

Crab Creek—T. L. Hamilton, R. J. Fletcher, T. J. Shipman.

Clear Creek—A. M. Maxwell, Joseph H. Townsend, J. R. Edney,
T. P. Rogers.

HERTFORD COUNTY.

Hertford county.

Maney's Neck—S. P. Winbourne, J. D. Riddick, E. G. Sears.

Murfreesboro—J. C. Vinson, John S. Wynn, Jesse T. Benthall.

Winton—George A. Brown, B. G. Williams, W. J. Cowan.

St. John's—J. R. Garrett, M. L. Taylor, James Eley.

Harrelsonville—Dorsey Taylor, John M. Jones, J. N. Pruden.

HYDE COUNTY.

Hyde county.

Currituck—Walter Jarvis, H. B. Jackson, C. W. Ayers.

Fairfield—Daniel Credde, L. L. Swindell.

Lake Landing—Israel B. Watson.

Swan Quarter—E. O. Spencer, J. B. Cartwright.

Ocracoke—T. W. Howard.

IREDELL COUNTY.

Iredell county.

Barringer's—S. B. Houston, Calvin L. Shinn, F. A. Cloaninger.

Chambersburg—J. A. B. Goodman.

Shiloh—D. J. Fulbright, James H. Ingram (2 years each).

Turnersburg—M. K. Steele, A. M. Holmes, J. G. Horne.

JACKSON COUNTY.

Jackson county.

Canada—J. W. Crawford.

Dillsboro—J. C. Fisher.

Hamburg—Elbert Watson.

Caney Fork—G. T. Nicholson.

JOHNSTON COUNTY.

Johnston county.

Banner—J. G. Smith (6 years).

Boone Hill—Charles C. Lynch, W. D. Phillips.

Cleveland—F. T. Booker.

Elevation—Josephus Johnson, J. H. Smith, Eli Turlington,
Lewis Stancil.

O'Ncals—L. H. Boykin.

Pleasant Grove—E. S. Coates.

JONES COUNTY.

Jones county.

Beaver Creek—J. P. Kelley.

Cypress Creek—F. B. Koonce, I. B. Koonce, W. A. Reynolds.

Chinquapin—W. J. Hargett.

Pollocksville—R. P. Parker, W. O. White, George R. Simmons,
W. H. Rhodes, H. A. Creah, C. J. Debruhl, H. C. Foscue, M. N.

Harriett, J. C. Holland, J. N. Foscue, Solomon Melton, J. A. Bar-
rus, Samuel Hudson, N. J. Leary, R. L. Hardy.

Trenton—John W. Mallard, Sr., E. P. Eubank, E. W. Robertson.

Tuckahoe—E. F. Jones.

White Oak Township—K. R. Hay, R. B. Dixon, E. L. Mattocks,
Lewis Bynum, K. F. Foscue, A. C. Foscue.

Lenoir county.

LENOIR COUNTY.

Moseley Hall—F. B. Fields, George B. W. Hadley.

Falling Creek—Esdras Elmore.

Lincoln county.

LINCOLN COUNTY.

Catawba Springs—J. Will McIntosh, O'Connor Prior.

Lincolnton—H. J. Crooks.

Ironton—J. E. Cronland, D. A. Troutman, J. H. Ivey.

Macon county.

MACON COUNTY.

Madison county.

MADISON COUNTY.

Mars Hill—W. O. Connor.

No. 1—T. A. Center, B. Fortner, George W. Bryan, Jr.

No. 2—T. M. Wallin.

No. 3—William Buckner (2 years).

No. 8—Charlie Waldrup, W. G. Price.

No. 10—W. A. Wallin, Marion Wallin.

No. 15—Lee B. Ramsey.

No. 13—James M. Brown, J. E. Gregory.

No. 11—Joseph M. Davis, J. B. Callahan.

No. 7—G. G. Wilson.

Martin county.

MARTIN COUNTY.

Popular Point—Henry Slade (2 years).

Robersonville—S. L. Ross, B. R. Jenkins, W. J. Robuck (2
years).

Cross Roads—L. B. Wynn.

Hamilton—Francis M. Johnson (4 years).

Jamesville—J. L. Davenport.

McDowell county.

MCDOWELL COUNTY.

Broad River—D. L. Clements, J. P. Coleman.

Montford Cove—C. R. Wilkerson, Richard I. Bird.

North Cove—J. A. Good, G. W. Byrd, Dock Hicks, J. G. Brown,
R. J. Lonon.

Dysartville—W. A. Langhridge.

Crooked Creek—C. L. Lytle, J. M. Gibson, R. M. Burgin, W. W.
Clark.

MECKLENBURG COUNTY.

Mecklenburg
county.

Charlotte—R. E. Young, W. H. Hall, Z. T. Smith, W. S. Alexander, L. J. Walker, W. F. Dowd, Richard Moore, J. S. Myers, C. L. Hunter, S. H. Hilton, E. S. Williams, W. D. Alexander, S. W. Davis, W. J. Hutchison, B. S. Davis, T. P. Ross, Craig Davidson, J. L. Davis, Thomas M. Shaw, J. C. Hunter, R. A. Dunn.

Berry Hill—H. D. Stowe, S. S. Herron.

Steele Creek—S. W. Whitesides.

Sharon—J. Watt Kirkpatrick, W. S. Pharr.

Providence—H. Bryant.

Clear Creek—C. P. Mungo, J. P. Flowe.

Crab Orchard—John C. Orr, C. W. Miller, Z. W. S. Taylor.

Mallard Creek—A. S. Kirk.

Dewesc—J. Lee Sloan, Jr.

Lemley—J. M. Wilson.

Long Creek—M. B. Alexander, Mac Sample, Jr.

Huntersville—D. W. Mayes.

S. H. Hilton (term expires in April), B. S. Davis.

MITCHELL COUNTY.

Mitchell county.

Snow Creek—D. T. Fortner (8 years).

Bakersville—McD. Wilson, R. J. Young, John Gudger.

Cranberry—W. G. Buchanan, D. C. Manning.

Fork Creek—Ace Burleson.

Grassy Creek—S. M. Sparks.

Hollow Poplar—Joseph Tipton, Ninava Tipton.

Little Rock Creek—Melvin F. Thomas.

Linnville—C. D. Steward, James Baird, Joseph Hartly.

Roaring Creek—Robie T. Lewis.

Snow Creek—D. W. Green, D. T. Fortner.

Red Hill—George M. Young, William G. Turbyville.

Toc River—McD. Wiseman.

MONTGOMERY COUNTY.

Montgomery
county.

Uwharrie—J. A. Hearne, Thomas L. Mullinix, J. Locky Morris, Reuben L. Morton, J. F. Hamilton.

Pee Dee—James I. Haithcock, B. Frank Bruton.

Mt. Gilead—Allie O. Haywood, J. A. McAulay.

Cheek's Creek—R. P. Williams, William H. Ussury, Charles E. Brookshire.

Rock Springs—Jason Auman.

Hollingsworth—A. B. McCaskill, N. R. Paschal, George A. Clark, Sam T. Ewing.

Hill—Hiram Freeman, Kelley Auman.

Little River—Jesse Brown, A. P. Leach, William E. Borroughs.

Ophir—Giles C. Hurley, J. K. Saunders, W. L. Thayer.

Eldorado—A. H. Saunders, George Jenkins, John J. Russell.

Troy—LeRoy R. Lisk, Reubin B. Reynolds, B. F. Reynolds.

Moore county.

MOORE COUNTY.

Mineral Springs—M. M. Thomas.
Deep River—W. J. Wadsworth.
Greenwood—J. J. Edwards, D. J. Pierce.
Sheffield—Harry S. Jones.
Bensalem—H. A. Kelly, J. C. Stutts.
Jonesboro—D. H. Arnold.
Cape Fear—M. M. Watson.

Nash county.

NASH COUNTY.

Coopers—J. L. Bell, J. C. Taylor, Wm. Joyner, Jno. W. Joyner, W. H. Proctor.
South Whitakers—J. R. Jones.
North Whitakers—R. W. Arrington.
Dry Wells—E. T. Lewis.
Nashville—C. W. Sears, F. B. Cooper, J. H. T. Baker.
Jackson—Thomas E. Westray.

New Hanover
county.

NEW HANOVER COUNTY.

Harnett—James H. Sykes.

Northampton
county.

NORTHAMPTON COUNTY.

Gaston—B. M. Pugh, J. H. Crew, E. M. Clements, J. R. Green, N. D. Wilkes.
Occoneechee—Thomas R. Ward, J. E. Ransom, W. T. Joyner, George P. Burgwyn, Sr., H. K. Burgwyn.
Jackson—John E. Moore, J. A. Parker.
Seaboard—W. F. Grubbs, T. J. L. Harris, J. G. L. Crocker.
Wicaccance—H. C. Lassiter, T. A. Lanier, J. D. Bottoms, Kinchen Taylor.
Kirby—D. N. Stephenson, Joseph A. Garris, J. B. Stephenson.
Roanoke—C. R. Harrell, F. C. Brewer, J. H. Wood.
Rich Square—W. A. Barber, J. T. Bolton, A. Vann, Dr. J. M. Jacobs, J. G. Parker.
Pleasant Hill—J. W. Magee, J. H. Crew.
Seaboard—W. L. Reid.
Rich Square—E. P. Outland, A. Vann.
Occoneechee—W. T. Joyner, R. H. Burgwyn, George P. Burgwyn.
Gaston—N. D. Wilkins, J. H. Crew, B. M. Pugh.
Jackson—J. B. McRae, J. S. Grand, J. B. Boyce, J. T. Peebles.
Kirby—B. F. Martin, J. B. Stephenson.

Onslow county.

ONSWLOW COUNTY.

Jacksonville—James Gurganus, J. N. Gurganus.
Swansboro—Calvin Buckmaster, D. G. Ward.
Stumpsound—W. C. Allen.
Jacksonville—J. H. Marshburn.
Richlands—H. D. Murrill.

ORANGE COUNTY.

Orange county.

Little River—G. C. Ray (4 years).

PAMLICO COUNTY.

Pamlico county.

No. 1—J. E. Stapleford, E. C. Ross, A. J. Holton, Jr.*No. 2*—James W. Cohoon.*No. 4*—J. R. Sadler, James Potter.*No. 5*—W. P. Robinson, J. R. Hodges.

PENDER COUNTY.

Pender county.

Topsail—Jacob Harrell.*Long Creek*—Wm. Burney, D. P. Lewis, Gratton Williams, E. W. Ward, Tom Simpson.*Canetuck*—W. C. Keith, J. M. Marshall.*Holly*—C. P. Moore, Gibson James, D. H. Mashburn, S. G. Blake, Fred C. Sheppard.*Caswell*—J. F. Simpson.*Union*—N. W. Powers.

PERSON COUNTY.

Person county.

Cunningham—J. M. Wells.*Holloway's*—Thomas M. Bumpass.*Woodsdale*—W. J. Winstead.

PITT COUNTY.

Pitt county.

POLK COUNTY.

Polk county.

Cooper Gap—J. C. Powell, J. R. Blanton, J. B. Jackson.

RANDOLPH COUNTY.

Randolph county.

New Hope—E. G. Rochel (2 years), Alendo R. Hill (2 years).

RICHMOND COUNTY.

Richmond county.

Steele's—A. J. Little, S. F. Key, C. W. Luther.*Black Jack*—A. J. Harrington, M. J. Thrower.*Wolf Pit*—A. J. Williams.*Rockingham*—S. R. McIntosh, Wm. Little Steele.

ROBESON COUNTY.

Robeson county.

Britts—A. L. Stern, J. L. Thompson, Hector Stephens.*Back Swamp*—G. L. Thompson, D. C. Buie.*Blue Springs*—M. B. McNeill, G. D. Parks, D. H. McNeill (4 years each), Charles H. Purcell (4 years).*St. Pauls*—N. A. McIntyre (4 years).*Lumberton*—A. O. Osborne (4 years).*Oxford Mills*—Alex. McGirt, H. N. John (4 years).

Burnt Swamp—John A. Humphrey (4 years).
Marlon—J. S. McRae, W. W. Smith (4 years each).
Smith's—P. H. McArthur (4 years).
Thompson's—W. J. Smith, E. A. Price (4 years).
Wishart's—J. Ed. Tyson (4 years).
St. Paul's—G. T. Fisher (4 years).
Red Springs—J. N. Buie (4 years).
Lumber Bridge—D. Z. McGongan (4 years).
Raft Swamp—R. F. Gregory, W. C. Powell (4 years each).
Thompson—R. S. Bond, Graham McKinnon (4 years each).
White House—N. A. Carter (4 years).

Rockingham
county.

ROCKINGHAM COUNTY.

New Bethel—P. H. Simpson, M. Walter Thomas.
Wentworth—John R. Moore, R. M. Hancock, A. J. Whittemore,
 Charles Mastin, Jesse McCallum.
Mayo—N. S. Smith.
Leaksville—John A. Hopper.
Ruffin—J. A. Gibson.
Reidsville—J. N. Craig.
Williamsburg—A. B. McKinney.

Rowan county.

ROWAN COUNTY.

Salisbury—T. M. Kerns, T. M. Earnhardt, J. D. Heilig (4 years each).
China Grove—C. W. Corriher, H. T. Greaber (4 years each).
Gold Hill—L. H. Rothrock, J. H. L. Lyerly (4 years each).
Atwell—J. L. Fleming (4 years).
Unity—W. P. Barber (4 years).
Salisbury—H. J. Overman—(Section 27 of The Code not to apply, provided he shall be subject to lawyer's license tax).

Rutherford county.

RUTHERFORD COUNTY.

Sulphur Springs—W. G. Harris, Orson Morrow.
Chimney Rock—F. Reynolds.

Sampson county.

SAMPSON COUNTY.

North Clinton—R. H. Hubbard, B. F. Grady (4 years).
South Clinton—Alvin H. King, R. C. Jackson (4 years), J. O. Culbreth (2 years), Abner Robinson (2 years).
McDaniels—O. A. Vinson, Marshall Rogers, Jasper Peterson, F. A. Smith (2 years each), R. E. Hobbs.
Dismal—O. T. Williams (4 years), M. D. Jackson.
Piney Grove—J. R. Sutton (4 years), M. W. Clifton.
Hall's—Lewis Sutton, G. B. Darden, W. H. Huggins, W. J. Weeks, J. C. Weeks (2 years each).

Newton Grove—M. A. Warwick (4 years), Lewis Cotton (4 years), S. J. Boyette, J. W. Weeks, Buckner Hill (2 years each).

Herring's—Joel Jones, R. D. Vann, David Turlington (4 years each), Henry B. Culbreth.

Lisbon—Dallas Herring, H. D. Sloan, William I. Wright (4 years each), J. R. Cromartie.

Mingo—J. W. Spell, Noah B. Barefoot, John C. Williford (4 years each), Josiah Baggett.

Westbrook—Lovett Warren, Almond West, Daniel Wilson (2 years each), J. R. Westbrook.

Turkey—Henry A. James (4 years), Owen Fryar (2 years), J. P. Faison.

Taylor's Bridge—M. H. Oates (4 years), B. W. Robinson, Geo. D. Bryant (2 years each), Amos J. Smith.

SCOTLAND COUNTY.

Scotland county.

Williamson's—William Mason, John D. McDonald (4 years), William F. Gibson, Simeon Gibson, Charles Duncan, J. A. McNeill, W. F. Wright, Loch McNeill, W. J. Matthews (4 years).

Spring Hill—J. M. McLean, E. F. Murray, J. M. Wright, Archie McNeill (2 years).

Laurel Hill—D. Stewart, J. H. Lee, James Patterson.

Stewartsville—Alex. Jones, John E. Phillips, William Smith, S. W. Covington, M. A. McBryde, E. S. Whitaker, J. B. Calhoun, J. W. Jernigan.

STANLY COUNTY.

Stanly county.

Albemarle—W. K. Littleton, J. M. Harris (until the next general election and until their successors are qualified).

Centre—S. J. Lents (until next general election and until his successor shall qualify).

Harris—E. F. Eddins (until next general election and until his successor shall qualify).

Ridenhour—M. Ritchie (until next general election and until his successor shall qualify).

Almond—L. H. Bost (until next general election and until his successor shall qualify).

Furr—Robert N. Furr, M. L. Green (each of whom shall serve until the next general election and until their successors are qualified).

Tyson—W. F. Crump (until the next general election and until his successor shall qualify).

Big Lick—S. M. Bost, N. A. Teeter (until the next general election and until their successors are qualified).

SURRY COUNTY.

Surry county.

Bryan—Robert Wilmoth, J. H. Thompson.

Dobson—R. S. Folger, W. C. Perkins.

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Eldora—King Key, Samuel Patterson.
Franklin—Taylor Lowe, Pink Cockerham.
Long Hill—Frank Ashburn.
Stewart's Creek—Thomas Scott, Austin Snow.
Westfield—A. F. Snody, W. B. Blair.
Loclady—E. E. Cline, W. F. L. Abernethy.
Little River—P. C. Downs, Porter Looper.
Patterson—A. E. Nelson, W. A. McCall.
John's River—J. H. Dixon.

Swain county.

SWAIN COUNTY.

Bryson City—J. A. Brown, W. A. Gibson.

Stokes county.

STOKES COUNTY.

Quaker Gap—J. R. P. East.

Transylvania
county.

TRANSYLVANIA COUNTY.

Brevard—J. L. Bell (2 years).
Boyd—G. T. Lyday, T. R. Duncan (2 years each).
Cathey's Creek—R. F. Glazener, J. M. Southern (2 years each).
Dunn's Rock—S. M. Lance, W. H. Hogshead (2 years each).
Estatoe—B. A. Gillespie (2 years).
Gloucester—W. P. Galloway (2 years).
Little River—Luther Kilpatrick, J. S. Heath (2 years each).

Tyrrell county.

TYRRELL COUNTY.

Scuppernong—W. E. Blount.

Union county.

UNION COUNTY.

Laue's Creek—W. A. Hamilton.
Marshville—J. G. Trull.
Monroe—H. C. Moore.
Buford—R. W. A. Rogers.

Vance county.

VANCE COUNTY.

Henderson—W. E. Gary, Frank Wortham, T. L. Jones, W. D. Burwell (4 years each), Harry Bunn, Joseph T. Jones (2 years each).
Kittrell—George W. Kittrell, C. H. Williams, H. M. Hight, T. H. Crudup (4 years each), Henry D. Floyd (2 years).
Sandy Creek—W. B. Daniel, J. N. Tunstall (4 years), D. H. Reavis (2 years).
Middleburg—W. H. Parrish, T. B. Parham (2 years), J. J. Pegram (4 years) J. K. Plummer.
Nutbush—C. M. White, George R. White (4 years), A. W. Watkins (2 years).

Townesville—J. M. B. Hunt, J. A. Boyd (4 years), Joseph S. Royster (4 years), J. P. Blackwell (2 years).

Williamsboro—R. A. Bullock, D. L. Woody (4 years), W. S. Green (4 years), W. T. Hardy, Jr. (2 years).

Dabney—L. W. Burroughs, J. B. Glover (4 years), J. U. Fleming (2 years).

WAKE COUNTY.

Wake county.

Marks Creek—B. W. Todd.

Cary—H. B. Jordan (1 year), W. M. Butt (1 year).

Swift Creek—B. S. Franklin (6 years), Robert Pearce (6 years).

St. Mary's—Troy Pool.

House's Creek—Sion H. Smith, A. M. Thompson (6 years each).

Barton's Creek—J. D. Allen, W. O. Pace.

Middle Creek—J. E. Stinson.

Raleigh—H. E. Glenn, Charles A. Separk.

Raleigh—W. J. Saunders (shall be allowed to practice as an attorney at law, except in such cases as have been appealed from the courts of the justice of the peace over which he presided or took part).

Raleigh—A. H. Yearby (6 years).

Little River—E. S. Horton (6 years).

Little River—J. T. Haywood (6 years).

New Light—W. D. Sanderlin (6 years).

WARREN COUNTY.

Warren county.

River—T. R. Walker, A. L. Pope, J. H. Harris, J. R. Boyd, J. J. Myrick, T. D. King.

Six Pound—R. B. Thornton, W. G. Coleman, Sr., J. A. Nicholson, G. R. Scoggan, J. C. Gardner.

Hamtree—John D. Newell, W. A. Dunn, A. S. Webb.

Smith Creek—W. J. Cole, Nat Allen.

Nut Bush—J. H. Bullock, S. G. Champion.

Sandy Creek—Thomas R. Blackwell, W. D. Rose.

Shocco—J. W. Clements, James Montgomery, O. L. Rowland.

Fishing Creek—M. T. Duke, R. E. Robertson.

Judkins—D. A. Fisher, J. B. Harriss, J. J. Shearin, John Pittard.

Warrenton—M. B. Alston.

Fork—W. E. Davis, R. E. Williams, G. W. Alston, P. K. Williams.

Roanoke—R. E. Bradley, H. B. Mosley, T. W. Walker.

WATAUGA COUNTY.

Watauga county.

Cove Creek—A. B. Smith.

Boone—J. W. Ryan.

Stoney Fork—D. B. Wagner, J. E. Luther, C. A. Grubb.

Bald Mountain—W. S. Miller.

Watauga—T. C. Taylor.

Wayne county.

WAYNE COUNTY.

Goldsboro—A. B. Freeman, A. B. Hollowell.

Great Swamp—Gray Aycock.

Grantham's—J. W. Rose.

Fremont—C. C. Teague.

Mt. Olive—W. F. English (4 years)), S. A. Byrd (section 27 of The Code not to apply: *Provided*, he shall be subject to the lawyers' license tax and shall receive such fees for drawing papers as attorneys).

Wilkes county.

WILKES COUNTY.

Washington county.

WASHINGTON COUNTY.

Plymouth—George W. Jackson, H. A. Blount, W. P. LeRoy, Levi Blount, S. H. Turner, A. T. Gaylord, O. R. Leggett, A. T. Knowles, D. F. Bateman, W. H. Hampton, E. W. Chesson, D. O. Brinkley, Ambrose L. Owens, L. P. Hornthal.

Lee's Mills—J. M. Reed, W. H. Hodges, E. F. Hassell, Friley Chesson, Victor Lewis.

Skinnerville—H. M. Snell, J. W. Patrick, Abram Newberry, E. R. Spruill, Henderson Norman.

Scuppernong—W. H. Hardison, J. L. Hassell, Carney H. Spruill, Henry W. Phelps.

Watauga county.

WATAUGA COUNTY.

Cove Creek—Bennett Smith, J. E. Luther, J. F. Salmons.

Stoney Fork—C. A. Grubb, D. B. Wagner, G. W. Greer, Elbert Green, Allen Watson.

Boone—J. C. Hodges.

Shawneehaw—Frank H. Stinson.

North Fork—L. M. Thomas.

Laurel Creek—John C. Smith.

Wilson county.

WILSON COUNTY.

Wilson—R. E. Townsend.

Black Creek—John O'Hagan.

Old Fields—J. S. Wilson, W. B. Kirby, R. T. Barnes, W. H. Mercer.

Yadkin county.

YADKIN COUNTY.

Booneville—S. H. Wilmort, C. M. Holcombe.

Knobbs—K. M. Thompson.

Buck Shoals—M. J. Angel.

Deep Creek—T. V. Foot, J. S. Long, C. D. Royall.

Liberty—W. L. Macy, I. J. Cranfill.

Forbush—R. A. Poindexter.

Fall Creek—D. G. Hobson, C. L. Gabard.

YANCEY COUNTY.

Yancey county.

Ramseytown—S. J. Peek, G. N. McIntosh (4 years each).*Pensacola*—James Hutchings (2 years).*Price's Creek*—J. B. Elkin (2 years), John Maney (4 years), Alvin Horton.*Egypt*—John W. Pate (4 years), James Renfro (2 years).*Jack's Creek*—B. T. Horton, D. M. Hampton (4 years), D. W. Williams (2 years).*Brush Creek*—C. W. Deyton, F. C. Randolph.

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

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

CHAPTER 355.

AN ACT TO PROVIDE FOR THE COLLECTION OF TAXES.

The General Assembly of North Carolina do enact:

SECTION 1. It shall be the duty of every sheriff or any tax collecting officer of any county, city or town, whenever he is informed that a tax-payer has removed from his county, city or town without paying the taxes listed for that year, to make diligent inquiry to what county, city or town the said tax-payer has removed, and in the settlement of the sheriff or other tax collecting officer for any county, city or town he shall state, under oath, that he has used due diligence and made faithful inquiry for the location of all tax-payers who have removed from his county, city or town owing tax for said fiscal year, or the same shall be charged to him and not be allowed in his insolvent list; and the board of county commissioners or other officers with whom said sheriff or other tax collecting officer is required by law to make his settlement shall carefully inspect the insolvent list filed for said fiscal year, and if said sheriff or other tax collecting officer has not complied with any law to enforce collection of taxes at all times he shall be charged with the same.

Tax collecting officers to make inquiry.

To make oath of diligent inquiry.

Accounting officers to inspect insolvent list.

SEC. 2. That it shall be the duty of the sheriff or other tax collecting officer of any county, city or town, when he is informed that any tax-payer has removed from his county, city or town without paying his taxes listed for that year and has no property in the county, city or town, or no property in any county known to the said collecting officer, to make a report of the same, with a return of the tax receipt, to the register of deeds of his county, who shall make out a certificate, under his hand and seal, that said taxes were listed for that year, that the same are due and reported unpaid by the collecting officer for said county, city or town.

Tax collector to report to register of deeds.

Register to certify tax.

Certificate sent to collecting officer where tax-payer removed to.

SEC. 3. That the sheriff or other collecting officer of any county, city or town shall send the receipt, with said certificate, to the collecting officer of the county, city or town to which said tax-payer has removed, and the same shall be a tax list in his hands for the collection of said taxes.

Tax collector receiving certificate to collect tax.

SEC. 4. That the tax collecting officer to whom the said tax receipt has been sent shall proceed to the collection of said taxes according to the rules and regulations provided for the collection of taxes in his own county, city or town, and shall report his proceedings to the officer from whom he received the said receipt within sixty days thereof.

Certificate returned under oath if tax-payer insolvent.

SEC. 5. That if said tax-payer is insolvent and the said collecting officer cannot collect the tax as provided by law in his county, city or town, he shall return said tax receipt, under his oath, that he has used due diligence in making said collection by levy, garnishment or otherwise, that said tax-payer is insolvent and same cannot be collected; otherwise he shall be liable on his official bond for said tax, to be collected in a suit in any court in this State in the corporate name of the county, city or town to which said taxes are due.

Compensation of tax collector.

SEC. 6. That said collecting officer shall be allowed a compensation of ten per centum for making collection of said taxes, and the register of deeds shall be allowed ten cents for making the above certificate, to be paid by the county, city or town to which the said taxes are due.

Fee of register of deeds.

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

In the General Assembly read three times, and ratified this the 2d day of March, A. D. 1905.

CHAPTER 356.

AN ACT TO REGULATE CONDITIONAL PARDONS.

The General Assembly of North Carolina do enact:

Governor may grant pardons subject to conditions.

SECTION 1. In any case in which the Governor is authorized by the Constitution to grant a pardon he may, upon the petition of the prisoner, grant it, subject to such conditions, restrictions and limitations as he considers proper and necessary, and he may issue his warrant to all proper officers to carry such pardon into effect in such manner as he thinks proper.

Persons violating conditions to be arrested.

SEC. 2. If a prisoner who has been pardoned upon conditions to be observed and performed by him violates such conditions, or any of them, the Governor, upon receiving information of such violation, shall forthwith cause him to be arrested and detained until the case can be examined by him.

SEC. 3. The Governor shall examine the case of such prisoner, and if it appears by his own admission or by such evidence as the Governor may require that he has violated the condition of his pardon the Governor shall order him remanded and confined for the unexpired term of his sentence; said confinement, if the prisoner is under any other sentence of imprisonment at the time of said order, to begin upon expiration of such sentence. In computing the period of his confinement the time between the conditional pardon and subsequent arrest shall not be taken to be a part of the time of his sentence. If it appears to the Governor that he has not broken the conditions of his conditional pardon he shall be released and his conditional pardon shall remain in force.

Governor to examine case.

If conditions violated to order remand.

To serve out full term.

If conditions not violated, pardon in force.

SEC. 4. If a prisoner is pardoned conditionally or unconditionally, or his punishment is commuted, the officer to whom the warrant for such purpose is issued shall, as soon as may be after executing it, make return thereof, signed by him, with his doings thereon, to the Governor's office, and shall file in the office of the clerk of the court in which the offender was convicted an attested copy of the warrant and return, and the clerk shall file the same in his office and subjoin a brief abstract thereof to the record of the conviction and sentence, and at the next regular term of said court said warrant shall be entered upon the minutes of the court.

Officer's returns to Governor.

Copy of warrant and return to clerk of court.

Warrant to be entered on minutes.

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 2d day of March, A. D. 1905.

CHAPTER 357.

AN ACT TO REGULATE CHALLENGES IN CIVIL CASES.

The General Assembly of North Carolina do enact:

SECTION 1. That when there are two or more defendants in a civil action the judge presiding at the trial, if it appears to the court that there are divers and antagonistic interests between the defendants, may in his discretion apportion among the defendants the challenges now allowed by law to defendants, or he may increase the number of challenges to not exceeding four to each defendant or class of defendants representing the same interest: *Provided*, in either event the same number of challenges shall be allowed each defendant or class of defendants representing the same interest: *Provided further*, that the decision of the judge as to the nature of the interests and number of challenges shall be final.

Challenges may be apportioned.

Or increased.

Proviso.
Each class of defendant allowed same number.
Proviso.
Decision of judge final.

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 March, A. D. 1905.

CHAPTER 358.

AN ACT TO AMEND CHAPTER 273, PUBLIC LAWS 1903,
ENTITLED "AN ACT FOR THE RELIEF OF CERTAIN CON-
FEDERATE SOLDIERS, SAILORS AND WIDOWS."*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter two hundred and seventy-three of the Public Laws of one thousand nine hundred and three be amended by striking out all of line fourteen after the word "viz.:" and all of lines fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two and twenty-three of said section, and the words "thirty dollars" in line twenty-four, and inserting in lieu thereof the following:

Total incapacity.

First. To such as have received a wound as renders them totally incompetent to perform manual labor in the ordinary vocations of life, sixty dollars.

Leg above knee or arm above elbow.

Second. To such as have lost a leg above the knee or an arm above the elbow, forty-five dollars.

Foot or leg below knee, or hand or arm above elbow, or arm useless.

Third. To such as have lost a foot or a leg below the knee, or a hand or arm below the elbow, or have a leg or arm utterly useless by reason of a wound or permanent injury, thirty-five dollars.

Soldiers who have lost eye; widows and three-fourths disabled soldiers.

Fourth. To such as have lost an eye, and the widows and all other soldiers who are now three-fourths disabled from any cause to perform manual labor, twenty dollars.

Appropriation increased.

SEC. 2. That section one of said chapter two hundred and seventy-three of the Public Laws of one thousand nine hundred and three be further amended by striking out the words "two hundred" in section one, line twenty-nine, and inserting in lieu thereof the words "two hundred and seventy-five."

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. 1905.

CHAPTER 359.

AN ACT TO REPEAL CHAPTER 25 OF THE PUBLIC LAWS
OF 1903 AND TO AMEND CHAPTER 28 OF THE PUBLIC
LAWS OF 1901, PROVIDING FOR THE HOLDING OF
COURTS OF THE EIGHTH JUDICIAL DISTRICT.*The General Assembly of North Carolina do enact:*

SECTION 1. That chapters twenty-five and two hundred and fifty-nine of the Public Laws of one thousand nine hundred and three be and the same are hereby repealed.

Certain laws of 1903 repealed.

SEC. 2. That section one of chapter twenty-eight of the Public Laws of one thousand nine hundred and one be amended by striking out all after the words "Eighth District" on page one hundred and sixty-eight, down to the words "Ninth District" on page one hundred and sixty-nine, fixing the time for holding the superior courts in the eighth judicial district and inserting in lieu thereof the following: "The eighth district shall be composed of the following counties; and separate courts thereof shall be held at the following times, to-wit:

Anson County—Third Monday before the first Monday in February, for the trial of criminal cases exclusively; first Monday after the first Monday in February, for trial of civil cases exclusively; fourth Monday after the first Monday in February, for the trial of civil cases exclusively; tenth Monday after the first Monday in February, for trial of criminal cases exclusively; fourteenth Monday after the first Monday in February, for the trial of civil cases exclusively; eighteenth Monday after the first Monday in February, for the trial of civil cases exclusively; second Monday after the last Monday in August, for the trial of criminal cases exclusively; sixth Monday after the last Monday in August, for the trial of civil cases exclusively; fourteenth Monday after the last Monday in August, for the trial of civil cases exclusively. Anson county.

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

Moore County—Second Monday before the first Monday in February, for the trial of civil cases exclusively; seventh Monday after the first Monday in February, for the trial of civil cases exclusively; eleventh Monday after the first Monday in February, for the trial of criminal cases exclusively; fifteenth Monday after the first Monday in February, to continue for two weeks, for the trial of civil cases exclusively; second Monday before the last Monday in August, for the trial of criminal cases exclusively; third Monday after the last Monday in August, for the trial of civil cases exclusively; twelfth Monday after the last Monday in August, for the trial of criminal cases exclusively; fifteenth Monday after the last Monday in August, for the trial of civil cases exclusively. Moore county.

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

Scotland county.

Scotland County—Fifth Monday after the first Monday in February, for the trial of civil cases exclusively; twelfth Monday after the first Monday in February, for the trial of criminal cases exclusively; seventeenth Monday after the first Monday in February; eighth Monday after the last Monday in August, for the trial of civil cases exclusively; thirteenth Monday after the last Monday in August, for the trial of criminal cases exclusively.

Union county.

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

Process returnable to courts as established by this act.

SEC. 3. That all process, civil or criminal, original, mesne or final, returnable under the present law to any superior court in the eighth judicial district, after the first Monday in April, one thousand nine hundred and five, shall be returnable to the first term of the superior court in said district as established by this act, except that all criminal process shall be returnable to the first term designated in this act for the trial of criminal cases or at which criminal cases can be tried.

Secretary of State to send copies of act.

SEC. 4. That immediately after the ratification of this act the Secretary of State shall cause the same to be printed and copies thereof furnished to the Governor, the judges of the superior courts, the solicitor of the eighth judicial district, twenty-five copies to the clerk of the superior court in each county in said district, and ten copies to the board of county commissioners of each county in said district, and the clerk of the superior court of each county shall cause public notice to be given of the time of holding the courts in his county during the spring term, one thousand nine hundred and five, by publication in some newspaper published in his county.

Clerks superior court to give notice.

SEC. 5. That this act shall be in force from and after the first Monday in April, one thousand nine hundred and five.

In the General Assembly read three times, and ratified this 4th day of March, A. D. 1905.

CHAPTER 360.

AN ACT TO REGULATE THE PROCEEDINGS IN CRIMINAL CASES.

The General Assembly of North Carolina do enact:

SECTION 1. That a "*nolle prosequi* with leave" shall be entered in all criminal actions in which the indictment has been pending for two terms of court and the defendant has not been apprehended and in which a *nolle prosequi* has not been entered, unless the judge for good cause shown shall order otherwise. Nol. pros. with leave after two terms.

SEC. 2. That the county commissioners of the several counties of the State shall provide for the use of the clerks of the superior court a docket upon which the clerks shall place all actions in which a *nolle prosequi* with leave shall be entered. The clerks shall keep a cross-index of all such actions and shall state upon the docket the term of court at which the order was made. Nol. pros. docket.

SEC. 3. The clerk of the superior court shall issue a *capias* for the arrest of any defendant named in any criminal action on the docket provided for in the preceding section when he has reasonable ground for believing that such defendant may be arrested or upon the application of the solicitor of the district: *Provided*, that the compensation of the clerk for issuing a *capias* when the defendant is not arrested thereunder shall be such sum as the commissioners of his county may allow. Capias to issue. Proviso: fee of clerk.

SEC. 4. That when any defendant shall be arrested it shall be the duty of the clerk to issue a *subpœna* for the witnesses for the State endorsed on the indictment. Subpœna to witnesses.

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 2d day of March, A. D. 1905.

CHAPTER 361.

AN ACT TO REPEAL THE ACT CHAPTER 349 OF PUBLIC LAWS 1903, EXCEPT AS TO CERTAIN COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred and forty-nine of the Public Laws of one thousand nine hundred and three be and the same is hereby repealed, except as to the counties of Cleveland, Cabarrus, Mitchell and Gaston, and said chapter shall remain in full force in said counties. Manufacture, sale and importation of whiskey. Exceptions.

SEC. 2. This act shall not have the effect of discontinuing, barring or terminating any prosecution or indictment for violation of Pending prosecutions or indictments not affected.

the law hereinbefore repealed; but all such prosecutions and indictments shall be proceeded with as if said act had not been repealed.

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

In the General Assembly read three times, and ratified this the 2d day of March, A. D. 1905.

CHAPTER 362.

AN ACT TO AMEND CHAPTER 715, PUBLIC LAWS 1901, TO ALLOW JUSTICES OF THE PEACE HALF FEES IN CERTAIN CASES.

The General Assembly of North Carolina do enact:

Justices allowed half fees.

SECTION 1. That chapter seven hundred and fifteen, Public Laws of one thousand nine hundred and one, be amended by adding after the word "clerk" in line three, section two of said act, the words "justices of the peace."

Law extended to Craven county.

SEC. 2. That said act be further amended by adding after the word "McDowell" in line four, section three of said act, the word "Craven."

Conflicting acts 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 2d day of March, A. D. 1905.

CHAPTER 363.

AN ACT TO REGULATE FISHING IN KITTY HAWK BAY, DARE COUNTY.

The General Assembly of North Carolina do enact:

Unlawful to fish with nets or other appliances between 30th April and 15th October.

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 Kitty Hawk Bay and its tributaries, that part lying in Dare County, between the thirtieth day of April and the fifteenth day of October of each year, or to sell or to ship out of the

Or to sell or export chub or perch. Proviso: fish for home consumption.

county or State any chub or perch between said dates: *Provided*, that any citizen may catch fish at any time for home consumption.

SEC. 2. That any one violating any one of the provisions of this Misdemeanor. act shall be guilty of a misdemeanor and fined not more than fifty Penalty. dollars (\$50) nor imprisoned more than thirty (30) days.

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. 1905.

CHAPTER 364.

AN ACT TO APPROPRIATE AND CONSOLIDATE THE ANNUAL APPROPRIATIONS OF THE MOORE'S CREEK BATTLE-GROUND ASSOCIATION.

The General Assembly of North Carolina do enact:

SECTION 1. That whereas, the Moore's Creek Battle-ground Association has failed to draw the annual appropriation of fifty dollars (\$50) for the year 1903 and the year 1904, said appropriations being insufficient to keep the grounds cleared and to build a lodge for the protection of visitors from the weather, that the sum of \$200 be and the same is hereby appropriated for the year 1905 for the said purpose out of any moneys or funds which may be or may hereafter come into the hands of the State Treasurer not otherwise appropriated: *Provided*, that this act shall be construed to include the standing appropriation of fifty dollars for the year 1905. Two hundred dollars appropriated for 1905.

Proviso: annual appropriation included.

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 March, A. D. 1905.

CHAPTER 365.

AN ACT TO REGULATE THE TIME OF HOLDING THE SUPERIOR COURTS OF BLADEN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the regular terms of the superior courts for the county of Bladen, in the Seventh Judicial District, for every year shall be held on the eighth Monday before the first Monday in March, the first Monday after the first Monday in March and sixth Monday after the first Monday in September, each to continue one week, for the trial of both civil and criminal cases. Terms of court.

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

In force from 1st July.

SEC. 3. That this act shall be in force from and after July first, one thousand nine hundred and five.

In the General Assembly read three times, and ratified this the 2d day of March, A. D. 1905.

CHAPTER 366.

AN ACT TO REGULATE THE TAKING OF DEPOSITIONS.

The General Assembly of North Carolina do enact:

Depositions of superintendent or physicians in employ of hospitals for insane may be taken and read in evidence.

SECTION 1. That in all actions and special proceedings pending or which may hereafter be brought in any of the courts of this State either party, plaintiff or defendant, desiring the evidence of the superintendent or any physician in the employ of any of the hospitals for the insane for this State may, upon such notice as is now required by law, take the deposition of such superintendent or physician, and the deposition, when so taken, may be read in evidence in such action or special proceeding, notwithstanding the residence of the witness be in this State and he being able to attend upon such 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 2d day of March, A. D. 1905.

CHAPTER 367.

AN ACT TO AMEND SECTION 192 OF THE CODE IN REGARD TO PLACE OF TRIAL OF ACTIONS.

The General Assembly of North Carolina do enact:

In the county where cause of action arose.

Or where plaintiff resides.
Or in county adjoining that where cause of action arose.

SECTION 1. That section one hundred and ninety-two of The Code be amended by adding at the end of said section the following: "*Provided*, that in all actions against railroads the action shall be tried either in the county where the cause of action arose or in the county where the plaintiff resided at the time the cause of action arose, or in some county adjoining the county in which the cause of action arose, subject, however, to the power of the court to change the place of trial in the cases provided by statute."

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 March, A. D. 1905.

CHAPTER 368.

AN ACT TO REPEAL CHAPTER 78, LAWS OF 1887, SO FAR
AS IT RELATES TO ORANGE AND DURHAM COUNTIES.*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter seventy-eight, Laws of one thousand eight hundred and eighty-seven, be and the same is hereby repealed in so far as it applies to Orange and Durham Counties. Time of distress for taxes.

SEC. 2. That this act shall be in force and effect from and after June first, one thousand nine hundred and five. In effect from 1st June.

In the General Assembly read three times, and ratified this the 2d day of March, A. D. 1905.

CHAPTER 369.

AN ACT TO PROTECT GAME AT CAPE HATTERAS, DARE
COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That from and after the passage of this act, for a period of three years, it shall be unlawful for any person to shoot or hunt, capture or kill or pursue with dog any deer, gray squirrel or any form of game bird or animal which may be introduced by the Audubon Society of North Carolina in that section of Dare County known as Hatteras Banks and covering the territory between Hatteras Inlet and New Inlet. Unlawful to hunt any game bird or animal for three years.

SEC. 2. Any person violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars nor more than fifty dollars. Misdemeanor, Penalty.

SEC. 3. All laws in conflict with the provisions of this act are hereby repealed. Conflicting acts 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. 1905.

CHAPTER 370.

AN ACT REQUIRING PENDER COUNTY TO PAY WITNESSES
ONE-HALF THEIR LAWFUL FEES IN CASES IN WHICH
NO TRUE BILL IS FOUND.*The General Assembly of North Carolina do enact:*

SECTION 1. That in all criminal cases in which witnesses are subpoenaed to appear before the grand jury in Pender and Craven Counties, and who attend, they shall be entitled to prove their Witnesses entitled to prove attendance.

attendance as in cases where a true bill is found, and the county shall be liable to such witnesses as in cases where a true bill is found.

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. 1905.

CHAPTER 371.

AN ACT TO REGULATE HUNTING IN THE COUNTY OF GRANVILLE.

The General Assembly of North Carolina do enact:

Close season.

SECTION 1. That it shall be unlawful to hunt with gun or dogs, or to net, trap or snare or kill any partridge, quail or other game bird between the first day of March and the first day of November in any year.

Misdemeanor.

Penalty.

SEC. 2. That any person violating the provisions of this act shall be guilty of a misdemeanor and fined five dollars or imprisoned not more than five days for every partridge, quail or other game bird so caught or killed.

SEC. 3. That this act shall apply only to the county of Granville.

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. 1905.

CHAPTER 372.

AN ACT TO REGULATE FEES OF COUNTY COMMISSIONERS OF CURRITUCK COUNTY.

The General Assembly of North Carolina do enact:

Per diem.

SECTION 1. That each commissioner of Currituck County shall receive for his services and expenses in attending the meetings of the board not exceeding three dollars per day, as a majority of the board may fix upon, and they may be allowed mileage to and from their respective places of meetings, not to exceed five (5) cents per mile: *Provided*, that they shall not be allowed mileage for attending special meetings.

Mileage.

Proviso: no mileage for special meetings.
Conflicting laws repealed.

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

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

CHAPTER 373.

AN ACT TO FIX AND REGULATE THE TIME FOR HOLDING
THE SUPERIOR COURTS FOR THE FIFTH JUDICIAL
DISTRICT.

The General Assembly of North Carolina do enact:

SECTION 1. That the superior courts in the several counties of the Fifth Judicial District shall be opened and held at the times hereinafter set forth, to-wit:

New Hanover County—Sixth Monday before the first Monday in New Hanover. March, to continue two weeks; fourth Monday after the first Monday in March, to continue one week; sixth Monday before the first Monday in September, to continue two weeks: third Monday after the first Monday in September, to continue one week—each for the trial of criminal cases exclusively; fifth Monday after the first Monday in March, to continue two weeks; twelfth Monday after the first Monday in March, to continue two weeks; fourth Monday after the first Monday in September, to continue two weeks; thirteenth Monday after the first Monday in September, to continue one week—each for the trial of civil cases exclusively.

Pender County—Seventh Monday before the first Monday in Pender county. March, to continue one week; third Monday after the first Monday in March, to continue one week; first Monday after the first Monday in September, to continue two weeks.

Duplin County—Second Monday before the first Monday in Duplin county. March; first Monday before the first Monday in September; eleventh Monday after the first Monday in September—each to continue two weeks.

Sampson County—Fourth Monday before the first Monday in Sampson county. March; eighth Monday after the first Monday in March; fourth Monday before the first Monday in September; seventh Monday after the first Monday in September—each to continue two weeks.

Lenoir County—Eighth Monday before the first Monday in Lenoir county. March, to continue one week; first Monday after the first Monday in March, to continue two weeks; eleventh Monday after the first Monday in March, to continue one week; fourteenth Monday after the first Monday in March, to continue two weeks; second Monday before the first Monday in September, to continue one week; ninth Monday after the first Monday in September, to continue two weeks; fourteenth Monday after the first Monday in September, to continue two weeks.

Onslow County—The first Monday in March; seventh Monday Onslow county. after the first Monday in March; seventh Monday before the first Monday in September; sixth Monday after the first Monday in September—each to continue one week: *Provided*, that the commissioners of Onslow County may, in their discretion and before drawing a jury, abolish the January and July terms, or either of

*Proviso: January
and July terms
may be abolished.*

- Notice to judge. them, herein provided for by giving the judge assigned by law to hold the courts of said county at said terms notice in writing that in their opinion that said terms are not necessary for said county.
- Former law repealed. SEC. 2. That chapter five hundred and thirty-three of the Public Laws of one thousand nine hundred and three be and the same hereby is repealed, and all terms of the said courts within said district established under the said laws are hereby abolished and all process, civil or criminal, original, mesne or final, returnable under the present laws to any superior court after the ratification of this act 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 cases alone.
- Terms of court abolished. Process returnable under this act.
- Civil business at criminal terms. SEC. 3. Civil process may be returnable to and pleadings filed at all of the courts herein designated, 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.
- No grand jury at civil terms. SEC. 4. 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 solicitor shall not be required to attend nor entitled to his certificate for attendance upon any exclusively civil terms unless there are cases on the civil docket in which he officially appears.
- Attendance of solicitor.
- Conflicting acts repealed. SEC. 5. That all laws and clauses of laws in conflict with this act are hereby repealed.
- SEC. 6. That this act shall take effect and be in force from and after the first day of July, one thousand nine hundred and five.
- In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

CHAPTER 374.

AN ACT TO INCREASE THE COMPENSATION OF THE SHERIFF OF WAYNE COUNTY.

The General Assembly of North Carolina do enact:

- Sheriff to receive salary. SECTION 1. That the Sheriff of Wayne County, in addition to the fees and emoluments arising from the office, shall receive a salary of one thousand dollars (\$1,000) per annum, to be paid out of the county funds, beginning with the first Monday in December, one thousand nine hundred and four.
- Conflicting laws repealed. SEC. 2. That all laws in conflict with this act be and the same are hereby repealed.
- SEC. 3. That this act shall be in force from and after its ratification.
- In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

CHAPTER 375.

AN ACT AMENDATORY OF CHAPTER 715, PUBLIC LAWS OF 1901, AND OF CHAPTER 581, PUBLIC LAWS OF 1903, RELATING TO FEES OF WITNESSES AND OFFICERS IN CERTAIN CASES.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter seven hundred and fifteen of Public Laws of North Carolina of session one thousand nine hundred and one, and of chapter five hundred and eighty-one, Public Laws of North Carolina of session one thousand nine hundred and three, be and the same are hereby extended and applied to the county of Lenoir. Laws extended to Lenoir county.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed. Conflicting acts 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 4th day of March, A. D. 1905.

CHAPTER 376.

AN ACT TO REDUCE THE COMMISSIONS OF THE SHERIFF OF ROWAN COUNTY FOR THE COLLECTION OF COUNTY TAXES.

The General Assembly of North Carolina do enact:

SECTION 1. That the Sheriff of Rowan County shall receive as compensation for collection of county, school, road, bonds and all license and privilege taxes for county purposes three per centum of the amount collected by him. Three per cent. of county.

SEC. 2. That this act shall in no way apply to or affect the present Sheriff of Rowan County and shall not affect the per centum for the collection of State taxes. Not to apply to present sheriff nor to State taxes.

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

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

CHAPTER 377.

AN ACT TO PROHIBIT THE KILLING OF PARTRIDGES OR QUAIL IN ALEXANDER COUNTY.

The General Assembly of North Carolina do enact:

Close season.

SECTION 1. That it shall be unlawful for any person or persons to kill, shoot, trap, net or in any other way kill or catch partridges or quail in Alexander County from January fifteenth to first day of December.

Misdemeanor.
Penalty.

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

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

SEC. 4. 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. 1905.

CHAPTER 378.

AN ACT TO AMEND THE LAW OF WEIGHTS AND MEASURES BY STRIKING OUT THE PROVISION OF SECTION 3841 OF THE CODE. MAKING IT COMPULSORY FOR WEIGHTS AND MEASURES TO BE TRIED BY STANDARD EVERY TWO YEARS.

The General Assembly of North Carolina do enact:

Weights and measures to be tested on affidavit.

SECTION 1. That section three thousand eight hundred and forty-one of The Code of North Carolina be amended as follows: After the words in last line of said act, "wherein the offense is committed," insert: "*Provided*, whenever any person has had his weights and measures tried by the standard and sealed or stamped as aforesaid, he shall not be required to have them tried by the standard again unless some responsible person in the county of Wilson shall make oath, and file the same with the standard-keeper of said county, that he has reason to believe that said weights or measures are not properly adjusted. That notice shall be given the owner of said weights or measures that complaint has been made under oath as aforesaid, and then the owner of said weights and measures shall have his weights and measures tried as provided under this act, section three thousand eight hundred and forty-one of The Code, and shall be subject to all the penalties under said section and section three thousand eight hundred and forty-two of The Code."

SEC. 2. That section three thousand eight hundred and forty- Code re-enacted as amended.
two of The Code shall be in effect subject to the provisions of
section one of this act.

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

Limited to Wilson
county.

SEC. 4. That this act shall be in force from and after its ratifi-
cation.

In the General Assembly read three times, and ratified this the
4th day of March, A. D. 1905.

CHAPTER 379.

AN ACT TO PROTECT CERTAIN BIRDS IN GASTON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful to kill, shoot, trap or net Close season five
any partridges, quail or doves in Gaston County for a period of years.
five (5) years from the date of the passage of this act.

SEC. 2. That any person violating this act shall be guilty of a Misdemeanor.
misdemeanor, and upon conviction shall be fined not less than five
dollars (\$5) or imprisoned not more than thirty (30) days for
each offense.

SEC. 3. That this act shall only apply to Cherryville, Crowder's Application
Mountain and Gastonia Townships. limited.

SEC. 4. That all laws or parts of laws in conflict with this act Conflicting laws
are hereby repealed. 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
4th day of March, A. D. 1905.

CHAPTER 380.

AN ACT TO AMEND SECTION 4 OF CHAPTER 435 OF THE LAWS OF 1903, AS BROUGHT FORWARD IN REVISED STATUTES, CHAPTER 92, SECTION 4026, EMPOWERING THE COUNTY BOARDS OF EDUCATION TO FIX THE TIME OF OPENING AND CLOSING THE PUBLIC SCHOOLS.

The General Assembly of North Carolina do enact:

SECTION 1. By adding after the word "practicable" at the close Time of opening.
of said section, as brought forward in volume two of the Revisal,
as follows: *Provided, however,* that at the written request of the
majority of the patrons of any rural district school such school
shall open not earlier than July the first, or later, as they may

Limited to Mont-
gomery county.

elect, and to continue to the close of the term, and that this act shall apply to Montgomery County only.

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

CHAPTER 381.

AN ACT TO PROVIDE FOR THE ESTABLISHMENT AND ENLARGEMENT OF LIBRARIES IN THE PUBLIC SCHOOLS OF THE RURAL DISTRICTS.

The General Assembly of North Carolina do enact:

Private subscrip-
tions supplemented
from county school
fund.

SECTION 1. Whenever the patrons and friends of any free public school in which a library has not already been established by aid of the State shall raise by private subscription and tender to the treasurer of the county school fund the sum of ten dollars (\$10) for the establishment of a library to be connected with said school the county board of education shall appropriate from the general county school fund the sum of ten dollars (\$10) for this purpose and shall appoint an intelligent person in the school district in which the said library is to be located manager of said library. The county board of education shall also appoint one competent person well versed in books to select books for such library as may be established under the provisions of this act from lists of books approved by the State Superintendent of Public Instruction.

Manager of library.

Selection of books.

Appropriation
from State board
of education.

SEC. 2. As soon as the county board of education of any county shall have made an appropriation for a library in the manner prescribed the county superintendent of schools shall inform the Secretary of the State Board of Education of the fact, whereupon the said State Board of Education shall remit to the treasurer of the county school fund the sum of ten dollars (\$10) for the purchase of books.

List of books to be
submitted.

SEC. 3. Within thirty (30) days after the payment of the money to the treasurer of the county school fund the person appointed to select the books shall submit the list of books to be purchased, and prices of same, to the treasurer, who shall order the books at once. The treasurer shall receive no compensation except his regular commission. The county board of education shall furnish, at the expense of the general county school fund, a neat book-case, with lock and key, to each library, upon application of the county superintendent of schools.

No compensation
to treasurer.
County board to
furnish book-case.

Local manager to
carry out rules.

SEC. 4. The local manager of every library shall carry out such rules and regulations for the proper use and preservation of the books as may be enjoined by the State Superintendent of Public

Instruction, and shall, on or before June thirtieth of each year, Reports. make to the State Superintendent of Public Instruction such reports as he shall require.

SEC. 5. The local managers of two or more libraries may by agreement exchange libraries: *Provided*, that no exchange shall be made oftener than once in six months, and that no part of the expense of exchanging libraries shall be borne by the public school fund. Exchange of libraries. Proviso: not oftener than once in six months.

SEC. 6. Whenever the patrons and friends of any free public school in which a library has already been established under the provisions of chapter six hundred and sixty-two, Laws of one thousand nine hundred and one, and chapter two hundred and twenty-six, Laws of one thousand nine hundred and three, or in which a library has been established for one year under the preceding sections of this act, shall raise by private subscription and tender the treasurer of the county school fund the sum of five dollars (\$5) for the enlargement of the library, the county board of education shall appropriate from the money belonging to that school district the sum of five dollars (\$5), and the State Board of Education shall remit to the treasurer of the county school fund the sum of five dollars (\$5). The money thus collected and appropriated shall be used for the enlargement of libraries already established under the same rules and restrictions as govern the establishment of new libraries. Appropriation for increase of libraries.

SEC. 7. The sum of seven thousand five hundred dollars (\$7,500) of the appropriation for the public schools of the State is hereby biennially appropriated and set apart to be expended by the State Board of Education under the provisions of this act: *Provided*, that of each biennial appropriation a sum not exceeding five thousand dollars (\$5,000) may be expended by the State Board of Education in the establishment of new libraries, and a sum not exceeding two thousand five hundred [dollars] (\$2,500) may be expended by the State Board of Education in the enlargement of libraries according to the provisions of section six of this act. Appropriation for libraries. Proviso: apportionment.

SEC. 8. Not more than six new libraries, in addition to those already established, shall be established biennially in any county under the provisions of the preceding sections, and not more than six libraries already established in any county shall be entitled biennially to the benefits of section six of this act: *Provided*, that after November thirtieth, one thousand nine hundred and six, and after November thirtieth of every second year thereafter, if any of the aforesaid biennial appropriation for the years ending on such date shall still be in the hands of the State Treasurer any free public school which shall fulfill the conditions set forth in the preceding sections shall be entitled to receive the benefits of this act, regardless of the number of libraries already established in the county in which said school is located, until the aforesaid bal- Not more than six new libraries biennially in any county. Not more than six enlarged. Proviso: if balance left.

ance of each biennial appropriation available for the purpose is exhausted.

Schools in districts in towns of over 1,000 not to receive money.

SEC. 9. No school district in any incorporated town with a population exceeding one thousand (1,000) persons shall receive any moneys under the provisions of this act.

Conflicting laws repealed.

SEC. 10. All laws and clauses of laws in conflict with the provisions of this act be and the same are hereby repealed.

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

CHAPTER 382.

AN ACT TO PREVENT HUNTING IN BOCK CREEK TOWNSHIP, RANDOLPH COUNTY, WITHOUT WRITTEN PERMISSION.

The General Assembly of North Carolina do enact:

Unlawful to hunt on lands of another without written permission.

SECTION 1. That it shall be unlawful for any person or persons to hunt with dog or gun upon the lands of another in Bock Creek Township, Randolph County, without written permission.

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 more than five dollars nor more than thirty days' imprisonment, in 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 4th day of March, A. D. 1905.

CHAPTER 383.

AN ACT TO AMEND H. B. 297, S. B. 552. ENTITLED AN ACT TO PROTECT LANDLORDS AND TENANTS, RATIFIED FEBRUARY 24, 1905.

The General Assembly of North Carolina do enact:

Extended to Guilford county.

SECTION 1. That H. B. two hundred and ninety-seven, S. B. five hundred and fifty-two, entitled "An act to protect landlords and tenants," ratified February twenty-fourth, one thousand nine hundred and five, do not apply to Guilford County.

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. 1905.

CHAPTER 384.

AN ACT TO REGULATE THE PAY OF THE COMMISSIONERS
OF NASH COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That on and after the first day of January, one thousand nine hundred and five, that the following compensation be allowed to the Board of Commissioners of the County of Nash, to-wit, that the chairman of said board be paid at the rate of two hundred dollars each year; that each of the other commissioners be paid the sum of one hundred dollars per year and mileage heretofore fixed by law.

Chairman.

Other commissioners.

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

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

CHAPTER 385.

AN ACT TO MODIFY AN ACT ENTITLED "TO PROHIBIT
THE KILLING OF QUAIL OR PARTRIDGES IN SWAIN
COUNTY," PASSED AT THIS SESSION OF THE LEGISLA-
TURE.*The General Assembly of North Carolina do enact:*

SECTION 1. That the law passed at this session of the Legislature entitled "An act to prevent the killing of quail or partridges in Swain County" be repealed and the following substituted:

SEC. 2. That it shall be unlawful to kill partridges, quail or pheasants in the county of Swain except between the dates of November twentieth and January first in each and every year.

SEC. 3. That it shall be unlawful for any person or persons, firm or corporation to ship or transport live quail or partridges out of said county at any season.

SEC. 4. That any person, persons, firm or corporation 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. 5. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this 4th day of March, A. D. 1905.

CHAPTER 386.

AN ACT TO PROVIDE A SUITABLE COMPENSATION FOR
THE SHERIFF OF HALIFAX COUNTY.*The General Assembly of North Carolina do enact:*

Fifty dollars for
each term of court.

SECTION 1. That the Sheriff of Halifax County shall be paid fifty dollars for each term of the superior court held in said county instead of twenty-five dollars, as now provided by law.

Conflicting laws
repealed.

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

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

CHAPTER 387.

AN ACT TO PROTECT GAME IN CARTERET COUNTY.

The General Assembly of North Carolina do enact:

Close season for
deer.

SECTION 1. That it shall be unlawful for any person to hunt or kill, capture or pursue with dog any wild deer between the first day of February and the first day of September of each year.

Close season for
birds.

SEC. 2. It shall be unlawful to kill or capture any partridge, quail, dove, wild turkey or meadow lark between the fifteenth day of October of each year.

Misdemeanor.
Penalty.

SEC. 3. Any one violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars nor more than fifty dollars.

Conflicting laws
repealed.

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

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

In the General Assembly read three times, and ratified this 4th day of March, A. D. 1905.

CHAPTER 388.

AN ACT TO AMEND SECTION 1058 OF THE CODE. FOR THE
BETTER PROTECTION OF DEER IN NORTH CAROLINA.*The General Assembly of North Carolina do enact:*

Unlawful to kill
deer while swim-
ming streams.

SECTION 1. That [The] Code, section one thousand and fifty-eight, be amended by inserting between the words "fire-light" and "the" in line two the following: "or shall kill or catch any wild deer while swimming streams or other bodies of water."

SEC. 2. This act shall not apply to Currituck County.

Currituck county
excepted.

SEC. 3. Any person violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars nor more than fifty dollars or imprisoned not less than ten nor more than thirty days.

Misdemeanor.

SEC. 4. All laws or clauses of laws in conflict with this act 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 4th day of March, A. D. 1905.

CHAPTER 389.

AN ACT TO REGULATE HUNTING AND FISHING IN LANESBORO TOWNSHIP IN ANSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. It shall be unlawful for any person or persons to hunt, trap or fish on any lands in Lanesboro Township in Anson County without the consent of the land-owner.

Unlawful to hunt,
trap or fish on
lands in Lanesboro
township without
consent of owner.

SEC. 2. It shall be unlawful to kill any partridges, quail, snipe, dove, wild turkey, wild duck or other game bird save between the twentieth day of November and the twentieth day in January next succeeding.

Close season for
game birds.

SEC. 3. Any person violating the provisions of this act shall be guilty of a misdemeanor, and for each offense shall be fined not less than five nor more than fifty dollars.

Misdemeanor.

Penalty.

SEC. 4. This act shall be in force and effect from the first day of April, one thousand nine hundred and five.

In effect from 1st
April, 1905.

In the General Assembly read three times, and ratified this 4th day of March, A. D. 1905.

CHAPTER 390.

AN ACT REQUIRING SECTION-MASTERS OF RAILROADS OF PENDER COUNTY TO REPORT KILLING OF STOCK.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be the duty of every section-master who shall work on any railroad in Pender County to keep a record and also to post at each regular railroad station on his section a notice of all horses, cattle, sheep, hogs, goats or other stock that may be killed on his section; such report and notice containing the

Section-masters to
keep record and
post notices of
stock killed.

Notice to be posted within twenty-four hours.

Proviso: if owner notified and views stock.

Misdemeanor.

Penalty.

marks and full description of such stock. The said notice shall be posted within at least twenty-four hours after such killed stock have been found: *Provided*, this section shall not apply when the section-master has notified the owner of the stock killed and the owner has viewed the same.

SEC. 2. Any section-master who shall fail or neglect to comply with 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 for every such offense.

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

CHAPTER 391.

AN ACT DEFINING VAGRANCY AND PROVIDING PUNISHMENT THEREFOR.

The General Assembly of North Carolina do enact:

Code repealed.

SECTION 1. That section three thousand eight hundred and thirty-four of The Code of North Carolina be and the same is hereby repealed.

Vagrants.

SEC. 2. That all persons who may come within either of the classes hereinafter named shall be deemed a vagrant.

Persons wandering or strolling about.

SEC. 3. Persons wandering or strolling about in idleness who are able to work and have no property to support them.

Persons leading idle, immoral or profligate life.

2d. Persons leading an idle, immoral or profligate life who have no property to support them and who are able to work and do not work.

Persons having no visible means of support.

3d. All persons able to work having no property to support them and who have not some visible and known means of a fair, honest and reputable livelihood.

Persons who live by stealing or by trading in stolen property.

4th. Persons having a fixed abode who have no visible property to support them and who live by stealing or by trading in, bartering for or buying stolen property.

Professional gamblers.

5th. Professional gamblers living in idleness.

Able-bodied men living in idleness upon earnings of mother, wife or children.

6th. All able-bodied men who have no other visible means of support who shall live in idleness upon the wages of earnings of their mother, wife or minor child or children, except male child or children over eighteen years of age.

Punishment.

SEC. 4. That the punishment for vagrancy as defined in this act shall not exceed fifty dollars fine or thirty days' imprisonment.

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. 1905.

CHAPTER 392.

AN ACT TO AMEND SECTION 1275 OF THE CODE OF NORTH CAROLINA IN REGARD TO THE FEES OF REGISTER OF DEEDS.

The General Assembly of North Carolina do enact:

SECTION 1. That section twelve hundred and seventy-five of The Fees for copies. Code be amended by striking out the words "for the same fees" in lines three and four thereof and by adding to the end of the section the following: "*Provided*, the fee of the register shall be thirty-five cents on the first three hundred words and ten cents per copy-sheet on the excess of three hundred words."

SEC. 2. This act shall apply only to the county of Nash.

Limited to Nash.

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 4th day of March, A. D. 1905.

CHAPTER 393.

AN ACT TO AMEND CHAPTER 542, LAWS OF 1903, TO PROHIBIT THE HUNTING OF SQUIRRELS AND OPOSSUMS IN THE COUNTY OF GREENE BETWEEN THE FIRST DAY OF FEBRUARY AND THE FIRST DAY OF OCTOBER IN EACH YEAR.

The General Assembly of North Carolina do enact:

SECTION 1. That the word "October" in said act be stricken out and insert in lieu thereof the word "September." Close season changed.

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

CHAPTER 394.

AN ACT TO PROTECT THE TRAPPING INTERESTS IN DARE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons who have not resided within the State two years to hunt or trap otters, musk-rats or minks, or to sell the hides or skins from these animals in or out of the State. Unlawful to trap without residence for two years.

Penalty.

SEC. 2. Any person or persons violating this act shall for each offense be fined not less than thirty dollars (\$30) nor more than fifty dollars (\$50).

SEC. 3. 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. 1905.

CHAPTER 395.

AN ACT TO CHANGE THE TIME OF MEETING OF THE BOARD OF ROAD SUPERVISORS IN STOKES COUNTY.

The General Assembly of North Carolina do enact:

Code amended.

SECTION 1. That sections two thousand and fifteen and two thousand and sixteen of The Code of North Carolina be amended as follows: Amend section two thousand and fifteen in lines four and five by striking out the words "first Saturday in February and August" and inserting in lieu thereof the words "second Saturday of March and October." Further amend in line eight by striking out the word "August" and inserting in lieu thereof the word "October," and in line ten by striking out the word "February" and inserting the word "March" in lieu thereof. Amend section two thousand and sixteen in line two by striking out the word "February" and inserting in lieu thereof the word "March."

Times for meeting prescribed.

Conflicting laws repealed.

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

Limited to Stokes county.

SEC. 3. That this act shall apply only to Stokes 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. 1905.

CHAPTER 396.

AN ACT TO REGULATE THE TERMS OF THE SUPERIOR COURT OF MONTGOMERY COUNTY.

The General Assembly of North Carolina do enact:

Criminal terms.

SECTION 1. That there shall be held in the county of Montgomery the following terms of the superior court, which shall be for the trial of criminal actions only, viz.: On the sixth Monday before the first Monday in March and on the eighth Monday before the first Monday in September, each of said terms to continue for

one week: *Provided*, that each of said terms shall be a return term for civil process and for the hearing of motions on the civil docket: *Provided further*, that civil causes requiring a jury may be tried at each of said terms by consent of the parties thereto. Provide; return term for civil process.

SEC. 2. That there shall be held in said county the following Civil terms, terms of the superior court for the trial of civil actions only, viz.: On the sixth Monday after the first Monday in March, said term to continue for one week; also on the third Monday after the first Monday in September, said term to continue two weeks.

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

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

In the General Assembly read three times, and ratified this 4th day of March, A. D. 1905.

CHAPTER 397.

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

The General Assembly of North Carolina do enact:

SECTION 1. That the number of Commissioners of Columbus County shall be increased to five, and that at all county elections after the passage of this act five commissioners shall be elected by the people of Columbus County. Five commissioners.

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

CHAPTER 398.

AN ACT TO PROTECT DEER IN CERTAIN PORTIONS OF BLADEN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons to hunt, kill or molest in any way any deer in Carver's Creek and White's Creek Townships, Bladen County, except during the months of November of each year. Open season in Carver's Creek and White's Creek townships.

SEC. 2. Any person or persons violating this act shall be guilty of a misdemeanor, and upon conviction shall be fined ten dollars or more. Misdemeanor. Penalty.

imprisoned ten days, at the discretion of the court, for each and every offense.

Conflicting laws
repealed.

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

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

CHAPTER 399.

AN ACT TO CHANGE THE TIME FOR HOLDING THE TERMS OF CERTAIN COURTS OF THE NINTH DISTRICT.

The General Assembly of North Carolina do enact:

Guilford county.

SECTION 1. That the terms of the Superior Courts of Guilford County shall be opened and held at the times hereinafter set forth, to-wit: On the ninth Monday before the first Monday in March, to continue one week; on the seventh Monday before the first Monday in March, to continue one week; on the third Monday before the first Monday in March, to continue two weeks; on the sixth Monday after the first Monday in March, to continue two weeks; on the thirteenth Monday after the first Monday in March, to continue two weeks; on the second Monday before the first Monday in September, to continue one week; on the seventh Monday after the first Monday in September, to continue two weeks; all of said terms of court being for the trial of civil cases only. On the first Monday before the first Monday in March, to continue for one week; on the fourth Monday after the first Monday in March, to continue for one week; on the fifteenth Monday after the first Monday in March, to continue one week; on the second Monday after the first Monday in September, to continue one week; on the fourteenth Monday after the first Monday in September, to continue one week, all of said last-named five terms of courts to be for criminal cases only.

Granville county.

SEC. 2. That the term of court of Granville County now beginning on the seventh Monday after the first Monday in March is hereby changed so that it will begin on the eighth Monday after the first Monday in March and continue two weeks.

Person county.

SEC. 3. That the term of court of Person County beginning on the thirteenth Monday after the first Monday in March is hereby abolished.

Alamance county.

SEC. 4. That the term of court of Alamance County beginning on the first Monday before the first Monday in March is hereby changed so that it will begin on the first Monday in March and continue one week.

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

SEC. 6. That this act shall be in force from and after the first day of July, one thousand nine hundred and five (1905). In force from first July, 1905.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

CHAPTER 400.

AN ACT TO PLACE THE PRINTING OF THE SUPREME COURT REPORTS UNDER THE CONTROL OF THE COURT.

The General Assembly of North Carolina do enact:

SECTION 1. The Supreme Court is hereby authorized to contract from time to time for the printing of its reports, to select the printer for the same and to prescribe such terms of the contract as will insure, under the supervision of the court, the prompt issue of the reports as soon as practicable after a sufficient number of opinions are filed: *Provided, however,* no contract shall be made for a longer period than two (2) years, nor at a price higher than that paid the State Printer for the same period: *Provided further,* that in letting said contract preference shall be given to printers of this State. Supreme Court to contract for printing reports.

Proviso: no contract for more than two years nor at price higher than is paid State printer.
Proviso: Preference given to printers of State. Conflicting laws repealed.

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

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

CHAPTER 401.

AN ACT TO ABOLISH THE OFFICE OF STANDARD-KEEPER IN YANCEY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the office of standard-keeper of Yancey County Office abolished. is hereby abolished.

SEC. 2. That the County Commissioners of Yancey County are hereby required to take charge of the standards of weights and measures and deposit the same with the register of deeds of said county for safe-keeping. County commissioners to take charge of standards.

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. 1905.

CHAPTER 402.

AN ACT TO AMEND SECTION 1865 OF THE CODE IN REFERENCE TO THE HUNTING SEASON OF WILD TURKEYS IN CLAY, RANDOLPH AND ROWAN COUNTIES.

The General Assembly of North Carolina do enact:

Close season
changed.

SECTION 1. That section one thousand eight hundred and sixty-five, subdivision five, be amended by striking out March and inserting February in place 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 4th day of March, A. D. 1905.

CHAPTER 403.

AN ACT TO AMEND CHAPTER 264, PUBLIC LAWS 1897, RELATING TO CROP PEST COMMISSION.

The General Assembly of North Carolina do enact:

Appropriation and
requirement of
report.

SECTION 1. That sections five and six, chapter two hundred and sixty-four, Public Laws eighteen hundred and ninety-seven, be and the same are hereby repealed.

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 take effect from and after its ratification.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

CHAPTER 404.

AN ACT TO AMEND CHAPTER 549, PUBLIC LAWS OF 1899, RELATING TO MANUFACTURE AND SALE OF LIQUOR.

The General Assembly of North Carolina do enact:

Manufacture and
sale of liquor
forbidden.

SECTION 1. That chapter five hundred and forty-nine (549), Public Laws of one thousand eight hundred and ninety-nine, be amended by striking out in line four (4) the word "county" and insert in lieu thereof the word "counties," and after the word "Jackson" add the word "Clay."

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. 1905.

CHAPTER 405.

AN ACT FOR THE PROTECTION OF DEER IN YANCEY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person to chase with dog or dogs or in anywise destroy any deer running wild within the county of Yancey except between the thirty-first day of October and the thirtieth day of November in each and every year. Unlawful to kill deer except in November.

SEC. 2. That any person violating the provisions of section one of this act shall be guilty of a misdemeanor and upon conviction be fined not less than fifty dollars or imprisoned for thirty days. Misdemeanor. Penalty.

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

CHAPTER 406.

AN ACT TO REQUIRE THE RERUNNING AND REMARKING OF A PORTION OF THE BOUNDARY LINE BETWEEN THIS STATE AND THE STATE OF SOUTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That the Governor of the State is hereby authorized and empowered to employ a competent surveyor to rerun and remark that section of the boundary line of the State between this State and the State of South Carolina which constitutes the boundary line of Marlborough County, South Carolina, and the adjoining counties of Scotland and Richmond in this State. Governor to employ surveyor.

SEC. 2. That the work provided for in section one of this act shall be done within one year from the passage of this act. Work to be done within one year.

SEC. 3. That when the work is done herein provided for the Auditor is hereby authorized upon the certificate of the Governor to issue his warrant upon the State Treasurer for the amount of expenses incurred in rerunning and remarking the boundary line, as herein provided for, and upon the warrant of the Auditor, as herein provided, the State Treasurer shall pay the same to the party or parties to whose favor said warrant may be drawn: Auditor to issue warrant.
Provided, however, the appropriation herein provided for shall not be available unless the State of South Carolina appoints a surveyor on its part and the survey herein provided for be a joint survey of both of said States. Treasurer to pay warrant.

SEC. 4. That the Governor shall immediately after his approval of this act notify the Governor of South Carolina of the same, and Proviso: South Carolina to join in survey.
Governor to notify governor of South Carolina.

request him to have a similar appointment made on the part of the State of South Carolina, to act in conjunction with the surveyor on the part of this State, and that he shall furnish the Governor of South Carolina at the same time a certified copy of this act under the Great Seal of this State.

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. 1905.

CHAPTER 407.

AN ACT TO AMEND CHAPTER 260 OF THE PUBLIC LAWS OF 1895.

The General Assembly of North Carolina do enact:

Boundary of drainage district.

SECTION 1. That section one of chapter two hundred and sixty of the Acts of one thousand eight hundred and ninety-five be amended by striking out all after the words "in said county" in line four down to the words "up said creek" in line five and inserting in lieu thereof the following: "From the public highway running from Guilford College to Summerfield."

SEC. 2. This act shall take effect upon its ratification.

In the General Assembly read three times, and ratified this the 4th day of February, A. D. 1905.

CHAPTER 408.

AN ACT TO AMEND SECTIONS 4 AND 10 OF CHAPTER 273 OF THE PUBLIC LAWS OF NORTH CAROLINA OF THE SESSION OF 1903 ENTITLED "AN ACT FOR THE RELIEF OF CERTAIN CONFEDERATE SOLDIERS, SAILORS AND WIDOWS, SO AS TO AUTHORIZE THE COUNTY BOARD OF PENSIONS TO PLACE UPON THE PENSION ROLL, IN THE CLASSES TO WHICH THEY WOULD OTHERWISE BELONG, CERTAIN DISABLED CONFEDERATE SOLDIERS, SAILORS AND WIDOWS NOW DISQUALIFIED UNDER THE PROVISIONS OF SAID ACT."

The General Assembly of North Carolina do enact:

SECTION 1. That sections four and ten of chapter two hundred and seventy-three of the Public Laws of North Carolina of the session of nineteen hundred and three, entitled "An act for the relief of certain Confederate soldiers, sailors and widows," be and

the same is hereby amended by adding at the end of each of said sections the following words: "*Provided*, that the county board of pensions may place upon the pension roll, in the classes to which he or she would otherwise belong, any Confederate soldier, sailor or widow disqualified by the provisions of this section, who may appear to be unable to earn a living from property valued as much as five hundred dollars or more for taxation, and who may appear to the board, from special circumstances, worthy to be placed upon the pension roll."

Proviso: certain persons may be placed on pension rolls under special circumstances.

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

In the General Assembly read three times, and ratified this 4th day of March, 1905.

CHAPTER 409.

AN ACT TO PROTECT GAME IN NEW HANOVER COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. It shall be unlawful for any person or persons to kill or take in any manner whatsoever, by trap, net or otherwise, any quail, partridge, dove or lark between the first day of March and the first day of November of each year.

Quail, partridge, dove or lark.

SEC. 2. That it shall be unlawful to kill any woodcock between the first day of January and the first day of September of each year; that it shall be unlawful to kill any snipe between the first day of March and the first day of September, and it shall be unlawful to kill any deer between the first day of January and the first day of September; that it shall be unlawful to kill any summer duck between the first day of March and the first day of September, or to kill any other species of wild duck between the first day of March and the first day of September, and it shall be unlawful for any person or persons to shoot at ducks after sundown while going to their roosts, or to shoot them by fire-light, torch-light or moonlight; that it shall be unlawful for any person or persons to kill or take in any manner any wild turkey, to destroy the nests, or to carry away the eggs, or to kill the young of any wild turkey between the first day of March and the first day of November. That no quail, ducks or wild turkey shall be offered for sale on the market between the first day of March and the first day of November, and any person so offering the above-named birds for sale it shall be *prima facie* evidence of his having killed them out of season and having violated the law.

Woodcock.

Snipe.

Deer.

Summer duck.

Other wild ducks.

Wild turkeys.

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

Misdemeanor.

Penalty.

One-half fine to
informer.

SEC. 4. That one-half of the fine for every conviction under this act shall be paid to the informer and prosecutor.

Conflicting laws
repealed.

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

In effect from 15th
March, 1905.

SEC. 6. That this act shall be in force from and after the 15th of March, 1905.

SEC. 7. That this act shall apply to New Hanover County only.

In the General Assembly read three times, and ratified this 4th day of March, 1905.

CHAPTER 410.

AN ACT TO AMEND CHAPTER 536 OF THE PUBLIC LAWS OF 1903 REGULATING LIFE INSURANCE COMPANIES.

The General Assembly of North Carolina do enact:

Reserve fund used
for no other pur-
pose than dis-
charge of policy
obligations.

SECTION 1. That chapter five hundred and thirty-six of the Public Laws of North Carolina of one thousand nine hundred and three be amended by adding at the end of section four of said act the following words: "*Provided*, that the reserve fund hereinbefore provided for shall not be available for or used for any other purpose than the discharge of policy obligations, but shall be a trust fund to be held and expended only for the benefit of policy-holders.

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

In the General Assembly read three times, and ratified this 4th day of March, 1905.

CHAPTER 411.

AN ACT TO AMEND CHAPTER 444 OF THE LAWS OF 1889 AS AMENDED BY CHAPTER 106, LAWS OF 1891, SO AS TO MAKE THE EVIDENCE OF A PROMISE OR AGREEMENT TO WORK, THE OBTAINING OF ADVANCES THEREON AND THE FAILURE TO COMPLY WITH SUCH PROMISE OR AGREEMENT PRESUMPTIVE EVIDENCE OF THE IN- TENT TO CHEAT AND DEFRAUD.

The General Assembly of North Carolina do enact:

Evidence of
promise or agree-
ment, obtaining
advances and
failure to comply
with promise and
agreement pre-
sumptive evidence
of intent to
defraud.

SECTION 1. That section one of chapter four hundred and forty-four, Laws of one thousand eight hundred and eighty-nine, as amended by chapter one hundred and six of the Laws of one thousand eight hundred and ninety-one, be amended by adding thereto the following: "And evidence of such promise or agreement to work, the obtaining of such advances thereon and the failure to comply with such promise or agreement shall be presumptive evi-

dence of the intent to cheat and defraud at the time of obtaining such advances and making such promise or agreement, subject to be rebutted by other testimony which may be introduced by the defendant.

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

In the General Assembly read three times, and ratified this 4th day of March, 1905.

CHAPTER 412.

AN ACT IN REGARD TO JUDGMENTS.

The General Assembly of North Carolina do enact:

SECTION 1. That no execution shall issue from the superior court upon any judgment until such judgment shall be docketed in the county to which the execution shall be issued. Execution not to issue until judgment is docketed.

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

In the General Assembly read three times, and ratified this 4th day of March, 1905.

CHAPTER 413.

AN ACT TO PROTECT GAME IN BRUNSWICK COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons to hunt with dog or gun, or take or kill any quail, lark, dove, part- Quail, lark, dove and partridge. ridge by trap or in any manner whatsoever between the first day of March and the first day of November of each year; that it shall be unlawful to kill any woodcock between the first day of January Woodcock. and the first day of September; that it shall be unlawful to kill any ducks or snipe between the first day of March and the first Ducks and snipe. day of September; that it shall be unlawful for any person or persons to kill, by shooting or drowning, or knocking in the head, any deer found swimming in any waters in Brunswick County, either Deer. when chased by dogs or in the water crossing any stream: that it shall be unlawful to shoot any ducks by fire-light, torch-light or moonlight, or to shoot ducks after sundown coming into the rice fields to roost or feed.

SEC. 2. That any person or persons violating any of the provisions of this act shall be guilty of a misdemeanor and shall be fined not less than five dollars (\$5) nor more than twenty dol- Misdemeanor. Penalty. lars (\$20), half of said fine to be paid to the informer.

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

Limited to Brunswick county.

Conflicting laws
repealed.

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

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

CHAPTER 414.

AN ACT TO AMEND CHAPTER 235, PUBLIC LAWS OF 1899, SECTION 7, SO AS TO ALLOW THE ACKNOWLEDGMENT OF INSTRUMENTS TO WHICH THE CLERK OF THE SUPERIOR COURT IS A PARTY TO BE MADE BEFORE A JUSTICE OF THE PEACE.

The General Assembly of North Carolina do enact:

Acknowledgment
before justice
adjudication by
clerk or deputy.

SECTION 1. That chapter two hundred and thirty-five, Public Laws of one thousand eight hundred and ninety-nine, section seven, be amended by adding at the end of said section the following: "Provided further, the acknowledgment of such instruments may also be made before a justice of the peace of said county, and the adjudication of the sufficiency of the certificate of said justice may be made by said clerk or his deputy."

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

In the General Assembly read three times, and ratified this 4th day of March, 1905.

CHAPTER 415.

AN ACT TO ESTABLISH A STATE LABORATORY OF HYGIENE.

The General Assembly of North Carolina do enact:

State laboratory to
be established.

SECTION 1. That for the better protection of the public health and to prevent the spread of communicable diseases there shall be established a State laboratory of hygiene, the same to be under the control and management of the State Board of Health.

Monthly examina-
tions of public
water supplies.

SEC. 2. That it shall be the duty of the State Board of Health to have made in such laboratory monthly examinations of samples from all the public water supplies of the State. The board shall also cause to be made examinations of well and spring waters when in the opinion of any county superintendent of health or any registered physician there is reason to suspect such waters of being contaminated and dangerous to health. The board shall

Examinations of
well and spring
waters.

likewise have made in this laboratory examinations of sputum in cases of suspected tuberculosis, of throat exudates in cases of suspected diphtheria, of blood in cases of suspected typhoid and malarial fever, of *fæces* in cases of suspected hook-worm diseases, and such other examinations as the public health may require.

Examinations of sputum.
Exudates.
Blood.
Fæces.
Other examinations.

SEC. 3. For the support of the said laboratory the sum of twelve hundred dollars is hereby appropriated and an annual tax of sixty dollars, payable quarterly, by each and every water company, municipal, corporate and private, selling water to the people, said tax to be collected by the sheriff as other taxes and paid by said sheriff directly to the treasurer of the State Board of Health, and the printing and stationery necessary for the laboratory to be furnished upon requisition upon the State Printer.

Appropriations.
Tax for appropriation.

Printing and stationery.

SEC. 4. Section seventeen of chapter one hundred and fifty-nine of the Laws of one thousand nine hundred and three is hereby repealed.

Repeal.

SEC. 5. This act shall be in force from and after its ratification. In the General Assembly read three times, and ratified this 4th day of March, 1905.

CHAPTER 416.

AN ACT SUPPLEMENTAL TO AN ACT ENTITLED "AN ACT TO CHANGE THE TIME FOR HOLDING COURT IN THE SEVERAL COUNTIES IN THE FOURTEENTH JUDICIAL DISTRICT," RATIFIED FEBRUARY 27, 1905.

The General Assembly of North Carolina do enact:

SECTION 1. That an act entitled "An act to change the time for holding court in the several counties of the Fourteenth (14) Judicial District," ratified February twenty-seven (27), one thousand nine hundred and five (1905), be and the same is hereby amended by adding in section one (1) thereof at the end of the paragraph entitled "Henderson County" the following: "That the board of county commissioners of said county are hereby authorized, when they shall deem it for the best interests of the county, to decline to draw a grand jury for any civil term of the Superior Court in Henderson County, and when they shall fail to do so, then no criminal cases shall be tried at that civil term of said court except those in which a bill has been found by a previous grand jury."

Henderson county.
Commissioners may decline to draw grand jury for civil term.
Criminal cases at civil terms.

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

Conflicting laws repealed.

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

CHAPTER 417.

AN ACT TO AMEND SECTION 1006 OF THE CODE.

The General Assembly of North Carolina do enact:

Punishment for
buying seed cotton
illegally.

SECTION 1. That section one thousand and six of The Code be amended by adding to the end thereof the following: "And on conviction shall be imprisoned not less than three months nor more than twelve months, and shall also be liable to a penalty of two hundred dollars, one-half of which shall go to the party suing for same and one-half to the public schools of the county."

Division of penalty.

Limited to Meck-
lenburg and Nash.

SEC. 2. That this act shall only apply to Mecklenburg and Nash Counties.

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

In the General Assembly read three times, and ratified this 4th day of March, 1905.

CHAPTER 418.

AN ACT SUPPLEMENTAL TO AN ACT ENTITLED "AN ACT PROVIDING FOR ADDITIONAL TERMS OF THE SUPERIOR COURT OF ROCKINGHAM COUNTY."

The General Assembly of North Carolina do enact:

Repealing clause
modified.

SECTION 1. That an act entitled "An act providing for additional terms of the Superior Court of Rockingham County," enacted at the present session of the General Assembly and ratified on the 28th day of February, 1905, be and the same is hereby amended as follows: Strike out section three and insert the following in its place: "That all laws in conflict with this act are hereby repealed so far as they apply to Rockingham 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 4th day of March, 1905.

CHAPTER 419.

AN ACT TO AMEND CHAPTER 28, PUBLIC LAWS OF 1901, RELATIVE TO THE HOLDING OF COURTS IN BUNCOMBE COUNTY.

The General Assembly of North Carolina do enact:

Terms for criminal
and civil business.

SECTION 1. That the terms of court to be held in Buncombe County as follows, to-wit, on the fourth Monday before the first Monday in March, seventh Monday after the first Monday in

March, and the fifth Monday before the first Monday in September, and the tenth Monday after the first Monday in September shall be for the trial of criminal as well as for the trial of civil cases; the first week of each of said terms, or such part of said term as may be necessary, shall be for the trial of criminal cases.

SEC. 2. That all laws and clauses of laws in conflict with any of the provisions of this act are repealed. Conflicting laws repealed.

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

In the General Assembly read three times, and ratified this the 4th day of March, 1905.

CHAPTER 420.

AN ACT TO AMEND CHAPTER 548 OF THE PUBLIC LAWS OF 1903, INCREASING THE SALARY OF BRIGADIER-GENERALS.

The General Assembly of North Carolina do enact:

SECTION 1. That section seven of chapter five hundred and forty-eight of the Public Laws of one thousand nine hundred and three be and the same is hereby amended as follows: Strike out the words "one hundred and fifty dollars" in lines two and three of said section seven and insert in lieu thereof the words "three hundred dollars." Three hundred 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 4th day of March, A. D. 1905.

CHAPTER 421.

AN ACT TO REPEAL CHAPTER 525, PUBLIC LAWS OF 1891, RELATING TO BUREAU OF IMMIGRATION.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter five hundred and fifty-five, Public Laws of one thousand eight hundred and ninety-one, be and the same is hereby repealed. Commissioner of agriculture relieved of duties of commissioner of immigration.

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

CHAPTER 422.

AN ACT TO RE-ENACT CHAPTER 488, SECTION 4. [LAWS] OF 1899, IN RELATION TO ELECTION OF COMMISSIONERS OF MONTGOMERY COUNTY ONLY.

The General Assembly of North Carolina do enact:

Commissioners of
Montgomery
county to be
elected by magis-
trates.

SECTION 1. That the justices of the peace for Montgomery on the first Monday in June, 1905, and on the first Monday in June every two years thereafter shall assemble at the court-house in Troy, and a majority being present, shall proceed to the election of not more than three persons to be chosen from the body of the county, excluding the justices themselves, who shall be styled "The Board of Commissioners for the County of Montgomery," and shall hold their office for two years from the date of their qualification and until their successors shall be elected and qualified.

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 4th day of March, A. D. 1905.

CHAPTER 423.

AN ACT FIXING THE TIME FOR HOLDING THE SUPERIOR COURTS OF WILSON COUNTY.

The General Assembly of North Carolina do enact:

Wilson county.

SECTION 1. That the Acts of one thousand nine hundred and one, chapter twenty-eight, be amended by striking out under subsection "Fourth District" all therein contained relating to Wilson County and insert in lieu thereof the following: "Wilson County—Fourth Monday before the first Monday in March, to continue for two weeks; ninth Monday after the first Monday in March, to continue for two weeks; first Monday in September; tenth Monday after the first Monday in September, to continue two weeks.

Conflicting laws
repealed.

SEC. 2. That all laws or parts of laws in conflict with this act are hereby repealed.

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

CHAPTER 424.

AN ACT TO PREVENT FIRE INSURANCE COMPANIES FROM
LIMITING COMMISSIONS OF THE AGENTS OF OTHER
COMPANIES.*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any fire insurance company, association or partnership doing business in this State employing an agent who is employed by another fire insurance company, association or partnership, either directly or through any organization or association, to enter into, make or maintain any stipulation or agreement in restraint of or limiting the compensation which said agent may receive from any other fire insurance company, association or partnership.

Agreements
limiting compensa-
tion forbidden.

SEC. 2. The penalty for any violation of this act shall be a fine of not less than two hundred and fifty dollars nor more than five hundred dollars and the forfeiture of license to do business in this State for a period of twelve months thereafter.

Penalty.

SEC. 3. That this act shall be in force from and after April first, one thousand nine hundred and five.

In force from 1st
April, 1905.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

CHAPTER 425.

AN ACT TO AMEND CHAPTER 186 OF LAWS OF 1901, CON-
FERRING POWER TO FORECLOSE MORTGAGE UPON AN
EXECUTOR OR ADMINISTRATOR.*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred and eighty-six (186) of the Public Laws of North Carolina of one thousand nine hundred and one (1901) be and the same is hereby amended so as to read as follows: The following words shall be added to section one thousand two hundred and seventy-six (1276) of The Code: "When the mortgagee in a mortgage or the trustee in a deed of trust executed for the purpose of securing a debt containing a power of sale shall die before the payment of the debt secured in such mortgage or deed in trust, all the title, rights, powers and duties of such mortgagee or trustee shall pass to and devolve upon the executor or administrator of such mortgagee or trustee, including the right to bring an action of foreclosure in any of the courts of this State as prescribed for trustees of mortgages, and in such action it shall not be necessary to make the heirs at law of such deceased mortgagee or trustee parties thereto."

Personal represen-
tatives succeed to
right under mort-
gage.

Heirs at law not
necessary parties
to action.

Former foreclosure
proceedings
validated.

SEC. 2. That in all actions which may have been heretofore brought or prosecuted for the foreclosure of any mortgage or deed in trust by any executor or administrator of any deceased mortgagee or trustee where the heirs of the mortgagor have been duly made parties and regular and orderly decrees of foreclosure entered by the court and sale had by a commissioner appointed by the court for that purpose and deed made after confirmation, the title so arranged to purchaser at such judicial sale shall be deemed and held to be vested in such purchaser, whether the heir of such deceased mortgagee or trustee shall have been a party to such foreclosure proceeding or not, and such heir of any deceased mortgagee shall be estopped to bring or prosecute any further action against such purchaser for the recovery of such property or foreclosure of such mortgage or deed in trust.

Heir estopped.

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 take effect from and after its ratification.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

CHAPTER 426.

AN ACT TO PROVIDE FOR ASSESSMENT OF REAL ESTATE OF RAILROAD COMPANIES IN STOCK LAW TERRITORY FOR LOCAL BENEFIT.

The General Assembly of North Carolina do enact:

Corporation com-
mission to assess.

SECTION 1. That the North Carolina Corporation Commission shall assess the value of all real estate belonging to any railroad company within stock law territory in this State as of the fifth day of June for assessment for local improvement at the same time that they assess railroad property for general tax purposes.

Railroads to report.

SEC. 2. That railroad companies shall report to the Corporation Commission, on blanks to be furnished by them, the mileage of such railroad within stock law territory, width of right of way, weight of rails, value of rails and ties, number, description and value of all structures within said stock law territory, and all other information necessary to enable the Corporation Commission to ascertain the value of said real estate.

Assessment to
continue.

SEC. 3. That after assessment shall be made it shall not be changed until the year for assessment of real estate for general tax purposes, except that the Corporation Commission shall correct any assessment of real property on which any structure of over one hundred dollars value may have been erected, or on which any structure of like value may have been destroyed, as the value

Correction for im-
provement or loss.

of said real estate may be affected thereby: *Provided*, that this act shall only apply to Johnston, Moore and Chatham Counties.

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. 1905.

CHAPTER 427.

AN ACT TO VALIDATE THE PROBATE OF CERTAIN DEEDS AND CONVEYANCES.

The General Assembly of North Carolina do enact:

SECTION 1. That the probate and registration of all deeds, mortgages and other instruments requiring registration to which the clerks of the superior courts are parties, or in which they have an interest, and which have been registered on the order of such clerks on proof of acknowledgment taken before such clerks or justices of the peace or notaries public, be and the same are hereby declared valid and binding to all intents and purposes as if the same had been taken before or ordered by the proper clerk or such other proper official having jurisdiction thereof: *Provided*, that this act shall not affect any suit now pending.

Probates validated.
Proviso: not to
apply to existing
suits.

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

In the General Assembly read three times, and ratified this 4th day of March, 1905.

CHAPTER 428.

AN ACT TO SUPPLEMENT H. B. 1789, S. B. 1429, RELATIVE TO TIME FOR HOLDING COURTS IN GREENE AND CRAVEN COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That H. B. 1789, S. B. 1429, relative to holding courts in Greene and Craven Counties, passed by the General Assembly of one thousand nine hundred and five, be amended as follows: Amend section one of said bill or act by striking out the word "third" in line four of said bill and insert in lieu thereof the word "fourth," so as to make the time for holding court in the county of Greene "fourth Monday in May."

May term of
Greene 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 4th day of March, A. D. 1905.

CHAPTER 429.

AN ACT TO PROVIDE FOR ALLOTING HOMESTEADS IN
LANDS HELD IN COMMON.*The General Assembly of North Carolina do enact:*

Judgment creditor
may bring special
proceeding for
partition.

SECTION 1. Whenever any person owns a judgment duly docketed in the superior court of a county wherein the judgment debtor owns an undivided interest in fee in land as a tenant in common, and such judgment creditor may desire to lay off the homestead of the judgment debtor in said land and sell the excess, if any, to satisfy his judgment, said judgment creditor may institute before the clerk of the court of the county wherein the land lies a special proceeding for partition of said land between the tenants in common, making the judgment debtor, the other tenants in common and all other interested persons parties to said proceeding by summons. The proceeding shall then be in all other respects conducted as other special proceedings for the partition of land between tenants in common.

Execution sued
out and homestead
allotted.

SEC. 2. Upon the actual partition of said land the judgment creditor may sue out execution on his judgment, as allotted by law, and have the homestead of the judgment debtor allotted to him and sell the excess, as in other cases where the homestead is allotted under execution.

Other remedies
saved.

SEC. 3. The remedy provided for in this act shall not deprive the judgment creditor of any other remedy in law or in equity which he may have for the enforcement of his judgment lien.

SEC. 4. This act to take effect from and after its ratification.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

CHAPTER 430.

AN ACT TO PROVIDE FOR THE EXAMINATION OF THE
BOOKS OF THE INSURANCE COMMISSIONER.*The General Assembly of North Carolina do enact:*

Committee to
examine treas-
urer's book also to
examine those of
insurance commis-
sioner.

SECTION 1. That section three thousand three hundred and sixty (3360) of The Code be amended by adding in line five after "State Treasurer" the words "Insurance Commissioner."

SEC. 2. That section five, chapter fifty-four (54), Laws of one thousand eight hundred and ninety-nine (1899), be amended by striking out the word "ten" in line four and inserting in lieu thereof the words "twenty-five."

Insurance commis-
sioner to pay over
money.

SEC. 3. That section three, chapter fifty-four (54), Laws of one thousand eight hundred and ninety-nine (1899), be amended by

adding to said section the words "and oftener should the sum to the credit of the State exceed twenty thousand dollars."

SEC. 4. Add at the end of section eighty-two (82), Public Laws of one thousand eight hundred and ninety-nine (1899), as amended, "The Auditor shall have authority to examine the accounts of the Insurance Commissioner and check up the same with said statement." Auditor to check accounts.

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

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

CHAPTER 431.

AN ACT TO AMEND CHAPTER 558 OF THE PUBLIC LAWS OF 1901, RELATING TO THE SALE OF LAND FOR TAXES.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter five hundred and fifty-eight of the Public Laws of one thousand nine hundred one be amended by inserting between the words "county" and "at" in line thirteen of section fifteen of said act the following words: "And also upon any person, firm or corporation having a mortgage or deed of trust upon said land or lots recorded in the county where the land is situated, if upon diligent inquiry such person, firm or corporation can be found, and if he, they or it cannot upon diligent inquiry be found, then publication shall be made as hereinafter provided." Notice to be served on mortgagee.

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 4th day of March, A. D. 1905.

CHAPTER 432.

AN ACT TO AMEND CHAPTER 349, PUBLIC LAWS 1903, KNOWN AS THE ANTI-JUG LAW FOR MITCHELL, GASTON, CLEVELAND AND CABARRUS COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter three hundred and forty-nine of the Public Laws of one thousand nine hundred and three be amended by striking out the word "and" in the fourth line of said

section and adding the words "Perquimans" and "Ashe" after the word "Gaston" in the fourth line of said section.

Place of delivery
made place of sale.

SEC. 2. That the provisions of section two of said chapter three hundred and forty-nine, Public Laws of one thousand nine hundred and three, and all other provisions of said chapter shall apply to the counties of Perquimans and Ashe.

Conflicting laws
repealed.

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

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

In the General Assembly read three times, and ratified this 4th day of March, 1905.

CHAPTER 433.

AN ACT TO EMPOWER A SUCCEEDING GUARDIAN TO COLLECT OR FORECLOSE A MORTGAGE EXECUTED TO A FORMER GUARDIAN.

The General Assembly of North Carolina do enact:

Rights, powers and
duties to succeeding
guardian.

SECTION 1. When a guardian to whom a mortgage has been executed has died or been removed or resigned before the payment of the debt secured in such mortgage, all the rights, powers and duties of such mortgagee shall devolve upon the succeeding guardian.

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

In the General Assembly read three times, and ratified this 4th day of March, 1905.

CHAPTER 434.

AN ACT TO AMEND THE GENERAL ELECTION LAW.

The General Assembly of North Carolina do enact:

Additional allow-
ance to county
board of elections
and registrars.

SECTION 1. Add to section sixty-two, chapter eighty-nine of the Public Laws of one thousand nine hundred and one the following: *Provided further*, that in addition to the compensation herein allowed the several election officers it shall be lawful for the county commissioners to pay to the several members of the county board of elections and also to the several registrars such additional compensation as may be by them considered just and fair.

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

In the General Assembly read three times, and ratified this 4th day of March, 1905.

CHAPTER 435.

AN ACT CONCERNING BUILDING AND LOAN ASSOCIATIONS.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be lawful for any individuals or persons in any city, town or county of this State, under any name by them to be assumed, to associate for the purpose of organizing and establishing a homestead and building and loan association, and, being so associated, shall, on complying with this act, be a body politic and corporate, and as such be capable in law to hold and dispose of property, both real and personal; may have and use a common seal; may choose a presiding and other officers; may enact by-laws for the regulation of the affairs of such corporation and compel the due observance of the same by fines and penalties; may sue and be sued, plead and be impleaded, answer and be answered in any court in this State, and do all acts necessary for the well ordering and good government of the affairs of such corporation, and shall exercise all and singular the powers incident to bodies politic and corporate: *Provided*, that before any such corporation shall be entitled to the privileges of this chapter they shall lodge with the clerk of the superior court of the county where such corporation is designed to act a copy of the articles of association of such corporation, signed by at least seven members, to be recorded in the office of such clerk, and shall pay a tax of twenty-five dollars to said clerk, which tax shall be paid over by the clerk to the treasurer of the county, to the use of the school fund of the county. That the clerk shall certify a copy of the charter to the Insurance Commissioner. That married women and minors of the age of twelve years and upwards are hereby authorized and empowered to become shareholders in and buy, sell, hold, pay dues on, withdraw, transfer and otherwise deal in the shares in any such association in the same manner and with the same powers, rights and liabilities, force and effect as though such minors or *femes covert* were of full age or unmarried.

SEC. 2. Any addition, alteration or amendment of the articles of association of any such corporation shall be signed, certified and recorded as is provided in the preceding section of this act.

SEC. 3. Any corporation created under and by virtue of this act shall have power to declare in their articles of association the maximum number of shares at any one time to be in force of which the corporation shall consist, the par value of the same, to prescribe the entrance fee per share to be paid by each shareholder at the time of subscribing, to regulate the amount of the installments to be paid on each share and the time at which the same shall be paid and payable.

Association a body corporate.

Formal enumeration of corporate powers.

Proviso: copy of articles to be filed with clerk.

Seven members required.
Tax on corporation.

Copy to insurance commissioner.
Married women and minors may be shareholders.

Amendments to articles.

Articles to declare maximum number of shares.

Par value of shares.
Entrance fee.
Installments.
When payable.

Certificates of shares.	SEC. 4. Any such corporation shall have power to issue to each member of such corporation a certificate of the shares held by him, her, it or them, and to enforce the payment of all installments and other dues due to said corporation from the members or shareholders by such fines and forfeitures as the corporation may from time to time provide in the by-laws or articles of association of such corporation.
Fines and forfeitures.	
Members joining after organization.	SEC. 5. Any person applying for membership or shares in any corporation after the end of a month from the date of its incorporation may be required to pay, on subscribing, such sums or assessments as may from time to time be fixed and assessed in manner as may be provided by said corporation, in order to place such new member or shareholder on like footing with the original members and others holding shares at the time of such application.
Classes of shares.	SEC. 6. That every building and loan association doing business in this State shall be authorized to issue as many series or classes of shares and at such stated periods as may be provided for in its charter or by-laws.
Shareholders equally interested.	SEC. 7. All shareholders shall occupy the same relative position as to debts, losses and profits of the association; but this provision shall not prevent any association from receiving dues in advance, allowing such a rate of interest for the anticipated payments of dues as may be agreed on by the directors.
Dues in advance.	
Meetings of directors.	SEC. 8. At such times as the by-laws shall designate, not less frequently than once a month, the board of directors shall hold meetings at which the funds in the treasury applicable for loans may be loaned. No loans shall be made by such association to any one not a shareholder thereof, nor to any shareholder for an amount greater than the par value of the shares held by such shareholder. Borrowers shall be required to give real estate security, either by way of mortgage or deed in trust unincumbered, except by the prior liens held by such association, accompanied by a transfer and pledge to the association of the shares or share by reason of which he became entitled to obtain such loan, as collateral security for the repayment of the loan.
No loans but to shareholders.	
Limit of loan.	
Security.	
Pledge of shares as collateral.	
Loans may be repaid.	SEC. 9. That any member of such association who shall borrow from it shall have the right at any time prior to the maturing of the shares pledged as collateral for such loan to pay off and discharge his loan by paying the amount received by him, including the cost and expenses of making the loan, if the same shall have been deducted therefrom, with interest at the rate of six per cent per annum on the whole sum received by him to the date of settlement and all fines and dues then remaining unpaid. Upon such settlement he shall be credited with only the withdrawal value of his shares as fixed by the charter or by-laws, or by the directors of such association. That in case of default by a shareholder who has borrowed from the association and a foreclosure of his mort-
Credit by shares on settlement.	
Debt ascertained in case of default.	

gage or deed of trust, the amount of his indebtedness to such association shall be ascertained in the manner provided by this act.

SEC. 10. Any such association may in its constitution authorize the board of directors from time to time, by resolution adopted by a vote of a majority of all the members of the board and duly recorded on the minutes, to borrow money on the note of the association upon such terms and conditions as directed by the directors or as the constitution shall prescribe.

Association may borrow money.

SEC. 11. Every association doing business under this chapter shall file in the office of the Insurance Commissioner on or before the first day of June in each year, in such form as he shall prescribe, a statement of the business standing and financial condition of the applicant on the preceding thirty-first day of December, signed and sworn to by said principal or by the chief managing agent, attorney or officer thereof before the Insurance Commissioner, or before a commissioner of affidavits for North Carolina, or before some notary public.

Annual statements to insurance commissioner.

SEC. 12. It shall be the duty of the Insurance Commissioner to receive and thoroughly examine each annual statement required by this act, and if made in compliance with the requirements of this act to publish an abstract of the same in one of the newspapers of the State, to be selected by the general agent or attorney making such statement, and at the expense of his principal. The Insurance Commissioner shall be entitled to a fee of five dollars, to be paid by the association filing such statement.

Commissioner to examine statements.

Abstract to be published.

Fee of insurance commissioner.

SEC. 13. That if the Insurance Commissioner shall become satisfied at any time that any statements made by any association licensed under this act shall be untrue, or in case a general agent shall fail or refuse to obey the provisions of this act, he shall thereupon have power to revoke and cancel such license.

Insurance commissioner may cancel license.

SEC. 14. If at any time the Insurance Commissioner shall have good reason to think that the standing and responsibility of any building and loan association or company doing business in this State, or its mode of business is of a doubtful character, it shall be his duty to examine and investigate everything relating to the business of such company, and to that end he is hereby authorized, if he deem it advisable, to appoint a suitable and competent person to make such investigation, who shall file with the Insurance Commissioner a full report of his finding in such case.

Insurance commissioner to investigate.

SEC. 15. That the expenses and cost of examination provided for in the preceding section shall be defrayed by the company or association subjected to investigation, and each company or association doing business in this State shall stipulate in writing, to be filed with the Insurance Commissioner, that it will pay all reasonable cost and expenses of such examination when it shall become necessary.

Expense of examination to be borne by association.

SEC. 16. The term "building and loan association" as used in this act shall apply to and include all corporations, companies,

Building and loan association defined.

societies or associations organized for the purpose of making loans to its members only, and of enabling its members to acquire real estate, make improvements thereon and remove incumbrances therefrom by the payment of money in periodical installments or principal sums, and for the accumulation of a fund to be returned to members who do not obtain advances for such purposes. It shall be unlawful for any corporation, company, society or association doing business in this State not so conducted to use in its corporate name the term "building and loan association" or "building association," or in any manner or device to hold themselves out to the public as a building and loan association.

FOREIGN BUILDING AND LOAN ASSOCIATIONS.

Unlawful for other companies to use name.

How foreign associations admitted.

SEC. 17. A building and loan association of another State may be admitted to transact business in this State in the manner hereinafter provided, and no association not so admitted shall transact business in this State.

Unlawful to act as agent for foreign corporation without license.

SEC. 18. It shall be unlawful for any person to solicit or act as agent for any foreign building and loan association or company doing business in this State without having first procured from the Insurance Commissioner a certificate that such association or company for which he offers to act is duly licensed by the State to do business for the current year in which such person solicits business or offers to act as agent. The Insurance Commissioner shall be entitled to a fee of one dollar for issuing each such certificate, to be paid by the company for which the same is issued. Any person violating this section shall be guilty of a misdemeanor.

Fee for license.

Misdemeanor.

Application to be made to insurance commissioner.

Association to file.

Copy of charter, constitution and by-laws.

Names and address of officers and directors.

Report of its condition.

Commissioner to furnish blanks.

Association may be admitted.

SEC. 19. Application for authority to transact business in this State shall be made to the Insurance Commissioner, and on making such application every such association shall file with the Insurance Commissioner a duly authenticated copy of its charter or certificate of incorporation, its constitution and by-laws, and thereafter certified copies of all amendments thereto, the names and addresses of its officers and directors, the compensation paid each officer, and a report of its condition, in such form as may be prescribed by the Insurance Commissioner, which shall be verified by oath of such officers and other persons as said Commissioner shall designate, and said Commissioner shall furnish blank forms for the report required, and may call for additional reports at such other times as may seem to him expedient.

SEC. 20. If it shall appear to the Insurance Commissioner by the report aforesaid and by an examination of the affairs of said association that it has good assets of sufficient value to cover all liabilities and that its methods of doing business are safe and not contrary to the laws governing building and loan associations of this State, it may be admitted to transact business in this State upon a certificate of authority to be issued by the Insurance Commis-

sioner, which shall only be issued when said association shall have complied with the further requirements of this act.

SEC. 21. The Insurance Commissioner before issuing the certificate of authority aforesaid shall require every such association to deposit with the said Commissioner such securities as he may approve amounting to at least thirty thousand dollars, which securities shall be held by him in trust for the exclusive benefit and security of the creditors and shareholders of such association resident in this State, and he shall have authority to require it to deposit additional securities and to order a change in any of the securities so deposited at any time, and no change or transfer of the same shall be made or be effectual without his consent. Such deposit shall be maintained intact in the full sum required at all times, but the association making such deposit, so long as it shall continue solvent and comply with all the provisions of this act applicable to it, may receive the dividends or interests on the securities deposited, and may from time to time, with the assent of said commissioner, withdraw any of such securities on depositing with said commissioner other like securities the par value of which shall be equal to such as may be withdrawn.

Deposit for security of resident creditors.

SEC. 22. Every such association shall pay for filing a certified copy of its charter or certificate of incorporation twenty dollars; for filing original annual reports, twenty dollars; for certificate of authority, annually, two hundred and fifty dollars; for certificate for each agency, five dollars; and shall defray all expenses incurred in making any examination of its affairs as herein provided for; and the Insurance Commissioner may maintain an action in the name of the State against such association for the recovery of such expenses in any court of competent jurisdiction.

Fees of foreign associations.

SEC. 23. Such certificate of authority shall be for the current year only, and shall not be issued until such association shall, by a duly executed instrument filed with the Insurance Commissioner of the State, constitute said Insurance Commissioner and his successors in office its true and lawful attorney, upon whom all original process in any action or legal proceedings against it may be served, and therein shall agree that any original process against it which may be served upon said commissioner shall be of the same force and validity as if served on the association, and that the authority thereof shall continue in force irrevocable so long as any liability of the association remains outstanding in this State. The service of such process shall be made by leaving a copy of the same in the office of said Insurance Commissioner, with a fee of two dollars, to be taxed in the plaintiff's costs when any original process is served by letter directed to the secretary, and shall within two days after such service forward to the secretary in the same manner a copy of the process served upon him, and such service shall be deemed sufficient service upon the association. Said

Certificates for current year only.

Insurance commissioner attorney for association.

Service of process.
Fees.

commissioner shall keep a record of all such process, showing the day and hour of service.

Duties and power of insurance commissioner.

SEC. 24. The Insurance Commissioner of the State is hereby empowered and directed to perform all the duties and exercise all the powers as to building and loan associations now imposed or conferred upon any other officer of the State by the laws thereof and by this act, unless herein otherwise provided.

Foreign association to list shares for taxation.

SEC. 25. All foreign building and loan associations doing business in this State shall list for taxation with the State Auditor, through its agent, its stock held by citizens of this State in the county, city or town where the owners of said stock reside. In listing said stock for taxation the withdrawal value as fixed by the by-laws of each company shall be furnished the list-taker, and the stock shall be valued for taxation as other money investments of citizens of this State. Any association or officer of said association doing business in this State 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.

North Carolina contracts.

SEC. 26. That any contract made by any foreign association with any citizen of this State shall be deemed and considered a North Carolina contract, and shall be so construed by all the courts of this State according to the laws thereof.

Form of articles of corporation.

SEC. 27. Substantially the following form shall be used by associations to be formed under this act:

FORM.

This is to certify that we, the undersigned citizens of the State of North Carolina, hereby associate ourselves into a building and loan association under and by virtue of the provisions of an act of the Legislature of this State entitled "An act concerning building and loan associations," approved and by this certificate to set forth:

First. The name of said association is to be

Second. The location where its business is to be transacted is in the of in the county of and State of North Carolina, and the principal office of said corporation is to be at No., Street, in the of aforesaid.

Third. The object for which said association is formed is to enable the subscribers hereto to assist each other, and all who may become associated with them, in making loans to its members only, and to enable them to acquire real estate, making improvements thereon and removing incumbrances therefrom by the payment of periodical installments, and to accumulate a fund, to be paid by

its members who do not obtain loans for the purposes aforesaid when the funds of said association shall amount to the sum of dollars per share of the first and subsequent classes or series.

Fourth. The amount fixed as the value of each share, when matured or full paid, is to be dollars. The number of shares to be subscribed before said association shall begin business shall be The maximum number of shares in this association at any one time to be in force shall be The number of shares subscribed for by the incorporators is and the number of shares subscribed for by each of them is as follows:

<i>Name.</i>	<i>Number of Shares.</i>
.....
.....
.....
.....
.....
.....

In witness whereof, we have hereto set our hands and seals, the day of, A. D. 19...

..... (Seal).
 (Seal).
 (Seal).
 (Seal).
 (Seal).

Signed, sealed and delivered in the presence of

Provided, that the charters of all building and loan associations heretofore organized are hereby in all respects validated and confirmed, and all such associations shall have the powers and privileges of associations formed under this act. Proviso: former charters validated.

SEC. 28. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 29. 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. 1905.

CHAPTER 436.

AN ACT TO REGULATE THE FEES OF COUNTY OFFICERS.

The General Assembly of North Carolina do enact:

SECTION 1. That the clerk of the superior court and register of deeds in each county shall each keep an itemized statement of every fee and of all compensation of any kind received by them, respectively, by virtue of their offices, and shall, on the first Mon- Clerk of court and register to keep itemized statements.

Quarterly reports. days in January, April, July and October, respectively, render a correct statement thereof to the board of commissioners of the county, duly verified before some person authorized to administer oaths.

Sheriff and tax collector, semi-annual reports.

SEC. 2. That the sheriff and tax collector in each county shall, on the first days of January and July of each year, render to the board of county commissioners a duly verified statement of all taxes collected by them during the preceding six months, and of all commissions received by them upon such taxes, and also all commissions received by them upon executions coming into their hands for collection, and also of all moneys received by them from any other source whatever by virtue of their respective offices: *Provided*, that said sheriff shall not be required to include in such statement any fees received by him from the services of legal processes.

Proviso: fees for service of legal process accepted.

Amounts to be retained by officers.

SEC. 3. That the said officers named in the two preceding sections shall be entitled to retain out of said amounts respectively received by them the following sums in full compensation for their services, to-wit: The clerk of the superior court, three thousand dollars; the sheriff, three thousand five hundred dollars; and the register of deeds, two thousand five hundred dollars; and also such sums as may have been respectively paid by them as commissions or premiums for the execution of their official bonds.

Treasurer.

SEC. 4. That the treasurer of each county shall be allowed commissions of such per cent. as may be fixed by the county commissioners upon all sums that may come into his hands or be disbursed by him, not exceeding in the aggregate the sum of twelve hundred dollars, which sum shall be in full compensation for all services which he may render by virtue of his office, and also such sum as he may have paid as commissions or premiums for the execution of his official bond.

Fees in excess of allowance paid into county treasury.

SEC. 5. That the said clerk of the superior court, register of deeds, sheriff and tax collector shall, on the first Monday in December of each year, pay over to the treasurer of the county all sums in excess of the amounts which shall be respectively due them under the provisions of this act as aforesaid, and upon failure to do so shall be held liable upon his official bond, which bond shall provide for the payment of said excess.

Misdemeanor.

SEC. 6. That any officer named in this act failing or refusing to make the verified statements required by 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.

False statement felony.

SEC. 7. That any officer named in this act who shall willfully make a false statement as to the amounts received by him as required by this act shall be guilty of a felony, and upon conviction shall be punished as for any other cases of perjury: *Provided*, this act shall apply to Forsyth County only.

Punished as for perjury.

Proviso: limited to Forsyth county.

SEC. 8. This act shall take effect from and after the first Monday in December, one thousand nine hundred and six (1906). In effect from first Monday in December, 1906.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

CHAPTER 437.

AN ACT TO AMEND CHAPTER 604, PUBLIC LAWS OF 1901, IN REGARD TO KILLING DEER BEFORE THE DOGS, SO AS TO MAKE IT APPLY TO GRANVILLE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter six hundred and four (604), Public Laws of one thousand nine hundred and one (1901), be amended by inserting in line one (1), section four (4), after the word "Tyrell" and before the word "and," the word "Granville." Law extended to Granville 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 4th day of March, A. D. 1905.

CHAPTER 438.

AN ACT RELATING TO THE PUBLICATION OF LEGAL NOTICES IN BUNCOMBE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Whenever the Clerk of the Superior Court of Buncombe County or a judge of the superior court holding the superior court of said county shall sign or make any order directing the publication of any notice, order or proceeding required by law to be published in Buncombe County, it shall be the duty of said clerk or said judge to designate in the said order the newspaper in which said notice, order or proceeding shall be published, and no notice, order or proceeding published in any paper other than the one designated in the said order shall be legal and sufficient. Judge to designate paper.

SEC. 2. This act shall be in force and effect from and after the first day of April, one thousand nine hundred and five (1905). In effect from first April, 1905.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

CHAPTER 439.

AN ACT TO PREVENT HUNTING IN CERTAIN PORTIONS
OF RANDOLPH COUNTY UNLESS WRITTEN PERMISSION
IS GIVEN.*The General Assembly of North Carolina do enact:*Unlawful to hunt
without written
permission.

Boundary.

No hunting except
in December.

Penalty.

SECTION 1. That it shall be unlawful for any person, unless written permission is first obtained, to hunt with gun or dog, or both, on the lands of another in Columbia Township, Randolph County, within the following boundary lines, to-wit: From junction of Columbia and Franklinsville Townships on Franklinsville and Siler City public road; thence north with the line dividing Franklinsville and Columbia Township line to Liberty Township line; thence east with line dividing Columbia and Liberty Townships to Ramseur and Liberty public road; thence south with Liberty and Ramseur public roads to Franklinsville road at Ramseur Academy; thence with said road to the beginning. There shall be no hunting at all except in the month of December of each year.

SEC. 2. That any person violating any of the provisions of this act shall be fined five dollars (\$5) for each offense.

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

CHAPTER 440.

AN ACT TO DEFINE THE PLACE OF SALE OF INTOXI-
CATING LIQUORS IN THE STATE OF NORTH CARO-
LINA.*The General Assembly of North Carolina do enact:*Place of delivery
made place of sale,

SECTION 1. That the place where delivery of any spirituous, malt, vinous, fermented or other intoxicating liquors is made in the State of North Carolina shall be construed and held to be the place of sale thereof; and any station or other place within said State to which any person, firm, company or corporation shall ship or convey any spirituous, malt, vinous, fermented or other intoxicating liquors for the purpose of delivering or carrying the same to a purchaser shall be construed to be the place of sale: *Provided*, that this act shall not be construed to prevent the delivery of any spirituous, malt, vinous, fermented or other intoxicating liquors to druggists in sufficient quantities for medical purposes only: *Provided further*, that this act shall not be construed to prevent the shipment of such intoxicating liquors to duly

Proviso: shipments
to licensed dealers,

licensed dealers in the same in any town or city where the sale of such liquors is not prohibited by law.

SEC. 2. That all liquors or mixtures thereof, by whatever name called, that will produce intoxication shall be construed and held to be intoxicating liquors within the meaning of this act: *Provided*, that this act shall apply to the following counties and townships in North Carolina, and none other, viz.: the counties of Alleghany, Ashe, Burke, Bertie, Bladen, Brunswick, Buncombe, Cabarrus, Caldwell, Carteret, Catawba, Cherokee, Cleveland, Craven, Cumberland, Duplin, Durham, Forsyth, Franklin, Gaston, Gates, Graham, Guilford, Harnett, Haywood, Iredell, Johnston, Lincoln, Macon, Mecklenburg, Mitchell, Montgomery, Moore, Northampton, Orange, Perquimans, Randolph, Robeson, Rutherford, Scotland, Union, Vance, Wake, Warren, Watauga and Yancey; and in Goldsboro Township, Wayne County; Nashville and Manning Townships in Nash County; Lake Waccamaw, Pine Bluff, Whiteville and Chadbourne Townships in Columbus County, and Kinston Township in Lenoir County.

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

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

CHAPTER 441.

AN ACT TO AMEND CHAPTER 710, PUBLIC LAWS 1901 (AS AMENDED), ENTITLED AN ACT TO REGULATE INSURANCE UPON PUBLIC BUILDINGS AND OTHER STATE PROPERTY.

The General Assembly of North Carolina do enact:

SECTION 1. Amend section one of said act by striking out the words "may be agreed upon by the Insurance Commissioner and the board of officers having such property in charge" and inserting in lieu thereof the words "he may be able to provide for with the provisions and appropriations for the insurance of State property."

SEC. 2. Amend section two of the said chapter seven hundred and ten, Public Laws one thousand nine hundred and one, by adding at the end thereof the words: "When the Insurance Commissioner shall have placed such insurance as provided in this act and approved of the bill for the same, the Auditor shall issue his warrant on the State Treasurer for the said bill or bills, and it shall be the duty of the Treasurer to pay the same out of the funds not

Term intoxicating
liquors defined.

Insurance com-
missioner to decide
amount.

Auditor to issue
warrant.

Treasurer to pay.

Limit of amount.
 Proviso: Agricultural department and State's prison excepted.

otherwise appropriated to an amount not exceeding ten thousand dollars annually: *Provided*, that the State Treasurer shall not pay out of the State treasury for insurance on the property of or in charge of the Agricultural Department and State Prison, but insurance on said department and institution shall be for such amount as may be agreed upon by the Insurance Commissioner and officer or officers having such property in charge and paid out of the special funds of said Agricultural Department and State Prison as provided in 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 4th day of March, A. D. 1905.

CHAPTER 442.

AN ACT TO PROMOTE THE CAUSE OF EDUCATION IN RUTHERFORD, IREDELL AND CLEVELAND COUNTIES.

The General Assembly of North Carolina do enact:

Board of education and superintendent of schools.

SECTION 1. That hereafter, in the counties of Rutherford, Iredell and Cleveland, there shall be elected by the qualified voters in each of said counties the members of the board of education and the county superintendent of schools for said counties, respectively.

Board of three members.

SEC. 2. That in each of said counties said board of education shall consist of three members, and they, together with the county superintendent of schools for said county, shall be chosen at the next general election for the members of the General Assembly and at each succeeding election of said members, under the same rules, regulations and provisions as are or may hereafter be applicable and in operation in respect to the election of members of the General Assembly.

When elected.

Voted on ticket for county officers.

SEC. 3. That the members of the county board of education and the county superintendent of schools shall be voted for on the same ticket with the other county officers, and a separate abstract and return thereof shall be made by the election officers and returned in the same manner as now or hereafter provided for the returns of the election of other county officers.

Persons elected to qualify.

SEC. 4. That the persons elected to the said offices of county board of education and county superintendent of schools as aforesaid shall qualify by taking the usual oath of office, and shall enter upon the duties of their offices on the first Monday in July after their election and hold their offices until their successors shall be duly elected and qualified.

Term of office.

Vacancies filled by board.

SEC. 5. That any vacancy in the said board shall be filled by the remaining members of the board, and the person so chosen to fill the vacancy shall hold the office until his successor shall be

chosen at the next election of the members of the General Assembly; and any vacancy in the office of the superintendent of schools shall be filled by the county board of education, and he shall hold his office until his successor shall be chosen at the next succeeding election for members of the General Assembly.

SEC. 6. That this act shall apply only to Rutherford, Iredell and Cleveland Counties. Limited to counties named.

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

In the General Assembly read three times, this the 4th day of March, A. D. 1905.

CHAPTER 443.

AN ACT FOR THE PREVENTION OF FRAUDULENT TRADING.

The General Assembly of North Carolina do enact:

SECTION 1. That if any person or persons shall transact business as trader or merchant, with the addition of the words "factor," "agent," "and company" or "and Co.," or shall conduct such business under any name or style other than his own, except in case of corporation, and fail to disclose the name of his principal or partner by a sign placed conspicuously at the place wherein such business is conducted, or if any married woman shall conduct such business through her husband or any other agent, or if any husband or agent of any married woman shall conduct such business for her without displaying the Christian name of such married woman, and the fact that she is a *feme covert*, by a sign placed conspicuously at the place wherein such business is conducted, then all the property, stock of goods and merchandise and choses in action purchased, used and contracted in the course of such business shall, as to creditors, be liable for the debts contracted in the course of such business by the person in charge of same. Names of all parties in interest to be disclosed.

SEC. 2. That any married woman conducting such business as aforesaid without complying with the provisions of the preceding section shall for all purposes be deemed and treated as to all debts contracted in the course of such business as a free-trader as fully as if she had in all respects complied with sections one thousand eight hundred and twenty-seven and one thousand eight hundred and twenty-eight of The Code of North Carolina: *Provided*, this act shall not apply to any person transacting business under license as an auctioneer, broker or commission merchant. Notice to be given of interest of married women.

SEC. 3. That in all actions under this act it shall be incumbent on such trader, merchant or married woman to prove compliance with the same. All property liable.

Married woman liable as free trader.

Proviso: Auctioneer, broker and commission merchants excepted.

Burden of proof.

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. 1905.

CHAPTER 444.

AN ACT TO AUTHORIZE EXECUTORS AND ADMINISTRATORS TO PROVIDE GRAVE-STONES FOR DECEASED PERSONS.

The General Assembly of North Carolina do enact:

Executors and administrators to provide grave-stones.

Cost paid as funeral expenses.

Cost discretionary.

Not more than \$100 without approval of resident Judge.

SECTION 1. That it shall be lawful for executors and administrators to provide suitable grave-stones to mark the graves of their testators or intestates and to pay for the cost of erecting the same, and the cost thereof shall be paid on funeral expenses and credited as such in final accounts.

SEC. 2. That the cost thereof shall be in the sound discretion of the executor or administrator, having due regard to the value of the estate and to the interests of creditors and needs of the widow and distributees of the estate.

SEC. 3. Where the executor or administrator desires to spend more than one hundred dollars for such purpose he shall file his petition before the clerk of the court, and such order as will be made by the court shall specify the amount to be expended for such purpose, and same shall be approved by the resident judge of the district.

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. 1905.

CHAPTER 445.

AN ACT SUPPLEMENTAL TO AN ACT ENTITLED AN ACT TO PROTECT LANDLORDS AND TENANTS (HOUSE BILL No. 297, SENATE BILL No. 552), FOR CERTAIN COUNTIES, PASSED AT SESSION OF 1905.

The General Assembly of North Carolina do enact:

Extended to Montgomery county.

SECTION 1. That House bill number two hundred and ninety-seven, Senate bill number five hundred and fifty-two, enacted and ratified February twenty-fourth, one thousand nine hundred and five, for certain counties, session one thousand nine hundred and five, be and the same is hereby amended by adding at the end of

section six the following: That the same apply to Montgomery 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 4th day of March, 1905.

CHAPTER 446.

AN ACT TO INCREASE THE POWERS AND DUTIES OF THE GOVERNOR BY AMENDING SECTION 3320 OF THE CODE.

The General Assembly of North Carolina do enact:

SECTION 1. That after the word "officers" in line two of subsection one of section three thousand three hundred and twenty add the following: "and when he shall deem it advisable he shall visit all State institutions for the purpose of inquiring into the management and needs of the same." Governor may investigate State institutions.

SEC. 2. That for the purpose of paying the expenses of such visitation the State Auditor is hereby directed to draw an order on the Treasurer in favor of the Governor to pay his expenses for each visitation. Auditor to draw warrant for expenses.

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 4th day of March, 1905.

CHAPTER 447.

AN ACT TO RE-ESTABLISH SELF-GOVERNMENT IN NEW HANOVER COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That at the next general election to be held in New Hanover County, on Tuesday after the first Monday in November of the year one thousand nine hundred and six, and every two years thereafter, shall be elected by the qualified voters of each township of said county justices of the peace for their respective townships in said county, viz.: Three persons for Cape Fear Township, three for Harnett Township, three for Masonboro Township, three for Federal Point Township and twenty-five for Wilmington Township in said county, who shall hold their offices for a term of two years from and after their qualification and until their successors shall be elected and qualified. Justices of the peace to be elected by the people.

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

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

In the General Assembly read three times, and ratified this the 4th day of March, 1905.

CHAPTER 448.

AN ACT TO AMEND SECTION 550 OF THE CODE, IN REFERENCE TO THE TIME FOR SERVING PAPERS ON APPEALS TO THE SUPREME COURT.

The General Assembly of North Carolina do enact:

Service of case on appeal.

SECTION 1. That section five hundred and fifty of The Code be amended by striking [out] the word "five" in line twelve and insert in lieu thereof the word "fifteen," and by striking out the word "three" in line thirteen of said section and insert "ten."

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

In the General Assembly read three times, and ratified this 4th day of March, 1905.

CHAPTER 449.

AN ACT TO AMEND SECTION 649 OF THE CODE OF NORTH CAROLINA, TO PROVIDE FOR APPEALS IN CONTEMPT CASES.

The General Assembly of North Carolina do enact:

Right of appeal in cases of contempt.

Proviso: exceptions.

Proviso: contempt in presence of court.

Proviso: solicitor to appear for court.

Attorney-General in Supreme court.

SECTION 1. That section six hundred and forty-nine of The Code of North Carolina be and the same is hereby amended as follows: By adding to the end of said section the following: Any person adjudged to be guilty of contempt under this section shall have the right to appeal to the Supreme Court in the same manner as is provided for appeals in criminal actions: *Provided*, that such right of appeal shall not apply to the contempt described and defined in subsections one, two, three and six of section six hundred and forty-eight of The Code: *Provided further*, that such right of appeal shall not apply to the contempt described and defined in subsections four and five of said section six hundred and forty-eight of The Code, when such contempt shall be committed in the presence of the court: *Provided further*, that in all cases where a rule for contempt is issued by any court referee or other officer the solicitor shall appear for the court or other officer issuing the rule, and in case of appeal to the Supreme Court the Attorney-

General shall appear for the court or other officer by whom the rule was issued.

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 4th day of March, A. D. 1905.

CHAPTER 450.

AN ACT TO EMPOWER THE COMMISSIONERS OF CUMBERLAND COUNTY TO REGULATE THE EXECUTION OF CRIMINALS.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of Cumberland County shall have the power, in their discretion, to prescribe the place within said county for the execution of criminals in capital cases: *Provided*, that no such execution shall be public. Commissioners to prescribe place of execution.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed. Proviso: execution not to be public.

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, 1905.

CHAPTER 451.

AN ACT TO AMEND SECTION 5, CHAPTER 235 OF THE LAWS OF 1899, AND TO VALIDATE CERTAIN INSTRUMENTS ACKNOWLEDGED BEFORE VICE-CONSULS AND VICE-CONSULS GENERAL.

The General Assembly of North Carolina do enact:

SECTION 1. That section five, chapter two hundred and thirty-five of the Laws of one thousand eight hundred and ninety-nine, be amended by inserting in line nine after the word "consul" and before the word "or" the words "vice-consul, vice-consuls general": Acknowledgments validated.
Provided, that this shall not apply to any vested rights or pending suits. Not to apply to vested rights nor existing suits.

SEC. 2. That the order for registration by the clerk of the superior court and the registration thereof of all deeds of conveyance and other instruments in any county of this State prior to Jan- Order of registration and registration validated.

uary first, one thousand nine hundred and five, upon the certificate of any vice-consul or vice-consul general of the United States residing in a foreign country, certifying in due form under his name and the official seal of the United States Consul or United States Consulate General of the same place and country where such vice-consul or vice-consul general resided and acted, that he had taken the proof or acknowledgments of the parties to such instruments, together with the privy examinations of married women parties thereto, are hereby, together with such proof and acknowledgments, privy examinations of married women by and certificates as such vice-consuls or vice-consuls general validated, and the same shall be valid and binding as if such order for registration by the clerk and the registration thereof had been made upon the certificates of and the proof or acknowledgments, together with the privy examinations of married women, had been taken by any of the other officials mentioned in section five, chapter two hundred and thirty-five of the Laws of one thousand eight hundred and ninety-nine.

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

In the General Assembly read three times, and ratified this 4th day of March, 1905.

CHAPTER 452.

AN ACT TO CHANGE THE TIME OF HOLDING COURTS IN CRAVEN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Amend chapter two hundred and ninety-four, Public Laws, one thousand nine hundred and three, as follows: In section one of said act strike [out] all after the word "only" down to and including the word "weeks" and insert the following: "Craven County—Fourth Monday after the first Monday in September, to continue one week, for the trial of criminal cases only; and the eleventh Monday after the first Monday in September, to continue two weeks, for the trial of civil cases only; first Monday in July, to continue for one week, for the trial of criminal cases only."

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

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

In the General Assembly read three times, and ratified this 4th day of March, 1905.

Terms of court.

Conflicting laws
repealed.

CHAPTER 453.

AN ACT TO AMEND THE ACT PROVIDING FOR THE
SUPERIOR COURTS OF CUMBERLAND COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter twenty-eight of the Public Laws of one thousand nine hundred and one, on page one hundred and sixty-seven, under the head of the Seventh District and subdivision thereof entitled "Cumberland County," be amended so that it shall read as follows: "Seventh Monday before the first Monday in March, the twelfth Monday after the first Monday in March, the first Monday before the first Monday in September, the eleventh Monday after the first Monday in September, each for the trial of criminal cases exclusively; the third Monday after the first Monday in March, for the trial of civil cases, except jail cases on the criminal docket; the eighth Monday after the first Monday in March, the seventh Monday after the first Monday in September, each to continue for two weeks, for the trial of civil cases exclusively; the second Monday before the first Monday in March, for the trial of civil cases exclusively." Thus providing for the holding of the terms of the Superior Court of Cumberland County in substitution for those heretofore provided for.

Terms of court.

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

Conflicting laws repealed.

SEC. 3. That this act shall be in force from and after the first day of July, 1905.

In effect from first July.

In the General Assembly read three times, and ratified this the 4th day of March, 1905.

CHAPTER 454.

AN ACT TO CHANGE THE TIME OF HOLDING THE COURTS
IN STANLY COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter twenty-eight, section one, Acts of one thousand nine hundred and one, and chapter ninety-six, section one, of the Acts of one thousand nine hundred and three, be and the same are hereby amended by changing the date of the court now to be held on the fifteenth Monday after the first Monday in September to the seventh Monday before the first Monday in March of each year.

Time changed.

SEC. 2. That said court shall be for the trial of criminal cases only, but all civil processes shall be returnable to and pleadings filed, and motions in civil actions may be heard at said court upon

For criminal cases only.

Civil business.

due notice to the adverse party, and trials in civil actions which do not require a jury may be heard by consent.

In effect from first July.

SEC. 3. This act shall be in full force and effect from and after the 1st day of July, 1905.

In the General Assembly read three times, and ratified this the 4th day of March, 1905.

CHAPTER 455.

AN ACT TO AMEND CHAPTER 349, PUBLIC LAWS 1903, KNOWN AS THE ANTI-JUG LAW FOR MITCHELL, GASTON, CLEVELAND AND CABARRUS COUNTIES, MAKING THE CARRIER OR DELIVERER THE AGENT OF THE VENDOR.

The General Assembly of North Carolina do enact:

Persons delivering liquor agent of vendor.

Proviso: exceptions.

Limited to counties named.

SECTION 1. That section two of said act be amended by inserting after the word "sale" in line eight and before the word "*Provided*" in line nine the following, viz.: "And the person, firm, company or corporation so carrying or delivering said spirituous, malt, vinous, fermented or other intoxicating liquors shall be construed in law to be the agent of the vendor and deemed guilty of a sale contrary to law: *Provided*, this amendment shall not be construed to prevent any person from carrying spirituous liquors under prescription of a practicing physician for medical purposes only to a sick person under his charge, neither to prevent any one from carrying same under order of the head of a family to a sick person of his family for medical purposes only, and no person shall be allowed to carry more than one quart under such prescription or order."

SEC. 2. That this act shall apply only to Mitchell, Ashe and Perquimans Counties.

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 4th day of March, 1905.

CHAPTER 456.

AN ACT TO PROVIDE FOR THE PAYMENT OF COSTS IN THE SUPERIOR COURT.

The General Assembly of North Carolina do enact:

Clerk of superior court to send statement.

SECTION 1. That whenever an appeal is taken from the superior court to the Supreme Court the clerk of the superior court, when he sends up the transcript, shall send therewith an itemized statement of the costs of making up the transcript on appeal and the

costs thereof shall be taxed as a part of the costs of the Supreme Court.

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. 1905.

CHAPTER 457.

AN ACT TO PROTECT PUBLIC MONUMENTS.

The General Assembly of North Carolina do enact:

SECTION 1. That whenever in the State of North Carolina any monument has been or shall hereafter be erected to the memory of our Confederate dead or to perpetuate the memory and virtues of our distinguishd dead, if said monument is erected by the voluntary subscription of the people and is placed on the court-house square, then the board of county commissioners of such county be and they are hereby permitted to expend from the public funds of the county an amount sufficient to erect a substantial iron fence around such monument in order that the same may be protected.

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

In the General Assembly read three times, and ratified this 6th day of March, 1905.

CHAPTER 458.

AN ACT TO AMEND CHAPTER 233 OF THE PUBLIC LAWS OF 1903, RELATING TO DISPENSARIES IN NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two hundred and thirty-three of the Laws of North Carolina of one thousand nine hundred and three be amended by inserting after the word "manager" in line seventeen of section fourteen of said chapter the words "when ordered by the board of dispensary commissioners."

SEC. 2. That said chapter two hundred and thirty-three of the Laws of one thousand nine hundred and three be further amended by inserting the following words as a new section:

"SEC. 19 (a). Any person who shall knowingly purchase any liquors from any dispensary, whether the same be established under the provisions of this act or by special enactment, for any minor or for any other person to whom the sale of liquors shall

Commissioners to appropriate money for fence.

Keeping record discretionary with dispensary commissioners.

Unlawful to buy liquor for minors or persons to whom sale has been refused.

Misdemeanor.
Penalty.

have been forbidden by the commissioners of such dispensary shall be guilty of a misdemeanor and shall be punished by fine or imprisonment, or both fine and imprisonment, at the discretion of the court."

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

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

CHAPTER 459.

AN ACT TO AMEND CHAPTER 276, PUBLIC LAWS 1903, TO DEFINE THE LOCATION OF A CERTAIN CHURCH IN CATAWBA COUNTY.

The General Assembly of North Carolina do enact:

Mount Olive
Evangelical
Lutheran church.

SECTION 1. That chapter two hundred and seventy-six, Public Laws of one thousand nine hundred and three, be amended by adding to line six (6) of section eight (8) of said chapter the following words: "in Newton Township."

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

In the General Assembly read three times, and ratified this the 22d day of February, A. D. 1905.

CHAPTER 460.

AN ACT FOR THE RELIEF OF A. P. BORDERS, SCHOOL-TEACHER.

The General Assembly of North Carolina do enact:

To be paid \$25.

SECTION 1. That the Treasurer of Gaston County be and he is hereby authorized and directed to pay A. P. Borders, colored, in settlement for teaching school one month in District Number Three for the colored race in Cherryville Township in said county in the year one thousand nine hundred and three the sum of twenty-five dollars out of any moneys which may now be in the hands of said treasurer or which may hereafter come into his hands, belonging to the Public School District Number Three for the colored race in Cherryville 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 22d day of February, A. D. 1905.

CHAPTER 461.

AN ACT TO PREVENT LIVE STOCK FROM RUNNING AT LARGE IN A CERTAIN TERRITORY IN COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That on and after the first Monday in May, one thousand nine hundred and five, it shall be unlawful for the following live stock, to-wit, mules, horses, jacks, jennets, mares, colts, hogs, cows, calves, sheep, goats and all other cattle, swine and geese to run at large in that territory in Columbus County bounded and described as follows, viz.: Beginning at a point where the north edge of Soles Swamp intersects the west edge of the White Marsh Swamp and running thence with the north edge of the said Soles Swamp to the edge of Molley's Branch, thence with the east edge of Molley's Branch to the south edge of the right of way of the Wilmington, Columbia and Augusta Railroad, thence with the south edge of said right of way to where the Chadbourn stock law fence crosses said railroad about four miles west of Whiteville, thence around the said stock law fence on the south side of said railroad to where it intersects with the south edge of said right of way, thence with the south edge of said right of way to the eastern edge of Porter Swamp, thence with eastern edge of said Porter Swamp to where it intersects with eastern edge of Lumber River, thence up the river to the mouth of the Big Swamp, thence up the eastern edge of said swamp to the Robeson County line, thence with the Robeson and Columbus County line to the Bladen County line, thence with the Bladen County line to the west edge of Red Hill Swamp, thence around with the west edge of the Red Hill Swamp to the Western Prong Swamp, thence a direct line across said Western Prong Swamp to where the southern edge of Western Prong Swamp intersects with the west edge of White Marsh Swamp, thence around with the meanders of the western edge of White Marsh Swamp to the beginning.

SEC. 2. That Pritchard Lennon, John C. Hooks and W. Ross Davis be and they are hereby appointed fence commissioners, and as such it shall be their duty to construct and build as soon as possible a sufficient fence at least four feet high along the boundary lines of said district or territory, as set out and described in first section of this act, with suitable gates at every crossing of a public road, and to keep the same in repair: *Provided*, that no fence need be built where the stock law obtains in territory immediately contiguous in Robeson and Bladen Counties, and that no fence need be built along Lumber River. That said fence commissioners and all other persons working under their authority in building and repairing said fence shall have the right to enter upon the lands along the proposed route at all times for the purpose of building and repairing said fence.

Unlawful for stock to run at large.

Stock boundary.

Fence commissioners named.

Fence to be built.

Gates.

Proviso: where fence not necessary.

Powers of fence commissioners.

Condemnation of right of way and timber.

A strip of land not exceeding fifteen feet wide may be condemned and used as right of way for said fence, and the said fence commissioners may take from the land along the line of said fence as much suitable timber as may be required to build and repair said fence: *Provided*, an undue proportion shall not be taken from any one person.

Proviso: timber to be taken proportionately.

Chairman and quorum of fence commissioners.

Reports of fence commissioners.

The said fence commissioners shall choose one of their number as chairman and any two of them may act.

It shall be their duty to report to the County Board of Commissioners of Columbus County on the first Monday of March, one thousand nine hundred and five, the cost of building and repairing said fence, and it shall be their duty thereafter annually on the first Monday in January of each and every year to report to the said board of county commissioners the cost of keeping and repairing said fence.

Fence tax.

That said county board of commissioners upon receiving report of said fence commissioners as to the cost of building said fence shall levy a tax upon all the real estate within said district or territory sufficient to raise the required amount of money for building said fence.

Proviso: fence tax may be levied at once.

Said taxes 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: *Provided*, the said county board of commissioners upon receiving the report of the said fence commissioners may proceed at once to levy and collect said taxes: *Provided further*, said county board of commissioners may borrow the required amount of money to build the said fence from whomsoever they may obtain the same and shall repay the money so borrowed with interest out of the taxes levied and collected under this act.

Proviso: money may be borrowed.

Tax for repairing fence.

The said county board of commissioners shall annually levy a sufficient tax upon all the real estate in said district and territory for keeping said fence in repairs.

Said taxes shall be levied and collected as other county taxes and disbursed by said fence commissioners for keeping and repairing said fence.

Pay of fence commissioners.

Said fence commissioners may receive such compensation for their services as said county board of commissioners may allow, not to exceed two dollars per day for the time actually engaged in the discharge of their duty, to be paid out of the funds only arising under this act.

Stock running at large impounded.

SEC. 3. 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

Penalties.

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 of all offenses under this act and said chapter, volume two of The Code, so far as applicable to said territory, shall not in any case exceed a fine of fifty dollars or imprisonment for thirty days.

SEC. 4. That 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, resignation or otherwise said vacancies shall be filled by the County Board of Commissioners of Columbus County from qualified persons residing and living in said territory.

SEC. 5. 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.

SEC. 6. 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. 1905.

CHAPTER 462.

AN ACT FORBIDDING THE SALE OF ANY SPIRITUOUS, VINOUS OR MALT LIQUOR OR INTOXICATING BITTERS WITHIN TWO MILES OF ANY CHURCH OR SCHOOL-HOUSE IN WACCAMAW TOWNSHIP IN COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person, firm or corporation to sell or dispose of for gain any spirituous, vinous or malt liquors or intoxicating bitters within two miles of any church or school-house now or which may hereafter be built in Waccamaw Township in Columbus County.

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

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

In the General Assembly read three times, and ratified this the 22d day of February, A. D. 1905.

CHAPTER 463.

AN ACT TO AMEND THE GENERAL ROAD LAW AND
EXTEND ITS PROVISIONS TO VANCE COUNTY.*The General Assembly of North Carolina do enact:*Time of appoint-
ing superintendent
of roads.

SECTION 1. That section two of chapter five hundred and eighty-one, Laws of eighteen hundred and ninety-nine, as amended by section one of chapter seven hundred and twenty-nine, Laws of nineteen hundred and one, be amended by striking out "nineteen hundred and one" from lines two and three and inserting "nineteen hundred and five." Strike out from lines seven and eight "nineteen hundred and one" and insert "nineteen hundred and six."

Appointment of
employees.

SEC. 2. That section three of chapter five hundred and eighty-one, Laws of eighteen hundred and ninety-nine, be amended by adding after the word "guards" in line nine the word "employees," and after the word "guards" in line fourteen the words "and employees."

Penalty for failure
to perform road
duty and its
enforcement.

SEC. 3. That section five of chapter seven hundred and twenty-nine, Laws of nineteen hundred and one, be amended by striking out all after the word "dollars" in line eight, and that line twenty-one of section seven of said chapter be so amended as to read "any justice of the peace of the county in which such person resides."

Convicts from
other counties.

SEC. 4. That section eight of chapter seven hundred and twenty-nine, Laws of nineteen hundred and one, be amended by inserting the word "to" after "commissioners" in lines sixteen and seventeen and by striking out "and" in line eighteen.

Location of roads.

SEC. 5. That section eleven of chapter seven hundred and twenty-nine, Laws of nineteen hundred and one, be amended by striking out all after the word "located" in line five down to the word "by" in line six; that section fifteen be amended by adding after the word "with" in line three the words "or without," and that section twenty be amended by adding after the word "only" in line forty-four the word "Vance," and that section twenty-three be amended by striking out "Vance."

Engineer dispensed
with.Extended to Vance
county.Vance stricken
from former road
law.

SEC. 6. That section seventy-eight of chapter fifty, Laws of nineteen hundred and one, be amended by striking out the word "Vance."

Roads may be let
to contract.

SEC. 7. That it shall be lawful for the board of county commissioners or the road superintendent, with their consent, to contract with any person, firm or corporation for the construction or improvement of any public road or portion thereof in said county and pay the cost of the same out of any funds available for road purposes.

Road duty.

SEC. 8. That section four of chapter seven hundred and twenty-nine, Public Laws, one thousand nine hundred and one, be amended as follows: In line four strike out the word "four" and inserting in lieu thereof the word "two," and by striking out in line twenty-

one, said section and chapter, the word "four" and inserting in lieu thereof the word "two," and by striking out in line twenty-five of said section and chapter the word "two" and inserting in lieu thereof the word "one."

SEC. 9. That section eleven, chapter seven hundred and twenty-nine, Public Laws, one thousand nine hundred and one, be amended as follows: In line thirty-four strike out the following: "These Location of roads. 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 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.

SEC. 10. All laws and provisions of laws in conflict with this act Repealing clause. are hereby repealed.

SEC. 11. That this act shall apply to Vance County only and shall Limited to Vance county. 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. 1905.

CHAPTER 464.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF RUTHERFORD COUNTY TO REFUND THE DEBT INCURRED BY RUTHERFORD COUNTY IN SUBSCRIBING TO ONE HUNDRED THOUSAND DOLLARS OF THE CAPITAL STOCK OF THE RUTHERFORD RAILWAY CONSTRUCTION COMPANY AND TO PROVIDE FOR THE PAYMENT OF THE SAME.

The General Assembly of North Carolina do enact:

SECTION 1. That in order to refund the debt of Rutherford Refunding bonds authorized. County which was incurred by the issue on October first, one thousand eight hundred and eighty-five, of one hundred thousand dollars of six per cent bonds due October first, one thousand nine hundred and five, in pursuance to the authority conferred by sections ten, eleven, twelve and thirteen of an act of the General Assembly of North Carolina, ratified on the sixth day of February, one thousand eight hundred and eighty-three, entitled "An act to incorporate the Rutherford Railway Construction Company," and to provide for the payment of said debt, the Commissioners of Rutherford County are hereby authorized to issue two hundred bonds in denominations of five hundred dollars each, drawing interest at a rate of interest not to exceed five per centum per an- Interest rate. num, said interest to be due and payable annually upon the first day of January in each year.

SEC. 2. The said bonds shall be dated the first day of January, Description of bonds. one thousand nine hundred and six; shall be numbered consecu-

Payable in install-
ments.

tively from one to two hundred, inclusive, and shall be due as follows, to-wit: The bonds numbered one to six, inclusive, shall be due on the first day of January, one thousand nine hundred and seven; the bonds numbered seven to twelve, inclusive, shall be due on the first day of January, one thousand nine hundred and eight; the bonds numbered thirteen to eighteen, inclusive, shall be due on the first day of January, one thousand nine hundred and nine; the bonds numbered nineteen to twenty-four, inclusive, shall be due on the first day of January, one thousand nine hundred and ten; the bonds numbered twenty-five to thirty, inclusive, shall be due on the first day of January, one thousand nine hundred and eleven; the bonds numbered thirty-one to thirty-six, inclusive, shall be due on the first day of January, one thousand nine hundred and twelve; the bonds numbered thirty-seven to forty-two, inclusive, shall be due on the first day of January, one thousand nine hundred and thirteen; the bonds numbered forty-three to forty-eight, inclusive, shall be due on the first day of January, one thousand nine hundred and fourteen; the bonds numbered forty-nine to fifty-four, inclusive, shall be due on the first day of January, one thousand nine hundred and fifteen; the bonds numbered fifty-five to sixty, inclusive, shall be due the first day of January, one thousand nine hundred and sixteen; the bonds numbered sixty-one to sixty-seven, inclusive, shall be due on the first day of January, one thousand nine hundred and seventeen; the bonds numbered sixty-eight to seventy-four, inclusive, shall be due on the first day of January, one thousand nine hundred and eighteen; the bonds numbered seventy-five to eighty-one, inclusive, shall be due on the first day of January, one thousand nine hundred and nineteen; the bonds numbered eighty-two to eighty-eight, inclusive, shall be due on the first day of January, one thousand nine hundred and twenty; the bonds numbered from eighty-nine to ninety-five, inclusive, shall be due on the first day of January, one thousand nine hundred and twenty-one; the bonds numbered ninety-six to one hundred and two, inclusive, shall be due on the first day of January, one thousand nine hundred and twenty-two; the bonds numbered one hundred and three to one hundred and nine, inclusive, shall be due on the first day of January, one thousand nine hundred and twenty-three; the bonds numbered one hundred and ten to one hundred and sixteen, inclusive, shall be due on the first day of January, one thousand nine hundred and twenty-four; the bonds numbered one hundred and seventeen to one hundred and twenty-three, inclusive, shall be due on the first day of January, one thousand nine hundred and twenty-five; the bonds numbered one hundred and twenty-four to one hundred and thirty, inclusive, shall be due on the first day of January, one thousand nine hundred and twenty-six; the bonds numbered one hundred and thirty-one to one hundred and thirty-seven, inclusive, shall be due on the first day of January, one thousand nine hundred and twenty-seven; the bonds numbered one

hundred and thirty-eight to one hundred and forty-four, inclusive, shall be due on the first day of January, one thousand nine hundred and twenty-eight; the bonds numbered one hundred and forty-five to one hundred and fifty-one, inclusive, shall be due on the first day of January, one thousand nine hundred and twenty-nine; the bonds numbered one hundred and fifty-two to one hundred and fifty-eight, inclusive, shall be due on the first day of January, one thousand nine hundred and thirty; the bonds numbered one hundred and fifty-nine to one hundred and sixty-five, inclusive, shall be due on the first day of January, one thousand nine hundred and thirty-one; the bonds numbered one hundred and sixty-six to one hundred and seventy-two, inclusive, shall be due on the first day of January, one thousand nine hundred and thirty-two; the bonds numbered one hundred and seventy-three to one hundred and seventy-nine, inclusive, shall be due on the first day of January, one thousand nine hundred and thirty-three; the bonds numbered one hundred and eighty to one hundred and eighty-six, inclusive, shall be due on the first day of January, one thousand nine hundred and thirty-four; the bonds numbered one hundred and eighty-seven to one hundred and ninety-three, inclusive, shall be due on the first day of January, one thousand nine hundred and thirty-five; the bonds numbered one hundred and ninety-four to two hundred, inclusive, shall be due on the first day of January, one thousand nine hundred and thirty-six. Said bonds shall be signed by the chairman of the Board of Commissioners of Rutherford County and countersigned by the Register of Deeds of Rutherford County, the *ex officio* clerk of said board of commissioners, and attested by the official seal of Rutherford County. Said bonds shall recite fully the purposes for which the bonds are issued and the provisions of this act.

How bonds
attested.

To recite purposes
for which issued.

SEC. 3. Said bonds shall be payable at the office of the County Treasurer of Rutherford County at Rutherfordton, North Carolina.

Where payable.

SEC. 4. Each of said bonds shall contain a coupon or coupons for the annual interest payments and upon presentation of the detached coupons on the date they become due and payable the Treasurer of Rutherford County shall pay them at his office at Rutherfordton, North Carolina. Each coupon shall bear the same number as the bond to which it is attached and shall be of the denomination of the value of one year's interest upon the bond to which it is attached.

Coupons.

SEC. 5. That the Treasurer of Rutherford County shall keep an account with each of said bonds by number in a book kept solely for that purpose, noting in said account the amount of principal and interest due on each bond and the amount of interest and principal paid on each bond, together with the dates upon which principal and interest each are due and the dates upon which principal and interest each are paid, and said book shall be one of the records of the office of the Treasurer of Rutherford County.

Bond account to
be kept.

Special tax for interest and principal.

SEC. 6. In order to pay the interest and principal of said bonds as each shall become due the Board of Commissioners of Rutherford County are hereby authorized and empowered to levy and collect annually as long as any of said bonds may be outstanding a special tax upon the taxable property of Rutherford County sufficient to meet the said bonds and the interest payments due thereon: *Provided, however*, the said special tax herein authorized shall not exceed the sum of twenty-five cents on the one hundred dollars worth of property.

Proviso: tax limit.

Sale of bonds to be advertised.

SEC. 7. In order to sell said bonds to the best advantage and to the best interest of Rutherford County the Board of Commissioners of Rutherford County are directed and authorized to advertise for bids for said bonds in some newspaper published in Rutherford County and in such other journal and newspapers published in the State of North Carolina or the cities of New York, Chicago, Philadelphia, Boston, Baltimore, Richmond and Atlanta, as to [the] board of commissioners shall seem most advantageous to the best possible sale of said bonds, and the said bonds may be sold either publicly or privately after advertisement as herein authorized, but no sale of said bonds shall be made for less than par and accrued interest, and the proceeds of said sale of said bonds shall be applied to the payment of the Rutherford County bonds which mature on October first, one thousand nine hundred and five, and if any surplus remain after applying the proceeds of said sale as herein specified such surplus shall be applied to the payment of the interest upon the bonds which shall become due upon the first day of January, one thousand nine hundred and seven.

Sale either public or private but at not less than par.

Application of surplus.

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 22d day of February, A. D. 1905.

CHAPTER 465.

AN ACT TO PROHIBIT THE SALE AND MANUFACTURE OF LIQUORS IN THE TOWN OF LITTLETON, N. C., EXCEPT BY A VOTE OF THE PEOPLE.

The General Assembly of North Carolina do enact:

Manufacture and sale of liquors or intoxicating bitters forbidden.

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 town of Littleton, North Carolina, in saloons, dispensaries, drug stores or otherwise in any manner whatever: *Provided*, this section shall not prevent druggists from using alcohol in compounding medicine or churches from procuring wine for sacramental purposes.

Proviso: druggists may use alcohol in compounding medicine and churches procure wine for sacrament.

SEC. 2. That at any time after the first Wednesday in July, one thousand nine hundred and five, but not oftener than once in two years, an election may be held in said town under the provisions and regulations of chapter two hundred and thirty-three of the Public Laws of one thousand nine hundred and three, when the question of saloons, dispensaries or prohibition may be voted on.

Election may be called.

SEC. 3. That should election result in permitting saloons to be established in said town the license tax on saloons is hereby fixed at one thousand five hundred dollars per annum, payable semi-annually, for each saloon or place of business.

License tax if saloons authorized \$1,500 per year.

SEC. 4. That should election result in favor of dispensary, then the same shall be established and conducted under the provisions and regulations of chapter two hundred and thirty-three of the Public Laws of one thousand nine hundred and three, except as herein modified. In the event of the establishment of a dispensary, E. B. Perry, Jr., and J. W. Northington of Halifax County, and T. R. Walker and J. E. McCraw of Warren County are hereby appointed dispensary commissioners for the term of two years from the date of said election establishing a dispensary in Littleton. The dispensary commissioners from Warren County shall elect their own successors from the qualified voters of said county, and the dispensary commissioners for Halifax County shall elect their own successors in the same way as Warren does. A fifth dispensary commissioner shall be elected by the qualified voters of the town of Littleton at the time the election for said dispensary is held and in the same manner; the person receiving the highest number of votes cast at said election for dispensary commissioners shall be declared by the judges of election elected a dispensary commissioner, who shall hold his office until the next general election for town officers.

Dispensary established if approved by vote.

Commissioners named.

Fifth commissioner to be elected by voters of town.

SEC. 5. The five dispensary commissioners above provided for shall constitute a dispensary board. They shall each give bond, payable to the State of North Carolina, in the sum of one thousand dollars and shall each receive fifty dollars per year as salary as commissioner, and shall hold their office until their successors are elected and qualified. R. I. Riggan is hereby appointed manager and the two commissioners for Halifax County may elect an assistant manager, whose salary shall each be fifty dollars per month. The said dispensary commissioners for Halifax County shall appoint the secretary and treasurer and book-keeper. The dispensary commissioners for Warren County shall appoint the attorney and assistant book-keeper, if it should be necessary to have two. E. B. Perry shall be the chairman and T. R. Walker shall be the buyer for said dispensary. The salaries of all officers shall be fixed by the board appointing same and approved by the whole board. The board may fix salary of buyer, secretary and treasurer and all officers whose salaries are not herein mentioned. In selecting the judges of the election the town of Littleton shall

Bond of commissioners.

Manager.

Assistant manager.

Secretary and treasurer and book-keeper.

Attorney and assistant book-keeper.

Chairman—buyer. Salaries.

Selection of judges of election.

select one, the Board of County Commissioners of Warren County shall select one and the Board of Commissioners of Halifax County shall select one at the request of the commissioners above named for their respective counties.

Profits appor-
tioned.

SEC. 6. The net proceeds or profits of the dispensary shall be apportioned and applied as follows: One-third shall be paid into the treasury of the town of Littleton, one-third to the proper public road authorities of River Township, to be equally distributed between the townships of Judkins and River in Warren County for road purposes, one-third to the proper public road authorities for road purposes in Littleton Township, Halifax County. In the event the town of Littleton should hereafter establish a graded school, then one-fourth of said profits shall go to the graded school and the remaining three-fourths shall be divided into three equal parts and applied to the three purposes above set out; that in the event of the establishment of saloons under the provisions of this bill the license tax so levied shall be divided and applied just as the profits from a dispensary herein provided for would be divided and applied had a dispensary been voted for and established.

License tax appor-
tioned if saloons
authorized.

Stock of present
dispensaries dis-
posed of.

SEC. 7. That when this act goes into effect the present dispensary commissioners may dispose of stocks of the two old stocks in bulk to the highest price attainable.

Proviso: does not
extend to wine
made from fruits
grown by maker.

SEC. 8. *Provided*, this act shall not prohibit persons from manufacturing wines from fruits grown on their own lands only or from selling same in quantities authorized by the general law, the same so sold not to be drunk on the premises where sold.

Repealing clause.

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

When act in force.

SEC. 10. That this act shall be in force from and after the first day of July, one thousand nine hundred and five.

In the General Assembly read three times, and ratified this the 23d day of February, A. D. 1905.

CHAPTER 466.

AN ACT TO AMEND CHAPTER 417, PUBLIC LAWS OF 1899, PROVIDING FOR AN EXTENSION OF TIME FOR COLLECTING TAXES TO BUILD A NEW JAIL IN ALEXANDER COUNTY.

The General Assembly of North Carolina do enact:

County commis-
sioners may sell lot.

SECTION 1. That chapter four hundred and seventeen of the Public Laws of one thousand eight hundred and ninety-nine be and the same is hereby amended as follows: Add at the end of section two of said chapter the following words: "*Provided*, that the county commissioners of said county may, in their discretion,

sell said lot if they deem it best to do so." Also amend section three of said act by striking out the word "five" and inserting in lieu thereof the word "seven." Special tax extended two 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 23d day of February, A. D. 1905.

CHAPTER 467.

AN ACT TO AUTHORIZE THE PAYING OF ROAD SUPERVISORS AND OVERSEERS IN CHEROKEE COUNTY FOR MAKING REPORTS.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of County Commissioners of Cherokee County be and they are hereby authorized to pay to the township supervisors of public roads a *per diem* of not more than two dollars per day for the time necessarily engaged in making their reports to the superior court as required under the general road law of the county. They may also pay to the road overseers the sum of one dollar per day for making their report of time worked on the roads and as is required by the road law of the county: Pay of supervisors.
Pay of overseers.
Provided, the same shall be approved by the supervisors of the township.

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 23d day of February, A. D. 1905.

CHAPTER 468.

AN ACT TO PREVENT FAST DRIVING OVER THE CLARENDON BRIDGE AT FAYETTEVILLE, CUMBERLAND COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons to drive faster than a walk over the Clarendon Bridge at Fayetteville in Cumberland County. Speed limit.

SEC. 2. That any person or persons violating section one (1) of this act shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than five (\$5) nor more than ten (\$10) dollars. 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 23d day of February, A. D. 1905.

CHAPTER 469.

AN ACT TO AMEND THE ROAD LAW OF BUNCOMBE COUNTY.

The General Assembly of North Carolina do enact:

County commissioners may elect road engineer.

SECTION 1. That for the purpose of carrying out the provisions of the law relating to the public roads of Buncombe County and for the purpose of constructing, improving, locating, relocating and changing any part of any public road the board of county commissioners are hereby authorized to elect and designate a competent engineer who shall be known as "Road Engineer."

Chairman of board and engineer may take road material.

SEC. 2. That for the purpose of carrying out the provisions of this act the chairman of the board of county commissioners and the said road engineer are hereby authorized to enter upon any lands near to or adjoining any road in the county of Buncombe upon which may be located any rock or stone quarry for the purpose of securing rock and stone to macadamize the public roads of

May condemn cart-way to quarry.

said county, and they are hereby authorized to condemn a road or cart-way from any public road to such quarry and to cut and carry away timber except trees or groves of trees upon improved lands planted or growing for ornament or shade, and they are authorized to dig or cause to be dug or carried away any gravel, sand, clay or stone thereon, or to use any water found thereon which may be necessary to construct, improve and macadamize any of the said public roads, doing as little injury to said land and timber or improvements thereon as the nature of the case and the public good will permit. If the owner of any lands or quarries 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 for the same through the road engineer at any regular meeting of the county commissioners within thirty days after the taking and carrying away of such timber, stone, gravel, sand or clay it shall be the duty of the said commissioners to pay for the same at fair price, and before deciding on this they may cause to be appointed an impartial jury of three freeholders, one to be selected by the road engineer, one by the party claiming the damage and the third to be selected by these two, which jury shall report in writing to the board of county commissioners their decision for revision and confirmation.

Accounts for materials taken.

Power chairman and road engineer in locating and changing roads.

SEC. 3. That, subject to the approval of the board of county commissioners, the road engineer and chairman of the board of commissioners, as provided in the preceding section, are hereby given discretionary power to locate, relocate or change any part of any public road where, in their judgment, such location, relocation or change will prove advantageous to the public travel; that when any person or persons on whose land the new road or part of the new road is to be located claims damages therefor and within

Damages for relocation of road.

thirty days petitions the board of county commissioners for a jury to assess the damages the said commissioners within no less than sixty days after the completion of said road shall order said jury of three disinterested freeholders to be summoned by the sheriff or constable as provided by law, who shall give said land-owners or their local representatives forty-eight hours' notice of the time and place when and where said jury, being duly sworn, in considering the question of damages shall also take into consideration the benefit to public travel and to the owner of the land, and if said benefits shall be considered equal to or greater than the damages sustained the jury shall so declare, and it shall report in writing its 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 for the purpose, time and place of such meeting 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. Proviso: service of notice on non-residents.

SEC. 4. That in case the land-owner or his local representative Appeals shall be dissatisfied with the finding of the jury provided for in sections two and four 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 courts of justices of the peace, and the same shall be heard *de novo*, but the judge may in his discretion require said land-owners to give bond when the case is taken by appeal to the superior court.

SEC. 5. That all laws and clauses of laws in conflict with this act Repealing clause. 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 23d day of February, A. D. 1905.

CHAPTER 470.

AN ACT TO REGULATE THE SALE OF SEED COTTON IN MECKLENBURG AND NASH COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person, firm or corporation to buy or sell any seed cotton between the first day of May and the thirty-first day of December of any year hereafter. Buying or selling seed cotton unlawful from 1st May to 31st December.

License for buying seed cotton.

SEC. 2. Any person, firm or corporation desiring to buy seed cotton during the months of January, February, March and April in any year shall make written application to the sheriff for license. Said applicant shall state the place at which it is proposed to buy seed cotton and shall file with the sheriff a certificate of good character, signed by not less than six reputable freeholders living within the township where it is proposed to buy seed cotton, whereupon on the payment to him of three dollars the sheriff shall issue said license. All licenses shall only be issued during the months of December, January, February, March and April in each year.

Unlawful to buy seed cotton without license.

SEC. 3. That it shall be unlawful for any person, firm or corporation to buy seed cotton during the months of January, February, March and April in any year without having first obtained license as provided for in section two of this act.

Record of seed cotton to be kept.

SEC. 4. That any person, firm or corporation buying seed cotton under the provisions of this act shall keep a book in which shall be recorded the name of every person or persons, firm or corporation from whom seed cotton is bought, date of purchase, weight of cotton and price of same.

Unlawful to buy from non-freeholders.

SEC. 5. That it shall be unlawful for any person, firm or corporation to buy seed cotton from any person or persons, firm or corporation who are not freeholders without written permission from the landlord or his agent on whose land the cotton is raised: *Provided*, this section shall not apply to non-freeholders who pay a fixed or standing rent for land or lands on which said cotton is raised, nor shall this act be construed to change the existing laws in regard to landlord and tenant except as by this act modified and amended.

Proviso: non-freeholders paying fixed rent.

Act not to affect landlord and tenant.

License fees to public school fund.

SEC. 6. That all license fees collected under this act shall, after allowing the sheriff his lawful fees and commissions, be paid by him into the public school fund of the county.

Misdemeanor.

SEC. 7. That any person, firm or corporation violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days.

Penalty.

Limited to Mecklenburg and Nash counties.

SEC. 8. That this act shall only apply to the counties of Mecklenburg and Nash.

Former acts in relation to sale of seed cotton in Mecklenburg repealed.

SEC. 9. That chapter five hundred and eighty-eight, Public Laws of one thousand nine hundred and one, as amended by chapter two hundred and sixty-four of the Public Laws of one thousand nine hundred and three, and all other laws and clauses of laws in conflict with this act are hereby repealed.

When act to take effect.

SEC. 10. That this act shall be in force from and after the first day of May, one thousand nine hundred and five.

In the General Assembly read three times, and ratified this the 23d day of February, A. D. 1905.

CHAPTER 471.

AN ACT TO AMEND CHAPTER 43, PUBLIC LAWS 1893, BY
STRIKING OUT YANCEY COUNTY.*The General Assembly of North Carolina do enact:*

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

Bounty law for panther, wolf, wild cat and catamount, repealed as to Yancey.

SEC. 2. This act to take effect from its ratification.

In the General Assembly read three times, and ratified this the 23d day of February, A. D. 1905.

CHAPTER 472.

AN ACT AMENDATORY OF CHAPTER 310 OF THE PUBLIC
LAWS OF 1897.*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter three hundred and ten (310), Public Laws of North Carolina, session one thousand eight hundred and ninety-seven, be and the same is hereby amended as follows, to-wit: After the word "Polk" in section three add the word "Yancey."

Law forbidding barbed wire fences extended to Yancey.

SEC. 2. That this act shall be in force from and after the first day of May, one thousand nine hundred and five.

When law in effect.

In the General Assembly read three times, and ratified this the 23d day of February, A. D. 1905.

CHAPTER 473.

AN ACT TO AMEND CHAPTER 174 OF THE PUBLIC LAWS
OF 1891 AND CHAPTER 219 OF THE PUBLIC LAWS OF
1885, CONCERNING STOCK LAW IN BUNCOMBE COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred and seventy-four of the Public Laws of one thousand eight hundred and ninety-one be and the same is hereby amended by striking out all of section one after the word "territory" in line three thereof.

Law extended to whole county.

SEC. 2. That chapter two hundred and nineteen of the Public Laws of one thousand eight hundred and eighty-five be and the same is hereby amended by striking out the word "fifty" in line

Fee for impounding stock reduced.

nine, section three, between the words "demand" and "cents," and in lieu thereof insert the words "twenty-five."

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

In the General Assembly read three times, and ratified this 23d day of February, A. D. 1905.

CHAPTER 474.

AN ACT TO REPEAL CHAPTER 627 OF THE PUBLIC LAWS OF 1903, RELATIVE TO DUMPING SAWDUST IN THE STREAMS OF No. 11 TOWNSHIP, MADISON COUNTY.

The General Assembly of North Carolina do enact:

Repealed.

SECTION 1. That chapter six hundred and twenty-seven of the Public Laws of one thousand nine hundred and three 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 23d day of February, A. D. 1905.

CHAPTER 475.

AN ACT TO CREATE THE TOWNSHIP OF GILKEY IN RUTHERFORD COUNTY.

The General Assembly of North Carolina do enact:

Township formed.

Boundary.

SECTION 1. That the territory included in the following boundary be and is hereby declared to be the township of Gilkey in Rutherford County, to-wit: Beginning at the Overhead bridge, near Ising-glass Hill, and running with Rutherfordton Township line to the Logan's Store Township line; thence with said line to the Hudlow Road; thence with said road to J. B. Groves' outside line; thence with said line to W. F. Dogget's farm; thence with his line to G. V. Morris' line; thence with his line to Townsed farm; thence with said farm line to Odum's farm; thence with said farm line to W. S. Freeman's farm; thence with said farm line to the Pickens Sorrel farm; thence with said farm line to A. E. and M. B. Flack's farm; thence with said farm line to W. W. Horn's farm; thence around said Horn's farm to the Morgan Township line; thence with said line to C. S. Lynch's line; thence with said line south to G. W. Nanney's line; thence with said line to Keeten's line; thence with said line to H. A. Hollaman line; thence

with said line to W. L. Blankenship's line; thence with said line to R. P. Geer's line; thence with said line to Mott Lewis' line; thence with said line to Thomas Edwards' line; thence with said line to H. E. Edwards' line; thence with said line to Elias Edwards' line; thence with said line to John White's line; thence with said line to Pink Lewis' line; thence with said line to Metcalf line; thence with said line to J. H. Bradley's line; thence with said line to W. F. Young's line; thence with said line to the beginning.

SEC. 2. That all farm lines in section one (1) of this act shall be outside lines, so as to include said farms in said Gilkey Township, and that R. G. Howard and R. P. Geer are hereby appointed justices of the peace for said township and that J. D. Fancannon is hereby appointed constable for said township.

Former lines to be outside lines.

Justices of the peace and constable.

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 23d day of February, A. D. 1905.

CHAPTER 476.

AN ACT CONCERNING TUCKER'S GROVE CAMP GROUND ENCAMPMENT IN LINCOLN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be a misdemeanor for any person or persons to sell candy, cigars, tobacco, lemonade, soda-water, ice-cream, cider, beer or any other articles of traffic within one mile of Tucker's Grove Camp Ground while occupied for divine worship: *Provided*, that this act shall not apply to any persons who conduct stores for twelve months each year and keep stock of goods amounting to five hundred dollars.

Misdemeanor to hawk goods within one mile, while camp ground occupied for worship.

Proviso: exception.

SEC. 2. The camp ground shall be considered as occupied for worship from the arrival of the first wagon to the departure of the last at any encampment.

When camp ground deemed occupied.

SEC. 3. The trustees may elect some justice of the peace of the county as intendant of police at each regular encampment, or any justice of the peace may take cognizance of any violation of this law, and shall do so when applied to by the officers.

Intendant of police.

SEC. 4. The sheriff of the county shall, in person or by deputy, be present, when requested by the trustees, during any time of encampment to assist or direct the police in preserving order. The trustees may make such remuneration as they think proper to such officer.

Sheriff or deputy to assist police.

Trustees may pay officers.

SEC. 5. 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. 1905.

CHAPTER 477.

AN ACT TO AMEND CHAPTER 48 OF PUBLIC LAWS OF 1903,
ENTITLED "AN ACT TO PROVIDE FOR THE BETTER
WORKING OF THE PUBLIC ROADS AND HIGHWAYS OF
CLEVELAND COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section five of said chapter forty-eight of Public Laws of one thousand nine hundred and three be amended by adding thereto the following: Insert in line four of section four of said chapter five hundred and eighty-one, Public Laws of one thousand eight hundred and ninety-nine, between the words "every" and "year," the word "calendar." Insert in line six of section four of said chapter five hundred and eighty-one, Public Laws one thousand eight hundred and ninety-nine, between the words "supervisor" and "*Provided*," the following: *Provided*, that all male persons who become twenty-one years of age at any time during any calendar year shall be liable to full road duty for said calendar year in the township in which they may reside upon attaining their majority, as provided in this section, and that all able-bodied male persons, as hereinbefore provided, moving into any township in the county at any time during any calendar year shall be liable for full road duty in said township as provided in this section, unless such persons shall have, before such removal and during said calendar year, worked the full number of days on the public roads required of them by law or paid the full amount in money in lieu of such work required by law; but such persons, in the event they have worked a portion of the time required of them by law, shall be entitled to credit therefor upon the time for work required by this section, or the money payment in lieu thereof, whenever such person furnishes satisfactory proof to the county superintendent or township supervisor of such former work.

SEC. 2. That section eight of said chapter forty-eight of Public Laws one thousand nine hundred and three be amended by striking out in line eight thereof the word "shall" and substitute therefor the word "may." Add to said section the following: *Provided further*, that in the event that the road superintendent, township supervisor or chairman of commissioners, as the case may be, may find it inexpedient to use such convict labor, or a sufficient number of such convicts cannot be obtained to render the working of same practicable, and shall ask that such prisoners and convicts aforesaid be not assigned for work on the public roads of the county as above provided, then in such case the judge or other principal officer of the courts aforesaid may assign such prisoners and convicts to other counties making provision for and requesting the same: *And provided further*, that in case the number of prisoners or convicts being worked in any township at any time be

Road work by
calendar year.

Persons liable to
road duty year of
coming of age.

Persons removing
liable for road
duty.

Use of convict
labor made
optional.

Convicts may be
assigned to other
counties.

Proviso: less than
ten convicts to
township.

less than ten and the road superintendent or township supervisor shall find it inexpedient and unwise to continue the work with so small a force, or whenever the road funds become insufficient to warrant a continuance of work by convict force, then in such event the commissioners of the county may arrange with the commissioners of any other county using convict labor to take such prisoners or convicts and to work them for the remainder of their respective terms, and said commissioners may transfer said prisoners to the convict force of said county.

SEC. 3. That the county superintendent or township supervisor, as the case may be, may require telegraph or telephone poles located or about to be placed on the roads or highways of any township in Cleveland County to which chapter forty-eight (48), Public Laws of one thousand nine hundred and three, applies to be placed near the outer edge of the said roads or highways and in such position as will, in the judgment of said superintendent or supervisor, least interfere with travel and the proper working of said roads and highways; and any person or company owning or operating said telegraph or telephone line who shall fail or refuse for thirty days to place said poles according [to] the order of said superintendent or supervisor shall be liable to a penalty of one hundred dollars and be guilty of a misdemeanor, and upon conviction shall be fined in the discretion of the court. Location of telegraph and telephone poles.
Penalty for failure to place poles where ordered.

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 23d day of February, A. D. 1905.

CHAPTER 478.

AN ACT TO PROTECT CERTAIN CHURCH GATHERINGS IN HERTFORD, BERTIE AND NORTHAMPTON COUNTIES FROM THE ANNOYANCE OF VENDORS OF GOODS, CIDER AND THE LIKE.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person to sell or offer for sale any ice-cream, lemonade, cider or other drinks, or erect any picture tent or have any stand for taking pictures or selling any goods or wares or other thing of value within one mile of any church in Hertford, Bertie and Northampton Counties during the holding of two or more churches of any association, union meeting, conference, convention or other church meeting, without the consent of the chief officer of the said church or meeting: *Provided*, that this act shall not apply to any person selling or offering for sale anything herein prohibited at his regular place Hawking or taking pictures during meetings.
Proviso: exceptions.

of business or when said acts are in an incorporated town and not on the church property in said town.

Penalty.

SEC. 2. Any person violating this act shall be fined not exceeding ten dollars or imprisoned not exceeding five days.

SEC. 3. This act shall be in force and effect from the date of its ratification.

In the General Assembly read three times, and ratified this 24th day of February, A. D. 1905.

CHAPTER 479.

AN ACT TO PREVENT OBSTRUCTION OF SLADE SWAMP AND SMITH'S MILL-RACE IN COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

Fish traps and
nets.

SECTION 1. That chapter one hundred and forty-four of the Public Laws of one thousand nine hundred and three shall apply to Slade Swamp and Smith's mill-race in Columbus 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 24th day of February, A. D. 1905.

CHAPTER 480.

AN ACT TO AUTHORIZE AND EMPOWER THE BOARD OF COMMISSIONERS FOR THE COUNTY OF JACKSON TO LEVY SPECIAL TAXES FOR THE PURPOSE OF BUILDING IRON BRIDGES AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Special tax for
bridges.

SECTION 1. That the board of commissioners for the county of Jackson are hereby authorized and empowered at the regular times for levying taxes to levy a special tax upon property and polls in said county for the purpose of erecting, constructing and maintaining iron bridges over and across any of the streams or water-courses in said county at such points as in the judgment of said board may be necessary and convenient for the public good.

Tax limit.

SEC. 2. That the amount of the tax to be levied as aforesaid shall be determined by the said board of commissioners, but the amount shall not in any one year exceed thirty cents on the one hundred dollars worth of property and ninety cents on the poll, the constitutional equation between property and poll always to be observed in making such levies.

SEC. 3. That in addition to the levies above authorized the said Tax for paying board of commissioners are hereby authorized and empowered at off debt. the regular times for levying taxes to levy a special tax not to exceed twenty cents on the one hundred dollars worth of property Limit. and sixty cents on the poll, to be determined by said board of commissioners as aforesaid, for the purpose of discharging and paying off the general indebtedness of the said county.

SEC. 4. That the taxes herein authorized to be levied shall be Collected as other collected and accounted for by the sheriff or the tax collector of taxes. said county in the same manner and under the same penalties as are now provided by law for the collection of other taxes in said county.

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 24th day of February, A. D. 1905.

CHAPTER 481.

AN ACT FOR THE RELIEF OF M. H. P. CLARK, RELATING TO A CERTAIN STATE BOND, No. 349, FOR \$50.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter six hundred and ninety-five, Public Power to pay lost Laws of one thousand nine hundred and one, be and the same is bond revoked. 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 24th day of February, A. D. 1905.

CHAPTER 482.

AN ACT TO PROVIDE A FENCE LAW FOR PART OF SCOTLAND COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person to let his or Unlawful to per- her stock run at large within the county of Scotland except as mit stock to run hereinafter provided. The word stock in this act shall be con- at large. Stock defined. strued to mean horses, mules, colts, jacks, jennets, cows, swine, sheep, goats, geese and every kind of neat cattle, and including calves and pigs. Any person violating this section shall be guilty Misdemeanor. of a misdemeanor: *Provided*, that from and after January first, Proviso: part of one thousand nine hundred and six, it shall be lawful for stock to county excepted.

run at large within the following boundaries, to-wit: All that portion of said county which on January first, one thousand nine hundred and one, was under the fence law and in which territory it was lawful at that date for stock to run at large, save and except that portion of said territory included within its boundaries set out in a petition to the board of commissioners of said county and within which territory there was an election in the year one thousand nine hundred and one upon the question of "Stock Law" or "No Stock Law," and which was carried in favor of "Stock Law," said territory intended to be included in the provisions of this act for the running at large of stock, being more particularly described as follows: Beginning at the county line where the eastern end of the old line of one thousand nine hundred and one stock law fence joined the said county line at Drowning Creek, thence westwardly with said old line of said old county fence to Peter H. Livingston's, thence to Gill's Bridge on Gum Swamp laid out in said petition, thence with new line to Westville Quick's, thence a straight line nearly west between the lands of B. F. Morgan and H. J. Brown's residence, which is on the land of Mark Morgan, and direct to the old line of said stock law fence at a pond between Nathan Pruitt's and Peter Cherry's lands, the same being on the line of the Carolina Central Railroad, thence with said old line of said stock law fence to the westward to the boundary line of Scotland between that county and Richmond County, thence to the northward with the boundary line between said county of Scotland and the county of Richmond and the county of Moore, to the beginning.

Boundaries.

Boundary line to be inspected.

Report in writing.

Fence tax to be levied.

SEC. 2. That at the first meeting of the Board of Commissioners of Scotland County held after the ratification of this act, or as soon thereafter as may be, the board of commissioners for said county shall appoint some one of said board or other competent person, who shall make inspection of the said lines bounding said territory and ascertain as nearly as may be practical the length of same, and shall report to said board in writing, setting forth with reasonable certainty and in fair detail the proper description of the location of said boundary, which report shall be made not later than the June meeting of said board, and said report shall be spread on the minutes of said board and shall be evidence of the said boundary when approved, and if necessary corrected by said board.

SEC. 3. The board of commissioners of said county shall ascertain as nearly as may be the cost of constructing a fence around said territory and the taxable value of the lands within same subject to taxation, and shall levy a tax upon the lands within said territory sufficient to build a fence five feet high and of suitable strength and quality to answer the purposes required of it to turn all stock, and also provide for suitable and convenient gates across the highways crossing the line of said fence. Annually thereafter

the said board shall levy and collect a tax sufficient to maintain and keep in proper repair the said fence, levying tax on the lands within said area subject to State and county tax. And for the purposes of ascertaining the value of the portion of such tracts as may lie partly within and partly without said territory said board shall have power to summon witnesses and take testimony, and the tax-listers listing taxes within said territory shall ascertain the facts as far as possible as to such tracts of land, and the persons listing same shall make report of same setting out what portion thereof is within the said territory. Said board of commissioners shall have power to assess such part as shall be within said territory and separate same from the remainder that is without said area, and when so ascertained shall enter same upon the tax books so as to secure the proper payment of fence tax on the part of those lands liable for payment of same. Said taxes shall be kept forever separate from other funds of said county.

Land partly in and partly out of territory.

Taxes kept separate.

SEC. 4. That said board of commissioners shall out of said fence tax fund build a fence about the area hereinbefore set out, the same to be completed with all proper gates across highways intersecting said fence not later than January first, one thousand nine hundred and six: *Provided*, that if the adjoining territory in an adjoining county shall be under law open to the running at large of stock after January first, one thousand nine hundred and six, until such time as said territory shall be closed by law to the running at large of stock the said board shall not build such fence between the "No Stock Law" territory of said county and such "No Stock Law" territory of an adjoining county: *And provided further*, that if one-fifth of the land-owners of said area shall petition in writing the said board of commissioners asking for an election upon the question of "Stock Law" or "No Stock Law" within said area it shall be the duty of said board to order an election on said question, and in the order for same shall state when the change shall take effect, if any required upon ascertaining the result of said election. That is to say, if a majority of the votes cast in such election shall be for "Stock Law," then the date at which the change shall take effect shall be determined by said board and shall be stated in the notice of the election when same is called. If a majority of the votes cast shall be for "Stock Law" the said board shall not build said fence, or if same has been built the same shall be abandoned and sold by said board, and from and after the date set for the result of said election to take effect no stock shall run at large within said area set out in section one of this act. Said board of commissioners shall appoint the registrars and judges of election, receive the returns and canvass same and declare the result of such election, and if the result thereof shall require any change the said board shall give notice thereof not less than four weeks in some newspaper published in said county. There shall be a special registration for such election and said

Fence and gates to be built.

Proviso: if adjoining territory under stock law.

Proviso: election called on petition of land-owners.

Management of election.

election shall be as nearly as may be in conformity to the provisions of law governing election of members of the General Assembly as the same may be modified by the provisions hereof.

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

In the General Assembly read three times, and ratified this 24th day of February, A. D. 1905.

CHAPTER 483.

AN ACT TO PREVENT THE OBSTRUCTING OF VINE SWAMP BY FELLING TREES IN THE RUN OF SAID SWAMP.

The General Assembly of North Carolina do enact:

Unlawful to fell trees in run of swamp.

Proviso: when removed in ten days.

Penalty.

SECTION 1. That it shall be unlawful for any person, firm or corporation to cut or fell trees or to place any other obstruction in so much of the run of Vine Swamp in Jones County as lies between Flat Swamp run and the Lenoir County line: *Provided*, this act shall not apply where the obstruction is removed within ten days from the cutting or felling of trees or placing the obstruction in said run.

SEC. 2. That any person or firm or corporation violating the provisions of this act shall be fined not less than fifty (\$50) dollars or imprisoned not less than thirty days.

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

In the General Assembly read three times, and ratified this the 24th day of February, A. D. 1905.

CHAPTER 484.

AN ACT TO PROHIBIT THE SALE OF INTOXICATING LIQUORS WITHIN THREE MILES OF FRIENDSHIP CHURCH IN HARNETT COUNTY.

The General Assembly of North Carolina do enact:

Manufacture or sale of liquors forbidden.

Proviso: manufacture for home use.

Misdemeanor.

SECTION 1. That it shall be unlawful for any person, firm or corporation to manufacture or sell any spirituous, vinous or malt liquors of any description whatsoever within three (3) miles of Friendship Baptist Church in Harnett County: *Provided, however*, that this act shall not apply to any person manufacturing wines and ciders for his or her own use.

SEC. 2. That any person violating the provisions of this act shall be guilty of a misdemeanor.

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

In the General Assembly read three times, and ratified this the 24th day of February, A. D. 1905.

CHAPTER 485.

AN ACT TO PROHIBIT THE SALE OR MANUFACTURE OF
INTOXICATING LIQUORS WITHIN THE CORPORATE LIM-
ITS OF THE TOWN OF YADKINVILLE.*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person, firm or cor-
poration to manufacture or sell any spirituous, vinous or malt
liquors or intoxicating drinks within the corporate limits of the
town of Yadkinville, Yadkin County.

Manufacture or
sale of liquors for-
bidden.

SEC. 2. That any person, firm or corporation violating any of the
provisions of this act shall be guilty of a misdemeanor, and upon
conviction shall be fined or imprisoned, or both, in the discretion of
the court: *Provided, however,* that nothing in this act shall pro-
hibit the manufacture of wine from grapes or berries for domestic
consumption.

Misdemeanor.

Penalty.

Proviso: wine for
domestic use.

SEC. 3. That this act shall be in force from and after its ratifica-
tion.

In the General Assembly read three times, and ratified this the
24th day of February, A. D. 1905.

CHAPTER 486.

AN ACT TO PROVIDE FOR THE WORKING OF CONVICTS ON
THE PUBLIC HIGHWAYS OF McDOWELL COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be the duty of the board of commission-
ers of the county of McDowell to provide for the employment and
working on the public highways of said county of all persons con-
demned to imprisonment with hard labor and not sent to the peni-
tentiary by the several judges of the superior court, the justices of
the peace of said county and the mayors of the towns of Marion
and Old Fort.

County commis-
sioners to provide
for employment
and working of
convicts.

SEC. 2. That it shall be the duty of said board of commissioners
of said county to provide for the safe-keeping of all persons sen-
tenced to work on said public highways by the employment of
necessary guards, the building of necessary stockades or places of
confinement and the purchase of such portable tools as may be
necessary, and do any and all other things necessary and requisite
to be done to carry out the intent of this act.

Safe-keeping.

SEC. 3. That it shall be the duty of said board of commissioners
on the first Monday of June in each year to levy a sufficient
amount of taxes on the real and personal property and polls of
said county to defray the expenses necessary to carry out the pro-

Road tax.

Proviso: tax limit. visions of this act: *Provided*, the amount of taxes so levied shall not exceed the sum of thirty-three and one-third cents on one hundred dollars worth of property and one dollar on each poll.

Commissioners may borrow money. SEC. 4. That it shall be the duty of said board of commissioners to provide at once for the employment and working of the said convicts on the said public highways, and to enable said board of commissioners to commence said work at once said board is hereby authorized, empowered and directed to borrow a sufficient amount of money to defray the necessary expenses of the same until the taxes authorized to be levied under this act can be collected.

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

In the General Assembly read three times, and ratified this 24th day of February, A. D. 1905.

CHAPTER 487.

AN ACT TO REGULATE THE CONSTRUCTION AND IMPROVEMENT OF THE PUBLIC ROADS OF THE COUNTY OF MARTIN.

The General Assembly of North Carolina do enact:

Special road tax. SECTION 1. That the County Commissioners of Martin County may at their regular meeting in June, one thousand nine hundred and five, levy a special tax for the construction and improvement of the public roads in said county of not less than ten cents and not more than twenty cents on all real and personal property and thirty cents and not more than sixty cents on each poll, the same to be levied and collected as other taxes are levied and collected under the provisions of law.

Limit. SEC. 2. That the county treasurer of said county shall be *ex officio* treasurer of the fund arising from this act, and shall keep a separate and distinct account of the same and pay it out on the order of the county commissioners for road construction and improvements as herein provided.

Supervisor of roads. SEC. 3. That the county board of commissioners shall at their regular meeting in June, one thousand nine hundred and five, and annually thereafter, elect a supervisor of public roads and fix his salary. The said supervisor shall give bond for the faithful discharge of the duties imposed in the sum of five hundred dollars, to be approved by the said board of commissioners.

Supervisor to give bond. SEC. 4. That the said supervisor shall at all times be under the orders and instructions of the said board of commissioners, who may remove him for cause at any time and elect his successor.

Supervisor subject to commissioners. SEC. 5. That it shall be the duty of the said board of commissioners to authorize the supervisor as early as practicable to divide the public roads of Martin County into sections of not less

Roads to be divided into sections.

than five nor more than ten miles each, and to appoint upon each section a competent section superintendent, whose duty it shall be to do such repairs as will keep his section in good condition. In case of heavy storms or when the road-bed has been badly damaged he shall be authorized to employ additional men for a short time to place the road in thorough repair.

SEC. 6. That the compensation of the supervisor, section superintendent and others employed shall be fixed by the board of county commissioners and paid by the treasurer *ex officio* on their order from the funds herein provided.

SEC. 7. That the board of county commissioners are hereby authorized and empowered to place to the credit of the road fund herein provided any surplus on hand at the close of the fiscal years ending in one thousand nine hundred and five and one thousand nine hundred and six, not exceeding five thousand dollars in any one year, and which shall be used as other funds for the purposes designated in this act.

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

In the General Assembly read three times, and ratified this 24th day of February, A. D. 1905.

CHAPTER 488.

AN ACT TO PROVIDE FOR THE ERECTION OF A BRIDGE ACROSS THE CATAWBA RIVER BETWEEN BURKE AND CALDWELL COUNTIES.

WHEREAS, The erection and establishment of a bridge over and across the Catawba River at a point where said stream divides the counties of Burke and Caldwell at or near the old (Daniel) Johnson ferry or ford is a necessary expense to be borne by the said counties: now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the two several Boards of Commissioners of Burke and Caldwell Counties be and they are hereby authorized and specifically directed to construct, build and establish for the use of the public, over and across the Catawba River at or near the old (Daniel) Johnson ferry or ford, where the said stream divides the one of said counties from the other, an iron or steel bridge of standard width and pattern, the costs and charges thereof to be defrayed by the said counties of Burke and Caldwell in proportion to the taxable polls in each of said counties, out of the funds to be raised and secured by the said two several boards of commissioners in the manner hereinafter provided.

- Bonds to be issued.** SEC. 2. That the two several Boards of Commissioners of Burke and Caldwell Counties are hereby authorized and specifically directed, unless sufficient and available funds can be otherwise secured, to issue in the name of their respective counties in proper and binding form coupon bonds of the denomination of fifty, one hundred and five hundred dollars respectively, for the purposes hereinbefore mentioned, not to exceed in the aggregate the sum of ten thousand (\$10,000) dollars.
- Limit.**
- Description of bonds.** SEC. 3. That the said bonds shall run twenty years, to bear interest at a rate not to exceed six per centum per annum, payable semi-annually, to be redeemable after ten years from the date of their issue at the option of the said boards of commissioners issuing the same, respectively, and the one-fifteenth part of the principal of the said bonds at their option to be payable annually.
- Bonds not to be sold below par.** SEC. 4. That the said several issues of the bonds of the said counties shall be sold by the said boards of commissioners, respectively, for not less than their par value and the amount realized from such sales used by them in paying the costs and charges of constructing and building the said bridge, including the approaches thereto, according to the liability of each of said counties therefor when proportioned in the manner provided in section one (1) of this act.
- Proceeds appropriated.**
- Special tax for bonds.** SEC. 5. That upon issuing the said bonds the said boards of commissioners shall at the regular meeting of each of the said boards on the first Monday in June, one thousand nine hundred and five, and annually thereafter until the said bonds of said counties, respectively, are paid, levy a special tax sufficient to pay the interest accruing on the said bonds and at their option one-fifteenth part of the principal of the said bonds still unpaid.
- Coupons receivable for taxes.** SEC. 6. That the said interest coupons on such bonds shall be receivable in payment of all taxes accruing to the said county or counties issuing the same, respectively, as likewise shall be the principal sum of such bonds when due under the terms of this act: *Provided*, that the duties imposed upon the two boards of commissioners by this act shall not be exercised except upon the agreement of such board of commissioners.
- Proviso: boards to agree.** 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 24th day of February, A. D. 1905.

CHAPTER 489.

AN ACT TO IMPROVE THE PUBLIC ROADS IN SMITHVILLE TOWNSHIP, BRUNSWICK COUNTY, AND TO PROVIDE FOR THE ISSUE OF \$3,000 IN TOWNSHIP BONDS, THIS AMOUNT TO BE EXPENDED IN IMPROVING THE PUBLIC ROADS IN SAID TOWNSHIP, SHOULD A MAJORITY OF THE VOTES CAST BE FOR BONDS. ELECTION TO BE HELD FIRST MONDAY IN MAY, A. D. 1905, ON QUESTION OF ISSUING SAID BONDS FOR THE PURPOSE AFORESAID.

The General Assembly of North Carolina do enact:

SECTION 1. The Commissioners of Brunswick County shall order an election to be held on the first Monday in May, A. D. one thousand nine hundred and five, in Smithville Township, Brunswick County, to ascertain the will of the qualified voters in Smithville Township as to whether or not bonds to amount of three thousand dollars shall be issued to improve the public roads in Smithville Township. Election to be ordered.

SEC. 2. The registrars and pollholders who served at the last general election held in said township shall serve as pollholders and registrars for the election provided for in section one of this act, said election to be conducted in same manner as general elections are now conducted. Registrars and pollholders.

SEC. 3. The size of ballots to be used in the said election may be of the same size of those used in the voting for magistrates and constable in said Smithville Township last general election. The form of ballots to be for those voting in favor of the bonds, written or printed, the following words, viz.: "For bonds to improve the public roads in Smithville Township." Those who vote against bonds, written or printed, the following words, viz.: "Against bonds to improve the public roads in Smithville Township." Size of ballots.
Form of ballots.

SEC. 4. Should a majority of the votes cast be cast in favor of "For bonds to improve the public roads in Smithville Township," then the county commissioners shall sell said bonds to the best advantage and the proceeds thereof turned into the hands of the Treasurer of Brunswick County and by him paid out upon the order of the road commission hereinafter named. W. H. Pyke, A. J. Robbins and J. R. McRacken are appointed as road commission of Smithville Township for a period of two years from the passage of this act. Should a vacancy occur in said road commission within two years the remaining member or members shall appoint others to fill said vacancy. After the expiration of said two years from passage of this act the tenure of the said road commissioners shall and will expire. Their successors shall be appointed by the County Commissioners of Brunswick County and they are to serve for a period of two years from such appointment. Vacancy or vacancies which may occur during their term of office Bonds to be sold if approved.
Road commission named.
Vacancy.
Expiration of term.
Successors.

are to be filled as above provided; that is, the remaining member or members shall appoint to fill any vacancy during his or their term of office.

When bonds to be redeemed.

SEC. 5. The bonds hereinbefore named shall be redeemed one-half of said bonds within five years from date of sale and the remainder within five years from date of redemption of the first half. The interest of said bonds to be paid annually on or before May first of each year.

Special tax if bonds approved.

SEC. 6. That should said election be declared in favor "For bonds to improve the public roads in Smithville Township," then in that event the board of county commissioners are hereby authorized and empowered to levy a special tax not to exceed ten cents on the one hundred dollars valuation of all property in Smithville Township and five cents on each poll annually for a period of ten consecutive years, beginning with one thousand nine hundred and five and include one thousand nine hundred and fourteen.

Collected as other taxes.

SEC. 7. The taxes provided for in the above section shall be collected by the Sheriff of Brunswick County at the same time and in the same manner as for general State and county purposes and paid over to the Treasurer of Brunswick County, who shall keep said tax separate and apart from all other taxes by him received, and shall be paid out by him only upon order of the road commission of said Smithville Township hereinbefore provided for. All orders shall be signed by the chairman and secretary of the said commission.

Orders.

Surplus of special tax deposited.

SEC. 8. Each year after the interest on the bonds hereinbefore provided for shall have been paid the remaining amount from said special tax shall be deposited in some savings bank in North Carolina to be named by the county commissioners until the first five-year bonds become due, and then so much as necessary may be withdrawn by order of the county commissioners to pay the first installment and redeem one-half of said bonds. After expiration of ten years and after the remainder of said bonds shall have been redeemed should there be any balance from said taxes it shall be expended as heretofore provided for in improving the public roads in Smithville Township.

When bonds paid, balance expended on roads.

County commissioners may expel road commissioner.

SEC. 9. The board of county commissioners shall have full authority to expel any member or members of the road commission at any time during the term of office upon satisfactory proof of any misconduct. Should the chairman and secretary of any commission appointed under this act misappropriate directly or indirectly any of said road funds they shall be guilty of a misdemeanor and upon submission or conviction shall be fined and imprisoned at the discretion of the court.

Misappropriation of funds misdemeanor.

Penalty.

Convicts for petty offences to be sentenced to roads.

SEC. 10. That justices of the peace and mayors of any incorporated town in Brunswick County, before whom any person may be tried and convicted of any crime committed within said county in

cases and for offenses within the jurisdiction of said justices and mayors, when the judgment shall impose punishment by imprisonment on any such offender, they may and are hereby empowered to sentence said convicted person to work on the public roads in Smithville Township. Such convicted persons shall work on said roads for same length of time as they would have been imprisoned.

SEC. 11. Any judge of the superior court holding court in said county of Brunswick may sentence all persons convicted of crime, and whose punishment is not by fine alone, for which said person may be sentenced to road work under the laws of the State, to work the roads in Smithville Township, Brunswick County: *Provided, however*, that the road commissioners request county commissioners, who shall make application to the judges of said court. Superior courts may sentence convicts to roads. Proviso: upon application.

SEC. 12. The road commission is hereby empowered to employ a superintendent for the work of improving said roads, which superintendent shall have authority and control of any and all convicts sentenced to work on said roads. Said superintendent shall have all the powers of a sheriff in preventing the escape of prisoners. Said road commission shall have power to erect necessary temporary stockades or enclosures where said convicts may be placed and kept during the terms of imprisonment and while engaged in any of the work herein provided for. Road superintendent. Powers. Stockades and enclosures.

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

In the General Assembly read three times, and ratified this 24th day of February, A. D. 1905.

CHAPTER 490.

AN ACT TO PREVENT PERSONS UNDER 18 YEARS OF AGE DISCHARGING FIRE-ARMS BETWEEN SPRINGER'S POINT AND JACKSON'S POINT ON THE ISLAND OF OCRACOE IN HYDE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person under eighteen years of age to discharge any shot-gun or other fire-arms between Springer's Point and Jackson's Point on the island of Ocracoke in Hyde County. Shot-gun or other fire-arms.

SEC. 2. That any one violating this act shall be fined ten dollars or imprisoned ten days for each and every offense. Penalty.

SEC. 3. This act shall be in force on and after April first, one thousand nine hundred and five. When act to take effect.

In the General Assembly read three times, and ratified this 24th day of February, A. D. 1905.

CHAPTER 491.

AN ACT TO PROVIDE FOR THE PAYMENT OF THE RAILROAD BONDS OF CLEVELAND COUNTY.

The General Assembly of North Carolina do enact:

Surplus appropriated to special railroad tax.

SECTION 1. That the County Commissioners of Cleveland County be and they are hereby authorized and empowered to transfer all of the surplus money, or such part of same as they may deem expedient, heretofore received and collected for general county purposes or for the general road and bridge fund, or which may be so received and collected for the years one thousand nine hundred and four and one thousand nine hundred and five, and not required for the original purpose of the levy, to the special railroad tax fund of the county, and to use and apply same to the payment of the twenty-five thousand dollars of railroad bonds of Cleveland County, maturing in the year one thousand nine hundred and five.

Special tax authorized.

SEC. 2. The Commissioners of Cleveland County are further authorized and empowered, if in their discretion they shall deem best, to compute and levy the first Monday in June, one thousand nine hundred and five, a sufficient tax upon all polls and property in the county as may be necessary in addition to the fund above provided and then existing for railroad purposes to complete the payment in full, principal and interest, of said twenty-five thousand dollars railroad bonds maturing as aforesaid. In case the said commissioners levy the tax under this section the taxes so levied shall be collected in the same manner and at the same time as other taxes and paid over by the sheriff to the treasurer of the county, and said taxes so levied and collected shall be kept separate and distinct from any and all other taxes and shall be used only for the purposes for which they were levied: *Provided*, if any surplus remains after paying off the twenty-five thousand dollars (\$25,000) railroad bonds falling due as aforesaid and the interest on all the bonds, then in that event such surplus shall be applied to the payment of the interest on the other railroad bonds, and to the creation of a sinking fund for the payment of said bonds when they shall become due.

Proviso: surplus applied.

Commissioners authorized to borrow money.

SEC. 3. That the said Commissioners of Cleveland County are hereby authorized and empowered in their discretion to negotiate a loan of an amount not exceeding eight thousand dollars at the lowest rate of interest and on the best terms obtainable, pledging the credit of the county for the payment of the indebtedness, and use said sum to complete the payment of the twenty-five thousand dollar bonds and interest above referred to falling due in one thousand nine hundred and five. If the commissioners negotiate said loan they shall do it in the name of the Treasurer of Cleveland County, and said treasurer shall execute a note or notes for

Treasurer to execute note.

said amount, signed by himself as Treasurer of Cleveland County: *Provided*, that this loan can only be negotiated in case the special tax referred to in the above section is not levied for the year one thousand nine hundred and five.

SEC. 4. That if the Commissioners of Cleveland County shall in their discretion negotiate the loan provided for in section three foregoing, then in such case said commissioners are hereby authorized and empowered to use and apply any surplus moneys received and collected for general county purposes or for general road and bridge fund, or the special railroad tax fund, and not required for the original purpose of the levy, to the payment, discharge and settlement of said loan or any part thereof. Appropriation for payment of loan.

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 24th day of February, A. D. 1905.

CHAPTER 492.

AN ACT TO PREVENT THE SALE OF WINE AND CIDER WITHIN A MILE AND ONE-HALF OF ST. MATTHEW'S CHURCH IN SAMPSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person to sell any wine or cider within one and one-half miles of St. Matthew's Church in Sampson County, and [any] person convicted of the same shall be guilty of a misdemeanor and fined or imprisoned, or both, at the discretion of the court. Sale prohibited.
Misdemeanor—penalty.

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 24th day of February, A. D. 1905.

CHAPTER 493.

AN ACT TO LEVY A SPECIAL TAX IN WILKES COUNTY FOR THE PURPOSE OF BUILDING BRIDGES ACROSS THE YADKIN RIVER.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of Wilkes County are hereby authorized and directed to levy a special tax for the years one thousand nine hundred and five and one thousand nine hundred and six of ten cents on the hundred dollars property Special tax authorized. Limit.

valuation and thirty cents on the poll, to be collected by the sheriff of said county as other taxes are collected, said taxes to be known as bridge taxes and to be kept separate and apart from all other taxes and funds, to be applied and used for the purposes herein-after set out, and no other purpose.

Two bridges to be erected.

Location of bridges.

SEC. 2. That out of the proceeds of said special taxes the said Board of Commissioners of Wilkes County are hereby authorized, empowered and directed to have two good iron or steel single-track bridges erected across the Yadkin River in said county—one at or below the mouth of the Roaring River at the most practical point, to be selected by said board of commissioners or a committee of three disinterested freeholders duly appointed by them; said bridge and approaches not to cost over four thousand dollars; the other bridge to be erected at or near Holman's Ford in said county, at the most practicable point, to be selected by said board of commissioners or a committee of three disinterested freeholders duly appointed by them; said bridge and approaches not to cost over twenty-five hundred dollars.

Bridges to be completed in one year.

Contracts to be awarded.

To pledge credit of county.

SEC. 3. That the said Board of Commissioners of Wilkes County are authorized and directed to at once provide for the erection of said bridges, to be completed within one year from the date of contracts awarded, and said contracts shall be awarded to competent, responsible and reliable constructors, and shall be prepared by the county attorney and all necessary provisions be made to secure the speedy construction of said bridges at as low a price as is consistent with good workmanship; and the said commissioners are authorized to pledge the credit of the county for the early construction of said bridges to such competent, responsible and reliable company or constructor who will contract to build the same at as low a price as any other equally reliable and competent company or constructor, and wait till the taxes herein provided for shall be collected for payment therefor: *Provided*, no interest shall be charged said county for such deferred payments; and the said county commissioners are directed to take all necessary steps to protect the interests of the county in the building of said bridges.

Third bridge in case tax produces surplus.

SEC. 4. That in the event the aforesaid special tax levy shall raise an amount more than sufficient to build the bridges herein-before specified, said surplus shall be held, set apart and used for the purpose of building a substantial single-track iron or steel bridge across the Yadkin River at the most practicable point near Ronda in Wilkes County, to be selected by the Commissioners of Wilkes County or a committee of three disinterested freeholders duly appointed by them; said amount to be so used whenever an additional amount sufficient to complete said bridge shall have been raised by private subscription or otherwise, said bridge to be

erected in accordance with the provisions of section three of 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 24th day of February, A. D. 1905.

CHAPTER 494.

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

The General Assembly of North Carolina do enact:

SECTION 1. That W. M. Watson, Clerk Superior Court of Craven County, be and he is hereby allowed to absent himself from his office for the period of one month, beginning during the month of August of every year thereafter: *Provided*, he shall appoint a competent deputy to discharge the duties of his said office during such absence. Clerk may be absent.
Proviso: deputy to be competent.

SEC. 2. That upon the appointment of such deputy said clerk shall be relieved of all penalties provided by law for such absence as contained in The Code of North Carolina or the acts amendatory thereto. Clerk relieved of penalties.

SEC. 3. 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 February, A. D. 1905.

CHAPTER 495.

AN ACT TO AMEND SECTION 2017 OF THE CODE, SO AS TO ALLOW THE OVERSEERS IN FRUITVILLE TOWNSHIP IN CURRITUCK COUNTY TEN DAYS INSTEAD OF SIX TO WORK THEIR PUBLIC ROADS.

The General Assembly of North Carolina do enact:

SECTION 1. That section two thousand and seventeen (2017) of The Code be amended by striking out in line six between the word "than" and the word "days" the word "six" and insert in lieu thereof the word "ten": *Provided*, this act shall apply only to Fruitville Township in Currituck County. Overseers may work hands ten days.

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

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

In the General Assembly read three times, and ratified this the 25th day of February, A. D. 1905.

CHAPTER 496.

AN ACT FOR THE RELIEF OF J. F. McCUBBINS, CLERK
OF ROWAN COUNTY SUPERIOR COURT.*The General Assembly of North Carolina do enact:*

Leave of absence. SECTION 1. That J. F. McCubbins, Clerk of the Court for Rowan County, is hereby allowed to absent himself from his office on the third and fourth Mondays in June of any year: *Provided* his office be left in charge of a competent deputy clerk.

Proviso: 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 25th day of February, A. D. 1905.

CHAPTER 497.

AN ACT TO PROHIBIT THE MANUFACTURE AND ILLEGAL
SALE OF LIQUORS IN UNION COUNTY AND TO SUBMIT
TO THE VOTERS TO DECIDE BY ELECTING WHETHER
THEY WILL HAVE PROHIBITION, DISPENSARIES OR
BAR-ROOMS.*The General Assembly of North Carolina do enact:*

Unlawful to manufacture liquors. SECTION 1. That it shall be unlawful to manufacture spirituous, vinous or malt liquors in Union County except as hereinafter permitted, and any person violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be fined not less than fifteen hundred dollars (\$1,500) or imprisoned not less than eighteen (18) months, or both, at the discretion of the court, for the first offense, and the second offense, or any subsequent one after having been once convicted, shall be guilty of a felony, and any person convicted shall pay a fine of three thousand dollars (\$3,000) or be imprisoned not less than three (3) years, or both, at the discretion of the court.

Misdemeanor.

Penalty for first offense.

Subsequent offense felony.

Punishment.

County commissioners to appoint manager of medical depository.

Term of office.

Appointee to qualify.

SEC. 2. That the Board of County Commissioners for Union County shall, at their first meeting in April, A. D. one thousand nine hundred and five, and annually thereafter, appoint some suitable and fit person who is entitled under the laws of this State to vote in said county and who resides in the city of Monroe to be known as manager of the medical depository for the county of Union, and who shall hold such office for a term of twelve months and until his successor has been appointed and qualified. It shall be the duty of such person so appointed to qualify before some person authorized to administer oaths in like manner as all county officers are required to qualify, within two days after notice of his

appointment, and shall immediately enter upon the discharge of his duties as hereinafter defined. It shall be the duty of such manager hereinbefore provided for to at all times keep on hand and at such place as may be designated by said board of commissioners not less than five (5) nor more than one hundred (100) gallons of pure liquor, to be sold by him in quantities not less than one-half ($\frac{1}{2}$) pint and not more than one quart, and then only upon the written prescription of a physician authorized under the laws of this State to practice medicine therein, and then only when such prescription shall contain the name of the patient and the dose to be taken, the date, all of which shall be labeled on the bottle: *Provided*, that said manager shall not be required to sell any liquor upon the prescription of any physician unless he has knowledge that such physician is duly authorized under the laws of North Carolina to practice medicine therein, nor shall he be required to sell any liquors on Sunday or before nine o'clock A. M. or after five o'clock P. M. of any day, but he may do so in case of apparent necessity. The said board shall at all times have the right to fill any vacancy.

Manager to keep liquors on hand.

Quantity to be kept.

Quantities to be sold.
Sales only on prescription.

What prescription to contain.

Proviso: cases in which manager is not required to sell liquors.

SEC. 3. That the Board of Commissioners for said County of Union shall, at their regular meeting on the first Monday in June, one thousand nine hundred and five, and annually thereafter, set apart a certain sum of money, not less than fifty dollars (\$50) nor more than two hundred dollars (\$200), of the general county funds, the amount to be discretionary with said board, to be used for a medical depository in buying and keeping in stock such liquors as are hereinafter provided for, and the county treasurer shall pay out said fund upon an order duly signed by the manager of said depository.

Appropriation for buying stock.

SEC. 4. That said liquors shall be kept and sold for medicinal purposes and no other, and shall not be sold with the view of profit beyond the actual necessary expenses incurred in buying, keeping and selling the same and all necessary incidental expenses.

Liquors kept and sold for medicinal purposes only.

Limit of profit.

SEC. 5. That said liquors shall be bought by said manager with the approval, as to quality and purity, of the county physician or such other person or persons, not exceeding three, to be named by the board of county commissioners for said county, and shall at all times be kept in sealed packages or bottles of not less than one-half ($\frac{1}{2}$) pint nor more than a quart, bearing the label of kind and quality contained therein, together with the words "For Medicine Only," and when sold as herein provided for it shall be labeled with the name of the patient, the dose, the physician who gave the prescription and the number of the prescription and the date.

Purchases subject to approval.

Liquors to be kept in sealed packages.
Labels.

SEC. 6. That said liquors shall be sold by said manager for cash and not otherwise, and at such price or prices as may be fixed by the board of county commissioners for said county, and said board at all times shall have in view no profit whatever except such as

Sales for cash.
Price to be fixed by county commissioners.
No profit beyond expenses.

may be necessary to meet the actual expenses of buying, keeping and selling the same and all necessary incidental expenses.

Commission of
managers.

Records to be kept.

Records open for
inspection.

Manager to file
statement monthly.

Prescriptions to be
attached.

Reports approved
filed with register
of deeds.

Report audited.

General fund
repaid.

Profits not to
accumulate.

Selling price to be
raised or lowered.

Funds not required
covered to general
county fund.

Manager violating
article of his duty
guilty of felony.

SEC. 7. That the manager shall receive for his services five per centum of the amount bought and five per centum of the amount sold, and no more, and he is hereby required to keep a true and accurate record in a book to be furnished by said board of county commissioners, showing each sale, to whom made, the date sold, the name of the physician giving the prescription, and keep the same open at all times for the inspection of any one desiring to see the same, and to file with the said board of commissioners at their regular meeting on the first Monday in each month a sworn statement of the amount on hand at the beginning of the preceding month, his purchases and sales during the month, from whom purchased, to whom sold, the name of the physician upon whose prescription he sold, and the balance on hand at the end of the month. He shall attach to such monthly reports all prescriptions received by him during the preceding month.

SEC. 8. That said board of county commissioners shall approve such report, if they find same to be correct, and place the same, together with the attached prescriptions, with the register of deeds of said county for safe-keeping and for the inspection of any person who may desire to see them.

SEC. 9. That said board of county commissioners, in auditing the said manager's report, may allow him his commission as hereinbefore provided for, and may, within their discretion as to time, set aside from the profits of sales made such sum as may be necessary to repay to the general funds such sum as may be taken therefrom to start the medical depository herein provided for, and shall order the same paid back to said fund.

SEC. 10. That the said board of county commissioners shall not at any time permit to accumulate profits more than is necessary in their opinion to meet the provisions of this act, and shall therefore reduce or raise the selling price at any time when conditions justify or require it; and in event there should at any time become a surplus of the profits, or should there for any reason be any of such funds not required to carry out the provisions of this act, then the said board shall order the same to be paid into or transferred into the general county fund to become a part of such fund.

SEC. 11. That if any person acting as such manager shall at any time knowingly and willfully make a false report, or knowingly and willfully swear falsely to his report, or shall willfully refuse to make a report or keep a record as herein provided for, or shall knowingly and willfully bargain, sell or exchange any liquors herein provided for to be kept by him contrary to the provisions of this act, or shall make way with, appropriate to his own use any liquors or the proceeds of the sale of any liquors, or shall refuse or fail to turn over any liquors or pay out any funds which

may come into his hands under the provisions of this act, he shall be guilty of a felony, and upon conviction shall be fined not less than two thousand dollars (\$2,000) or imprisoned not less than two (2) years, at the discretion of the court, and shall forfeit his office. Punishment.

SEC. 12. That it shall be unlawful for any person or persons, firm or corporation whatsoever, druggists and apothecaries not excepted, except as hereinbefore provided, to manufacture, barter, exchange, sell or otherwise dispose of, for gain, any spirituous, vinous or malt liquors or intoxicating bitters, checkers or intoxicating liquors by whatever name called or known, within the county of Union, State of North Carolina: *Provided*, this act shall not be construed to prevent any one from making or manufacturing wine or cider from grapes, berries or fruits raised on the lands of the person so manufacturing the same and such lands being outside of the incorporate limits of any city or town in said county: *Provided further*, that this act shall not be construed to apply to sales of cider in any quantity or wine in quantities of not less than one (1) gallon, on the particular tract of land upon which they or it was made, or wine in any quantity sold for communion purposes: *Provided further*, that any person who may sell brandy, wine or cider under the provisions hereinbefore made to any one shall be liable in a civil action as in cases of tort for any and all injuries any person, firm or corporation may sustain from any person intoxicated from drinking wine or cider, when such injury or injuries to persons' property or character is found to result from such intoxication. Unlawful to manufacture, barter, exchange, sell or otherwise dispose of for gain any liquors. Druggists not excepted.
Provide: manufacture of wine or cider.
Provide: sales of wine or cider.
Provide: liability of persons selling wine or cider.

SEC. 13. That any person, firm or corporation violating the provisions of this act with reference to the sale, barter, exchange or other disposition, for gain, of spirituous, vinous or malt liquors or intoxicating bitters, checkers or other intoxicating drinks by whatever name known or called, shall be guilty of a misdemeanor, and upon conviction for the first offense shall be fined not less than one thousand dollars (\$1,000) or imprisoned not less than twelve (12) months, or both, at the discretion of the court, and upon a second or subsequent conviction of any similar offense committed subsequent to his first conviction such person shall be guilty of felony and fined not less than two thousand dollars (\$2,000) or imprisoned not less than two (2) years, or both, at the discretion of the court. First offense a misdemeanor.
Punishment.
Subsequent offense felony.
Punishment.

SEC. 14. That it shall be unlawful for any physician to make or give a prescription for any intoxicating liquors, bitters, checkers or other intoxicating liquors or drinks by whatever name known or called, to or for any person who is not in actual need of such liquors for medicinal purposes, or to make or give a prescription for any such liquors or drinks to or for any person not *bona fide* under such physician's charge as a patient, and then only in good faith for medicinal purposes only. Any person violating any of Unlawful for physician to give prescription to one not in actual need of liquors.
Or to person not under physician's charge.
Misdemeanor.

Punishment.

Proviso: prescriptions on written representations.

Proviso: representation attached to prescription.
Proviso: fee for prescription.

Proviso: false representation to physician a misdemeanor.

Punishment.

Manufacturing—first offense misdemeanor.

Punishment.

Subsequent offense felony.

Punishment.

Elections to be called in townships on petition of one-third of voters.

Notice of election.

Whether this act to remain in force.
Or saloons shall be established.

Or dispensaries established.

the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be fined not less than one thousand dollars (\$1,000) or imprisoned twelve (12) months, or both, at the discretion of the court, and shall be debarred from practicing medicine in the county of Union for twelve months: *Provided*, that this act shall not be construed to prevent any physician as hereinbefore defined from giving a prescription for any person for a quantity not more than one quart before seeing such person, upon the written representation of another that such person is in actual and urgent need of spirituous, vinous or malt liquors for medical purposes: *Provided further*, that such prescription shall be attached to such written representation, bearing the true date thereof: *Provided further*, that no physician shall charge more than twenty-five (25) cents for giving a prescription in any case: *Provided further*, that any person who shall willfully and falsely make a representation to any physician for the purpose of procuring any spirituous, vinous or malt liquors for himself or another person shall be guilty of a misdemeanor and shall be fined not more than fifty dollars or imprisoned not more than thirty days.

SEC. 15. That any person, firm or corporation violating the provisions of this act with reference to the manufacture of spirituous, vinous or malt liquors or intoxicating bitters, checkers or intoxicating drinks by whatsoever name known or called shall be guilty of a misdemeanor, and upon conviction for the first offense shall be fined not less than fifteen hundred dollars (\$1,500) or imprisoned not less than eighteen (18) months, or both, at the discretion of the court, and upon a second or subsequent conviction shall be guilty of a felony and shall be fined not less than three thousand dollars (\$3,000) or imprisoned not less than three (3) years, or both, at the discretion of the court.

SEC. 16. That it shall be the duty of the Board of County Commissioners for the said county of Union, upon a petition signed by one-third ($\frac{1}{3}$) of the registered voters of any township in said county having in it an incorporated town or city wherein spirituous liquors may be sold under the general law in force at the time, who were registered for the preceding county or State election, to order an election to be held in and for such township, after thirty days' notice in two or more newspapers published in said county and at each voting place in such township, in any year, except within sixty (60) days of any city, town, county or general election, in time for the notice to be given as above required, and not before the expiration of ninety (90) days from June first, one thousand nine hundred and five, to determine:

One. Whether this act shall remain in force.

Two. Whether bar-rooms or saloons shall be established in such township.

Three. Whether dispensaries shall be established in such township.

Any such election may be ordered only in such townships where there is an incorporated town therein. Such election may be ordered to determine any one or all of such questions as the petitioners may designate in their petition: *Provided*, that such election shall not be held oftener than once in two years: *Provided further*, that in no event shall any liquors prohibited from being sold in this act be sold in said county of Union except in incorporated towns.

Only in townships containing incorporated towns. Any or all questions submitted. Proviso: election not oftener than once in two years. Proviso: no liquors sold but in incorporated towns.

SEC. 17. Whenever such election shall be held the same shall be conducted and held under the same rules and regulations provided by the laws of North Carolina regulating county or general elections: *Provided*, the board of county commissioners of said county shall appoint some competent elector and registrar for each precinct in such township, and also two judges of election, and they shall report the result to said board, which board shall, at their next regular meeting, canvass the same and declare the result and spread the same on their minutes.

Elections conducted under general laws.

Proviso: county commissioners to appoint election officers.

And canvass the result.

SEC. 18. That whenever said board of county commissioners shall order any such election they shall provide one box to determine the question as to whether this act shall remain in force, one box to determine whether saloons shall be opened, if such question is to be voted on, and one box to determine whether dispensaries shall be established in such townships, if such question is to be voted upon. Any person entitled to vote for members of the General Assembly shall have the right to vote at such elections in all boxes provided, and every such voter who is in favor of this act remaining in force shall vote a ticket on which shall be written or printed the words "For Medicine Only," and all opposed to its remaining in force shall vote a ticket on which shall be written or printed the words "Against the Sale for Medicine Only," and every such voter who is in favor of bar-rooms or saloons shall vote a ticket on which shall be written or printed the words "For Saloons," and all opposed to bar-rooms or saloons shall vote a ticket upon which shall be written the words "Against Saloons"; and every such voter who is in favor of dispensary shall vote a ticket on which shall be written or printed the words "For Dispensary," and all opposed to it shall vote a ticket on which shall be written or printed the words "Against Dispensary." Such ticket shall be of white paper and without device.

Boxes to be provided.

Voters.

Form of ballots.

SEC. 19. That if at any election in any township a majority of the votes cast at such election are "Against Sale for Medicine Only," then sections two (2), three (3), four (4), five (5), six (6), seven (7), eight (8), nine (9), ten (10), eleven (11), twelve (12), thirteen (13), fourteen (14), fifteen (15) and sixteen (16) of this act shall cease to have any force or effect in that particular township, but shall remain in full force and effect in all other parts of said county of Union; but if a majority of the votes cast in such election are "For Medicine Only," then there shall neither

Effects of election.

Proviso: two months to close out stock if depository discontinued.

If majority for dispensary.

Dispensary subject to general law.

County commissioners to have powers of "governing body of city or town."

Division of profits if dispensary established.

If majority for saloons license to be granted.

Proviso: sales to be in compliance with law.

be a dispensary established nor a bar-room or saloon opened within such township, but this act shall remain in full force and effect until it shall be determined otherwise by another election as provided for in this act: *Provided*, that if any such election should result in discontinuing the medical depository herein created it shall have two (2) months in which to close out its stock, and may do this either at wholesale or retail and without prescription.

SEC. 20. That if a majority of the votes cast at any such election are "Against Sale for Medicine Only," and a majority of the votes cast are "For Dispensaries," the said board of county commissioners may establish one or more dispensaries within the incorporate limits of some town or city within such township, under the rules and regulations and provisions of sections thirteen (13), fourteen (14), fifteen (15), seventeen (17) and eighteen (18) of chapter two hundred and thirty-three of the Public Acts of one thousand nine hundred and three, which said sections in said act, in such event, shall be revised and become in force, and the said board of commissioners at all times performing the duties and having the powers as are therein conferred upon the "governing body of any city or town," and all the provisions of said section of said act as altered or changed, by conferring upon the said board of commissioners the powers that were conferred upon the "governing body of any city or town," shall be revised and become applicable to such township in the county of Union as may by such election have such result.

SEC. 21. That if a dispensary is established under the provisions of this act the dispensary commissioners shall make quarterly settlements with the board of county commissioners of said county, and shall, upon the order of said board, within ten (10) days after such settlement, pay one-third ($\frac{1}{3}$) of the net profits of such dispensary into the treasury of such city or town in which such dispensary may be located, one-third ($\frac{1}{3}$) into the treasury of the county for the benefit of the public school fund of the county, and the remaining one-third ($\frac{1}{3}$) into the county treasury for the road fund of such township.

SEC. 22. That if a majority of the votes cast at any such election are "Against Sale for Medicine Only," and the majority of the votes cast are "For Saloons," then the said board of county commissioners and the "governing body of the city or town" shall grant license to sell intoxicating liquors within the incorporate limits of any town within such township to all persons properly qualified applying for same according to law; and such license shall be granted until another election shall be held reversing such election: *Provided further*, that this section shall not be construed to authorize any person, firm or corporation to sell, either by retail or wholesale, intoxicating liquors in such town or city, except upon a full compliance with the conditions and requirements which may now or hereafter be enforced by law.

SEC. 23. That nothing in this act shall in any view be construed to repeal, alter or amend any special act prohibiting or regulating the sale of liquor of any kind whatever in any locality, township or town, or to in any way whatever authorize sales in any locality, town or township where the same by an election voted against the sale of intoxicating liquors. Special laws not affected.

SEC. 24. That no judge holding any court in said county shall have the power and authority to suspend judgment in any case of conviction of any of the provisions of this act. Judgment on conviction not to be suspended.

SEC. 25. That the Secretary of State shall have one thousand (1,000) copies of this act printed and forward the same to the register of deeds of Union County, to be distributed in case of an election. Secretary of State to have act printed and forward copies to register of deeds.

SEC. 26. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 27. That this act shall be in force from and after the first day of June, one thousand nine hundred and five.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

CHAPTER 498.

AN ACT TO AMEND SECTION 1050 OF THE CODE, LAWS OF 1889, CHAPTER 355, RELATIVE TO GIVING FURTHER JURISDICTION TO PROCESS OFFICERS IN THE MATTER OF THE UNLAWFUL SELLING AND MANUFACTURING OF INTOXICATING LIQUORS.

The General Assembly of North Carolina do enact:

SECTION 1. That section one thousand and fifty of The Code, and the Laws of one thousand eight hundred and eighty-nine, chapter three hundred and fifty-five, be and the same is hereby amended by adding the following thereto:

SEC. 2. That any person or persons who shall knowingly permit or allow any distillery or other apparatus for the making or distilling spirituous liquors to be set up for operation or to be operated on lands in his possession or control in any territory where the manufacture and sale of intoxicating liquors is prohibited by the State law shall be guilty of a misdemeanor and shall be punished in the discretion of the court. Land-owner permitting distillery guilty of misdemeanor.

SEC. 3. That it shall be the duty of any officer mentioned in this act to search for and seize any distillery or apparatus used for the manufacture of spirituous liquors in violation of any State law, and to deliver the said distillery or apparatus to the proper Officers to search for and seize distillery or apparatus.

Materials to be destroyed.

authorities of the United States Government for confiscation. It shall also be the duty of said officer to destroy any materials in use, or to be used, found at any distillery for the manufacture of intoxicating liquors contrary to law.

Unstamped liquors to be seized and delivered to U. S. officers.

SEC. 4. That it shall be the duty of any officer mentioned in this act to seize any spirituous liquors found in the possession of any person not tax-paid and stamped as required by the United States Government, and to deliver the said liquors to the proper officers of the United States Government for confiscation.

Officers to procure warrants, arrest offenders and subpoena witnesses.

SEC. 5. That it shall be the duty of the sheriff and his deputies and of any police officers, when informed of violation of this act, to procure warrants and to arrest the offender, and to subpoena all persons who may have information concerning the commission of the offense charged against the party arrested.

Person procuring liquor illegally agent of seller.

SEC. 6. That any person who shall unlawfully and illegally procure and deliver any spirituous or malt liquors to another shall be deemed and held in law to be the agent of the person or persons selling said spirituous and malt liquors, and shall be guilty of a misdemeanor and shall be punished in the discretion of the court.

Misdemeanor.

Investigation by solicitor.

SEC. 7. Whenever the solicitor of any judicial district shall have good reason to believe that liquor has been manufactured or sold contrary to law within any county in their said district and shall believe that any person or persons shall have knowledge of the existence and establishment of any illicit distillery, or that any person has sold liquor illegally, then it shall be lawful for said solicitor to apply to the clerk of the superior court of the county wherein said offense is supposed to have been committed to issue subpoenas for the said person or persons so having knowledge of said offenses to appear before the next grand jury drawn for said county, there to testify upon oath what he may know touching the existence, establishment and whereabouts of said distillery or persons who have sold intoxicating liquors contrary to law, and shall give the names and personal description of the keepers thereof, and such evidence, when so obtained, shall be considered and held in law as an information on oath, upon which the said grand jury shall make presentment as provided by law in other cases.

Punishment of officer failing or refusing to perform duty.

SEC. 8. That any officer mentioned in this act who shall fail or refuse to use due diligence in the execution of the provisions of this act, after being informed of violation thereof, shall be guilty of laches in office and be cause for removal therefrom.

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

In the General Assembly read three times, and ratified this 6th day of March, 1905.

CHAPTER 499.

AN ACT RELATING TO DIVORCE.

The General Assembly of North Carolina do enact:

SECTION 1. That subsection one of section twelve hundred and eighty-five of The Code be stricken out and the following inserted: "if the husband shall commit fornication and adultery."
Fornication and adultery on part of husband grounds for divorce.

SEC. 2. That all laws creating any cause for divorce enacted since the session of one thousand eight hundred and eighty-three be and the same are hereby repealed.
Laws repealed.

SEC. 3. That this act shall not apply to any suit now pending.
Pending suits not affected.

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

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

CHAPTER 500.

AN ACT TO PROHIBIT THE OPERATION OF FISH-TRAPS IN MORE THAN ONE-THIRD OF THE CHANNEL OF THE CAPE FEAR RIVER.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person, firm or corporation to construct, operate or maintain any fish-traps in the Cape Fear River, and that all traps now in the channel of said river shall be removed within sixty days from the ratification of this act: *Provided, however,* that any person, firm or corporation who shall maintain and operate a fish-trap which extends not more than one-third the channel of said [river] shall not be liable to the provisions of this act.
Fish-traps unlawful.
 To be removed.
 Proviso: fish-trap not extending more than one-third of channel excepted.

SEC. 2. That all persons operating a fish-trap as provided in section first of this act shall, on the first day of June of each year, remove the slats or fingers on said traps.
Fingers or slats to be removed.

SEC. 3. That any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction fined or imprisoned at the discretion of the court.
Misdemeanor.
 Penalty.

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 not apply to the counties of New Hanover and Brunswick.

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 6th day of March, A. D. 1905.

CHAPTER 501.

AN ACT TO MAKE AN ADDITIONAL APPROPRIATION OF
TEN THOUSAND DOLLARS PER ANNUM TO THE STATE
HOSPITAL AT MORGANTON.*The General Assembly of North Carolina do enact:*

Ten thousand dol-
lars annually for
two years.

Proviso; if regular
appropriation in-
sufficient.

SECTION 1. That in addition to the annual appropriation of one hundred and thirty-five thousand dollars to the State Hospital at Morganton as authorized by the omnibus appropriation bill for the years one thousand nine hundred and five and one thousand nine hundred and six an additional annual appropriation of ten thousand dollars is hereby appropriated: *Provided*, said annual appropriation of one hundred and thirty-five thousand dollars be insufficient to maintain said hospital for the years one thousand nine hundred and five and one thousand nine hundred and six.

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

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

CHAPTER 502.

AN ACT TO AMEND THE CHARTER OF THE STATE
NORMAL AND INDUSTRIAL COLLEGE.*The General Assembly of North Carolina do enact:*

Price of board in
matron's hall.

SECTION 1. That chapter one hundred and thirty-nine of Public Laws of one thousand eight hundred and ninety-one be amended by striking out in line five of section twelve of said chapter the word "eight" and inserting in lieu thereof the word "ten."

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

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

CHAPTER 503.

AN ACT TO TAX PEDDLERS OF DRUGS AND MEDICINES.

The General Assembly of North Carolina do enact:

License one hun-
dred dollars in each
county.

SECTION 1. That all persons, firms, corporations or companies who shall sell or offer for sale, whether their own manufacture or not, any medicines, nostrums, herbs, roots or drugs of any description on the streets or public highways or in public halls, parks,

tents or private dwellings, or from any vehicle, peddler's pack or package shall pay a license tax of one hundred dollars, which shall expire at the end of twelve months from date of issue in every county in which such business is carried on: *Provided*, that this section shall not be construed so as to prevent any merchant or druggist from selling any patent or proprietary medicines, having a fixed place of business: *Provided further*, that this section shall not apply to drummers selling by wholesale: *Provided further*, that it shall be discretionary with the board of county commissioners whether they issue license or not: *And provided further*, that the board of county commissioners shall have the power at their discretion to exempt from tax under section one of this act any poor and infirm person.

Proviso: merchants having fixed place of business.

Proviso: drummers.

Proviso: issue of license discretionary.

Proviso: county commissioners may exempt.

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

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

CHAPTER 504.

AN ACT TO AMEND CHAPTER 536 OF THE PUBLIC LAWS OF 1903, ENTITLED "AN ACT TO REGULATE LIFE INSURANCE COMPANIES AND THEIR GOVERNMENT."

The General Assembly of North Carolina do enact:

Add after section eleven, chapter five hundred and thirty-six, Public Laws, one thousand nine hundred and three, the following sections, to-wit:

SEC. 12. That any life insurance company now incorporated or which may hereafter be incorporated under the laws of this State may deposit with the Insurance Commissioner securities of the kind now required and authorized by law for the investment of life insurance funds to any amount not less than ten thousand dollars, which shall be legally transferred by it to him as Insurance Commissioner and his successors for the common benefit of all the holders of its "Registered" policies and annuity bonds issued under the provisions of this act, which shall be held by him and his successors in office in trust for the purposes and objects specified herein.

Deposit for benefit of "registered" policies.

SEC. 13. After making the deposit mentioned in the preceding section no company shall issue a policy of insurance or endowment or an annuity bond known or designated as "Registered" unless it shall have upon its face a certificate in the following words: "This policy or annuity bond, as the case may be, is registered and secured by pledge of bonds, stocks or securities deposited with this

Certificate on registered policy.

Certificate to be signed by commissioner.
Sample policies or bonds.

Designating letters or terms.

Insurance Commissioner to prepare and keep registers.

Registered policies and bonds re-valued.

Certificate furnished company.

Duplicates of mutilated policies and bonds.

Additional deposits.

department as provided by law," which certificate shall be signed by the Insurance Commissioner and sealed with the seal of his office. Such policies and bonds shall be known as "Registered" policies and annuity bonds, and a sample copy of such kind, class and issue shall be kept in the office of the Insurance Commissioner. All policies and bonds of each kind and class issued and the copies thereof filed in the office of the Insurance Commissioner shall have imprinted thereon some appropriate designating letter, combination of letters or terms identifying the special forms of contract, together with the year of adoption of such form, and whenever any change or modification is made in the form of contracts, policy or bond the designating letters or terms and year of adoption thereon shall be correspondingly changed.

SEC. 14. The Insurance Commissioner shall prepare and keep such registers thereof as will enable him to compute their value at any time. Upon sufficient proof, attested by the president or vice-president and secretary of the company which shall have issued such policies or annuity bonds, that any of them have been commuted or terminated the Insurance Commissioner shall commute or cancel them upon such register. The net present value of every policy or annuity bond according to the standard prescribed in the laws of this State for the valuation of policies of life insurance companies when the first premium shall have been paid thereon, less the amount of such liens, not exceeding such value as the company may have against it, shall be entered opposite the record of said policy or annuity bond in the register aforesaid at the time such record is made. On the thirty-first day of December of each year or within sixty days thereafter the Insurance Commissioner shall cause the registered policies and annuity bonds of each company to be carefully revalued, and the net present value thereof at the time fixed for such valuation, less such liens, not exceeding such value as the company may have against it, shall be entered upon the register opposite the record of such policy or bond, and the Insurance Commissioner shall furnish a certificate of the aggregate of such value to the company. For the purpose of making such valuation the Insurance Commissioner may employ a competent actuary to do the same, who shall be paid by the company for which the services are rendered, but nothing herein shall prevent any company from having made such valuation herein contemplated, which may be received by the Insurance Commissioner upon such proof as he may determine.

Upon application of any insurance company, subject to the provisions of this act, it shall be the duty of the Insurance Commissioner to receive mutilated policies and annuity bonds issued by said companies and certify in lieu thereof other policies or bonds of like tenor and date.

SEC. 15. Each company which shall have made deposits herein provided for shall make additional deposits from time to time as

the Insurance Commissioner may prescribe in amounts of not less than five thousand dollars and of such securities as life insurance companies of this State are authorized by law to invest in, so that the market value of the securities deposited shall always be equal to the net value of the registered policies and annuity bonds issued by said company, less such liens not exceeding such value as the company may have against it. But no company organized under this act shall be required to make such deposit until the net value of the policies in force as ascertained by the Insurance Commissioner exceeds the amount deposited by said company under section twelve hereof. So long as any licensed company shall maintain its deposit as herein prescribed at an amount equal to or in excess of the net value of its registered policies and annuity bonds as aforesaid it shall be the duty of the Insurance Commissioner to sign and affix his seal to the certificates before mentioned on every policy and annuity bond presented to him for that purpose by any company so depositing.

SEC. 16. The Insurance Commissioner shall keep a careful record of the securities deposited by each company and when furnishing the annual certificates of value mentioned in section fourteen he may enter thereon the face and market value of such securities deposited by such company. If at any time it shall appear from such certificate or otherwise that the value of securities held on deposit is less than the net value of the registered policies and annuity bonds issued by such companies it shall not be lawful for the Insurance Commissioner to execute the certificate on any additional policies or annuity bonds of such company until it shall have made good the deficit. If any company shall fail or neglect to make good such deposit for sixty days it shall be deemed to be insolvent and shall be proceeded against in the manner provided by law in such cases.

Insurance Commissioner to keep record of securities.

SEC. 17. Every company which shall have made the deposit herein provided for may at any time after the date upon which said deposit was made deposit with the Insurance Commissioner securities of the kind herein mentioned and in accordance with the provisions hereof an amount, inclusive of any amount deposited under the provisions of this law, equal to the net value of any non-registered policies and annuity bonds which it shall have in force at that time, less such liens not exceeding such actual cash value as the company may have against them, and the Insurance Commissioner shall when requested so to do furnish such company with a certificate of the description mentioned in section thirteen to be attached to each of said policies and annuity bonds. The Insurance Commissioner shall enter upon each of such certificates the number of the policy or annuity bond to which it belongs and make a record of the same in his department.

Deposit for non-registered policies and bonds.

Insurance Commissioner to certify deposit.

SEC. 18. Any such company whose deposits exceed the net value of all registered policies and annuity bonds it has in force, less

Excess of deposit may be withdrawn.

such liens not exceeding such value as the company may hold against them, may withdraw such excess or it may withdraw any of said securities at any time by depositing others of equal value and of the character authorized by law in their stead, and so long as said company shall remain solvent and keep up its deposits as herein required it may collect the interest and coupons on the securities deposited as the same accrue.

Deposits kept as
other deposits but
separate.

SEC. 19. The securities deposited under this act shall be deposited and kept in the manner required by law for the keeping of other deposits of insurance companies, but separate from other deposits of the company.

Proceeding as in
case of insolvency.

SEC. 20. If at any time the affairs of any life insurance company which has deposited securities under the provisions of this act shall, in the opinion of the Insurance Commissioner, appear in such condition as to render the issuing of additional policies and annuity bonds by such company injurious to the public interest, the Insurance Commissioner may take such proceedings against such company as may be authorized by law to be taken against other insolvent companies, and said companies shall in all respects be subject to the provisions of law affecting other companies.

Fees of Insurance
Commissioner.

SEC. 21. Every company making deposits under the provisions of this act shall pay to the Insurance Commissioner for each certificate on registered policies or annuity bonds, including seal, a fee of fifty cents for those exceeding ten thousand dollars in amount and twenty-five cents for all under ten thousand dollars in amount, except policies for one hundred dollars and not exceeding five hundred dollars the fee shall be fifteen cents; for policies of one hundred dollars or less the fee shall be ten cents: *Provided*, that for each certificate, including seal, issued in accordance with the provisions of section seventeen of this act the fee shall be twenty-five cents.

Proviso: fee for
certificates.

SEC. 22. This act shall be in force on and after its ratification.

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

CHAPTER 505.

AN ACT TO VALIDATE CERTAIN PROBATES AND REGISTRATIONS.

The General Assembly of North Carolina do enact:

Formal defects in
probate cured.

SECTION 1. That in all cases where the acknowledgment, examination and probate of any deed, mortgage, power of attorney or other instrument required or authorized to be registered under the laws of North Carolina has been taken or had by or before any judge, clerk of a court of record, notary public having a notarial

seal, mayor of a city having a seal or justice of the peace of a State other than the State in which the grantor, maker or subscribing witness resided at the time of the execution, acknowledgment, examination or probate thereof, and such acknowledgment, examination or probate so had and taken is or was in other respects according to law, and such deed, mortgage, power of attorney or other instrument above mentioned has been duly ordered to registration and has been registered, then and in that event such acknowledgment, examination, probate and registration are hereby in all respects made valid and binding: *Provided*, that this act shall apply to probates and acknowledgments of deputy clerks of other States when such probate and acknowledgment has been attested by the official seal of said office and adjudged sufficient and in due form of law by the clerk of the court in the State where the instrument is required to be registered: *Provided*, this act shall not affect any pending suit.

Proviso: probate before deputy clerks.

Proviso: pending suits excepted.

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

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

CHAPTER 506.

AN ACT TO AMEND CHAPTER 677 OF THE PUBLIC LAWS OF 1901 TO PREVENT FIRE WASTE.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter six hundred and seventy-seven of the Public Laws of one thousand nine hundred and one, ratified on the fourteenth day of March, one thousand nine hundred and one, be amended by adding after section three thereof the following sections, to-wit:

SEC. 4. That it shall be the duty of the Insurance Commissioner to notify every city and incorporated town where there is no chief of fire department to appoint said officer at once, and it shall be also his duty to see that said officer in every city and incorporated town is reasonably remunerated by said city or town for the services required of him by this and other acts, and the aldermen or commissioners of any city or town failing or refusing to appoint said officer or failing or refusing to reasonably remunerate him shall be guilty of a misdemeanor: *Provide*d, that nothing herein shall prevent any person appointed hereunder from holding some other position in the government of said city or town.

Chiefs of fire departments to be appointed.

To be reasonably remunerated.

SEC. 5. That the chiefs of fire departments hereinbefore provided for shall also be local inspectors of buildings for the cities or towns for which they are appointed and shall perform the duties required herein and shall make all reports required by the Insurance Commissioner, and shall make all inspections and perform

Chiefs to be inspectors of buildings.

Proviso: town may appoint an inspector.

Failure of duty a misdemeanor.

Insurance Commissioner to provide books and blanks. Commissioner or deputy to inspect towns.

Special inspections.

Allowance to commissioner.

Fire limits to be established in all towns.

No frame or wooden building within fire limits.

Construction of walls.

Walls of business houses.

such duties as may be required by the said Insurance Commissioner: *Provided, however*, that any city or town may appoint and reasonably remunerate a local inspector of buildings, in which case the chief of fire department shall be relieved of the duties herein imposed. Any chief of fire department or local inspector of buildings failing to perform the duties required of him, and any such officer giving a certificate of inspection without first making the inspection as required, and any such officer giving a certificate of inspection improperly shall be guilty of a misdemeanor.

SEC. 6. That the Insurance Commissioner shall provide all books and blanks of every kind which may be required to carry out all the provisions of this act, and the Insurance Commissioner or his deputy shall make inspections of the cities and towns of the State, and whenever the Commissioner has reason to believe that the local inspectors are not doing their duty he or his deputy shall make special trips of inspection and shall take such steps as may be proper to have all the provisions of law relative to the investigation of fires and the prevention of fire waste enforced, and out of the amount collected from fire insurance companies for the investigation of fires and the prevention of fire waste one-twentieth of one per cent. on the premium receipts shall be allowed the Commissioner for the extra duties required by this act.

SEC. 7. That the board of aldermen or the board of commissioners of all incorporated cities and towns shall pass ordinances establishing and defining fire limits, which shall include the principal business portion of the cities and towns, and the aldermen or commissioners failing or refusing to establish and define said fire limits shall be guilty of a misdemeanor.

SEC. 8. That within the fire limits of said cities and towns as established and defined no frame or wooden building shall be hereafter erected.

SEC. 9. The walls of all buildings in said cities or towns other than frame or wooden buildings shall be constructed of brick, iron or other hard, incombustible material, and all regulations contained in this law shall apply also where walls or buildings are raised, altered or repaired.

SEC. 10. The walls of warehouses, stores, factories, livery-stables, hotels or other brick or stone buildings for business purposes in said cities or towns, except fire-proof buildings where the framework is of steel, shall conform to the following schedules:

Schedule.	Height of building.	Minimum thickness in inches of wall.				
		1st	2d	3d	4th	5th
One-story building.....	13	..	..	..	..	..
Two-story building.....	17	13	..	..	..	..
Three-story building.....	17	17	13	..	..	..
Four-story building.....	22	17	17	13	..	..
Five-story building.....	26	22	17	17	13	13

The walls of all brick or stone buildings over five stories high shall be thirteen inches thick for the top story and increasing four inches in thickness for each story below to the ground, the increased thickness of each story to be utilized for beam and girder ledges. All top story walls must extend through and eighteen inches above the roof in parapets not less than thirteen inches thick and coped with terra-cotta, stone, cast-iron or cement. The roof of all buildings named in this section shall be of metal, slate or tile or gravel or other standard fire-proof roofing.

Walls of higher buildings to be 13 inches for top story.

Extension of top story walls.

Roofs.

SEC. 11. That in all buildings mentioned in the preceding section there shall be prepared a proper and substantial foundation, and no foundation shall be less than one foot below the exposed surface of the ground, and no foundation shall rest on any filling or made ground, and the breadth of the foundation of the several parts of any building shall be proportioned so that as near as practicable the pressure shall be equal on each square foot of the foundation and cement mortar shall be used in the masonry of all foundations exposed to dampness.

Foundations.

That no opening or doorway shall be cut through a party or fire wall of a brick or stone building without a permit from the inspector, and every such door or opening shall have top, bottom and sides of stone, brick or iron; shall be closed by two sets of standard metal-covered doors (separated by the thickness of the wall) hung to rabbeted iron frames or to iron hinges in brick or stone rabbets; shall not exceed ten feet in height by eight feet in width, and every opening other than a doorway shall be protected in a manner satisfactory to the inspector.

Doorways through party walls.

Other openings.

SEC. 12. That all business buildings being more than fifty-six feet high, covering an area of more than five thousand superficial feet, also all buildings exceeding eighty feet in height, shall have a four-inch or larger metallic stand-pipe within or near the front wall extending above the roof and arranged so that engine hose can be attached from the street, said riser to have two and one-half-inch hose coupling on each floor. All hose coupling shall conform to the size and pattern adopted by the fire department.

Stand-pipes and hose coupling.

SEC. 13. That the end of joists or beams entering a brick wall shall be cut not less than three-inch bevel so as not to disturb the brick-work by any deflection or breaking of the joists or beams. All such joists or timbers entering a party or division wall from opposite sides shall have at least four inches of solid brick-work between the ends of such timbers or joists.

Joists and beams.

Joists and timbers in party wall.

SEC. 14. That all fire-places and chimneys in stone or brick walls in any building hereafter erected and any chimneys or flues hereafter altered or repaired shall have the joints struck smooth on the inside, and the fire-backs of all fire-places hereafter erected shall be not less than eight inches in thickness of solid masonry, the chimney walls to be not less than four inches thick, the top of the chimney to extend not less than five feet above the roof (for

Fire-places and chimneys.

flat roofs) and two feet above the ridge of any pitched roof. No wood-work or timber shall be placed under any fire-place or under the brick-work of any chimney. All floor beams, joists and headers shall be kept at least two inches clear of any wall enclosing a fire-flue or chimney breast.

Buildings held to be unsafe, notice to be posted.

SEC. 15. Every building which shall appear to the inspector to be especially dangerous in case of fire by reason of bad condition of walls, overloaded floors, defective construction, decay or other causes shall be held to be unsafe, and the inspector shall affix a notice of the dangerous character of the structure to a conspicuous place on the exterior wall of said building. Any person removing such notice so affixed shall be guilty of a misdemeanor and liable to a fine of not less than ten dollars nor more than fifty dollars for each and every offense.

Removal of notice a misdemeanor.

Penalty.

Forfeit for continuance.

The owner or party having an interest in the said unsafe building or structure mentioned in this section, being notified thereof in writing by the inspector, shall forfeit and pay a fine for every day's continuance thereof after such notice a sum of not less than ten dollars nor more than fifty dollars.

Alterations subject to inspection.

No building now or hereafter built shall be altered until it has been examined and approved by the inspector as being in a good and safe condition to be altered as proposed, and the alteration so made shall conform to the provisions of this law.

Foundation of chimneys.

SEC. 16. That no chimney shall be started or built upon a beam of wood or floor, the brick-work in all cases to start from the ground with proper foundation. In no case shall a chimney be corbeled out more than three inches from the wall, and in all cases corbeling shall consist of at least five courses of brick, the corbeling to start at least three feet below the bottom of the flue.

Corbeling.

Smoke flues.

SEC. 17. That all flues shall extend at least three feet above the roof and always above the comb of the roof, and shall be coped with well-burnt terra-cotta, stone, cast-iron or cement. In all buildings hereafter erected the stone or brick-work of all flues and the chimney shafts of all furnaces, boilers, baker's ovens, large cooking ranges and laundry stoves and all flues used for similar purposes shall be at least eight inches in thickness, with the exception of smoke flues, which are lined with fire-clay lining or cast-iron. These may be four inches in thickness, but this shall not apply to metal stacks of boiler-houses where properly constructed and arranged at a safe distance from wood or other inflammable material.

Smoke flues in buildings hereafter erected.

All buildings hereafter erected shall have smoke flues constructed either in walls of eight inches thickness or with smoke flues lined with cast-iron or fire-clay lining, the walls of which may be four inches in thickness, the lining to commence at the bottom of the flue or at the throat of the fire-place and be carried up continuously the entire height of the flue. All joints shall be closely fitted and the lining shall be built in as the flue or flues are

carried up. All chimneys which shall be dangerous in any manner whatever shall be repaired and made safe or taken down.

SEC. 18. That hanging flues (that is, for the reception of stove Hanging flues. pipes built otherwise than from the ground) shall be allowed only when built according to the following specifications: The flue shall be built four inches thick of the best hard brick, laid on flat side, never on edge, extending at least three feet above the roof and always above the comb of the roof, lined on the inside with cast-iron or fire-clay flue lining from the bottom of the flue to the extreme height of the flue, and ends of all such lining pipes being made to fit close together and the lining pipe being built in as the flue is carried up. If the flue starts at the ceiling and receives the stove pipe vertically it shall be hung on iron stirrups, bent to come flush with the bottom of ceiling joints. Flues not lined as above shall be built from the ground eight inches thick of the best hard brick with the joints struck smooth on the inside.

SEC. 19. That the flues of every building shall be properly Flues to be cleaned. cleaned and all rubbish removed and the flues left smooth on the inside upon the completion of the building.

SEC. 20. That no stove pipe shall pass through any roof, window Stove pipes. or weather-boarding, and no stove pipe in any building with wood or combustible floors, ceiling or partitions shall enter any flue unless the said pipe shall be at least twelve inches from the said floors, ceiling or partitions, unless same is properly protected by metal shield, in which case the distance shall not be less than six inches.

In all cases where stove pipes pass through wooden partitions of Stove pipes guarded. any kind or other wood work they shall be guarded by either a double collar of metal with at least three inches air space and holes for ventilation or by a soapstone or burnt clay ring not less than one inch in thickness extending through the partition or other wood-work. If any chimney, flue or heating apparatus on any premises shall in the opinion of the inspector endanger the premises the inspector shall at once notify in writing the owner or agent of said premises. If such owner or agent fails for a period of forty-eight hours after the service of said notice upon him to make such chimney, flue or heating apparatus safe he shall be liable to a fine as prescribed in this act. Inspector to notify owner if building endangered.

SEC. 21. That no steam-pipes shall be placed within two inches Steam-pipes. of any timber or wood-work unless the timber or wood-work is protected by a metal shield, then the distance shall not be less than one inch. All steam-pipes passing through floors and ceilings or laths and plastered partitions shall be protected by a metal tube one inch larger in diameter than the pipe and the space shall be filled in with mineral wool, asbestos or other incombustible material. Steam-pipes passing through floors.

SEC. 22. That iron cupola or other chimneys of foundries shall Foundries. extend at least ten feet above the highest point of any roof within a radius of fifty feet of such cupola or chimney.

Electric wires.	SEC. 23. That the electric wiring of houses or buildings for lighting or for other purposes shall conform to the regulations prescribed by the organization known as "National Board of Fire Underwriters."
Electric companies to have inspection made.	That in order to protect the property of citizens from the dangers incident to defective electric wiring of buildings it shall be unlawful for any firm or corporation to allow any electric current for the purpose of illuminating any building belonging to any such person, firm or corporation to be turned on without first having had an inspection made of the wiring by the building inspector and having received from the inspector a certificate approving the wiring of such building.
Unlawful to turn on electric current before inspection.	That it shall be unlawful for any person, firm or corporation engaged in the business of selling electricity to furnish any electric current for use for illuminating purposes in any building or buildings of any person, firm or corporation unless the said building or buildings have been first inspected by the inspector of buildings and a certificate given as above provided.
Fee of inspector.	The fee that shall be allowed said inspector of buildings for the work of such inspection of electrical wiring shall be one dollar for each building inspected, to be paid by the person applying for the inspection.
Removal and storage of ashes.	SEC. 24. That ashes shall be removed in metal vessels and unless moved by city drays shall be stowed in brick, stone or metal receptacle or removed by owner to a place not less than fifteen feet from any wooden building or fence. That oily rags and waste shall be kept in closed metal vessels and shall be removed from building daily. Unslacked lime shall not be left exposed to the weather in or near a building.
Rags and waste.	
Unslacked lime.	
Stoves or ranges.	Stoves or ranges shall not be nearer to unprotected wood-work than two feet and the floors under them shall be protected by metal or sand-box.
Quarterly inspection of buildings in fire limits.	SEC. 25. That once in every three months the local inspector of buildings shall make a personal inspection of every building within the fire limits, and shall especially inspect the basement and garret, and he shall make such other inspections as may be required by the Insurance Commissioner and shall report to the Insurance Commissioner all defects found by him in any building upon a blank furnished him by the Insurance Commissioner.
Report to Insurance Commissioner.	
Permits to build.	SEC. 26. That before a building is begun the owner of the property shall apply to the inspector for a permit to build. This permit shall be given in writing and shall contain a provision that the building shall be constructed according to the requirements of the building law, a copy of which shall accompany the permit. As the building progresses the inspector shall make as many inspections as may be necessary to satisfy him that the building is being constructed according to the provisions of this law. As soon as the building is completed the owner shall notify the inspector, who
Building inspected during erection.	
On completion.	

shall proceed at once to inspect the said building and determine whether or not the flues and the building are properly constructed in accordance with the building law. If the building meets the requirements of the building law the inspector shall then issue to the owner of the building a certificate which shall state that he has complied with the requirements of the building law as to that particular building, giving description and locality and street number if numbered. The inspector shall keep his record so that it will show readily by reference all such buildings as are approved. The inspector shall report to the Insurance Commissioner every person neglecting to secure such permit and certificate.

Certificate.
Inspector to keep record.
Report to Insurance Commissioner.

SEC. 27. That for every new building inspected the local inspector shall charge and collect an inspection fee before issuing the building certificate as follows: Two dollars for each mercantile store-room, livery-stable or building for manufacturing of one story and fifty cents for each additional story, and for other buildings twenty-five cents per room: *Provided*, the inspection fee shall in no case exceed five dollars.

Fees of inspector.

SEC. 28. Whenever the local inspector finds any defects in any new building, or finds that said building is not being constructed, or has not been constructed in accordance with the provisions of this law, it shall be his duty to notify the owner of said building of the defects or the failure to comply with this law, and the said owner or builder shall immediately remedy the defect and make the said building comply with this law: *Provided, however*, that the owner or builder may appeal from the decision of the local inspector to the Insurance Commissioner, and any owner or builder failing or refusing to comply with said notice by remedying the defect and by making the building comply with the building law shall be guilty of a misdemeanor and shall be fined not exceeding fifty dollars, and every week during which any defect in any building is willfully allowed to remain after notice from the inspector shall constitute a separate and distinct offense.

Inspector to notify owner of defects in building.
Defect to be remedied.
Proviso: owner or builder may appeal.
Failure to remedy defect a misdemeanor.
Penalty.

SEC. 29. At least once in each and every year the local inspector shall make a general inspection of all buildings in the corporate limits and ascertain if the provisions of this act are complied with, and the local inspector alone or with the Insurance Commissioner or his deputy shall at all times have the right to enter any dwelling, store or other building and premises to inspect same without molestation from any one.

Annual inspection.

SEC. 30. That the local inspector shall keep the following record: A book indexed and kept so that it will show readily by reference all such buildings as are approved, that is, name and residence of owner, location of building, how it is to be occupied, date of inspection, what defects found and when remedied and date of building certificate. Also a record which shall show the date of every

Inspector's records.

general inspection, defects discovered and when remedied. Also a record which shall show the date, circumstances and origin of every fire that occurs, name of owner and occupant of the building in which fire originates, the kind and value of property destroyed or damaged. Also a record of inspection of electrical wiring and certificate issued.

Annual reports to Insurance Commissioner.

SEC. 31. The local inspector shall report before the fifteenth of May of each and every year the number and dates of general and quarterly inspections during the year ending April 1st upon blanks furnished by the Insurance Commissioner, and furnish such other information and make such other reports as shall be called for by the Insurance Commissioner.

Deputy inspectors.

SEC. 32. That all duties imposed by this act upon the building inspector may be performed by a deputy appointed by such inspector.

Electrical inspector.

SEC. 33. That the board of aldermen or commissioners of any incorporated city or town may in their discretion appoint an electrical inspector in addition to the building inspector, and when said electrical inspector is so appointed he shall do and perform all things herein set out for the building inspector to do and perform in regard to electrical wiring and certificates for same, and in such cases the building inspector shall be relieved of such duties.

Powers of cities and towns not abridged.

SEC. 34. That no provision of this act shall be held to repeal the power of any incorporated city or town to make and enforce any further rules and regulations under the powers granted in their several charters, and said cities and towns may pass ordinances for the enforcement of any provision of this act.

Limit of application.

SEC. 35. And this act shall apply only to incorporated cities and towns of over one thousand inhabitants, according to any last United States census, and shall be in force from and after the first day of July, one thousand nine hundred and five: *Provided*, that it shall be the duty of the Insurance Commissioner to send copies of this act to the mayor and chief of the fire department of every city or town affected thereby, and the board of aldermen or commissioners of every such city or town may before the first day of July, one thousand nine hundred and five, by resolution, exempt

In force from first July, 1905.
Proviso: Insurance Commissioner to send copies of act.

such city or town from the operation of this act: *Provided*, that before passing such exempting resolution the said board shall give the Insurance Commissioner fifteen days' notice of its intention to so exempt such city or town. After the passage of such resolution and filing of a copy thereof with the Insurance Commissioner such city or town shall be fully and in all respects exempt from the operation of said act. The Insurance Commissioner shall cause a certified copy of this act to be mailed to the mayor or chief officer of every city or town in this State to which it may apply within thirty days after its ratification, and it shall be unlawful for any

City or town may be exempted.

Proviso: Insurance Commissioner to be notified before exemption.

Certified copies on application.

insurance company to make any discrimination in rates or otherwise against any city or town which shall exempt itself from the provisions of this act. Discrimination
forbidden.

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

CHAPTER 507.

AN ACT TO AMEND CHAPTER 516 OF PUBLIC LAWS OF 1903, RELATIVE TO THE OYSTER INDUSTRY IN NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. Amend section ten of chapter five hundred and six- Bushel tax.
teen of Public Acts of one thousand nine hundred and three by striking out in line three of said section the following words: "One and one-half" and inserting in lieu thereof the words "one and one-half," also by striking out words "one-half a cent" in line four of same section and inserting in lieu thereof the words "one-half cent."

SEC. 2. Amend section fourteen of chapter five hundred and six- Use of certain im-
plements made
unlawful in Neuse
river.
teen of Public Acts of one thousand nine hundred and three by adding the following after the word "section" in line twenty-three: "It shall be unlawful to use scoop, scrapes or dredges in the waters of Neuse River above a line in said river running from Carbacon Buoy to the western point of land at Pierce's Creek."

SEC. 3. That all laws and clauses of laws in conflict with above Conflicting laws
repealed.
sections of 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 6th day of March, A. D. 1905.

CHAPTER 508.

AN ACT SUPPLEMENTAL TO AN ACT OF THE GENERAL ASSEMBLY RATIFIED FEBRUARY 22, 1905, ENTITLED "AN ACT TO PREVENT THE DESTRUCTION OF SMALL MENHADEN IN THE WATERS OF THE STATE OF NORTH CAROLINA."

The General Assembly of North Carolina do enact:

SECTION 1. That an act passed by the General Assembly of North Carolina, ratified February twenty-second, one thousand nine hundred and five, entitled "An act to prevent the destruction of small menhaden in the waters of the State of North Carolina,"

Proviso: counties
excepted.

Proviso: presump-
tion of guilt.

Accessories guilty
as principals.

Conflicting acts
repealed.

be amended by adding the following: "*Provided*, that this act shall not apply to the counties of New Hanover, Brunswick, Pender and Dare: *Provided further*, that every person, firm or corporation found fishing for menhaden or fatbacks within three miles of the shore of any county except the counties of Brunswick, New Hanover and Pender shall be presumed to have violated the Act of February twenty-second, one thousand nine hundred and five, before recited in this section. And all such persons, firms or corporations shall be subject to all the pains and penalties denounced in said act and they may be prosecuted in the courts of any county in this State. All persons aiding and abetting such persons, firms or corporations shall be guilty as principals.

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 6th day of March, 1905.

CHAPTER 509.

AN ACT TO REPAIR THE WALKS AND GROUNDS OF CAPITOL SQUARE IN THE CITY OF RALEIGH.

The General Assembly of North Carolina do enact:

Penitentiary to
furnish brick and
labor.

SECTION 1. That the board of public buildings and grounds is hereby authorized and empowered to use such brick and other material from the Penitentiary as is not otherwise appropriated and such labor from the Penitentiary as may not otherwise be employed as may be necessary to repair the walks and grounds of the Capitol Square in the city of Raleigh.

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

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

CHAPTER 510.

AN ACT TO AMEND CHAPTER 89, PUBLIC LAWS 1901. RELATING TO ELECTIONS.

The General Assembly of North Carolina do enact:

Summoning board
of senatorial dis-
trict to determine
result judicially.

SECTION 1. That section forty, chapter eighty-nine, Public Laws, one thousand nine hundred and one, be amended by adding at the end thereof the following: "Said chairmen or a majority of them after they shall have thus completed the comparison of the polls shall judicially determine the result of the election in said Sena-

torial District and shall issue a certificate of election substantially as follows:

"STATE OF NORTH CAROLINA—County of

Form of certificate.

"We, chairman of the county board of elections of County,, chairman of the county board of elections of County, chairman of the county board of elections of County, and chairman of the county board of elections of County, do hereby certify that we met in pursuance to law at the court-house in the town of on the day of November,, being the ninth day after the general election, and after comparing the polls we find that—

"..... received votes.

"..... received votes.

"..... received votes.

"..... received votes.

"We therefore declare that and have received a majority of the votes and are duly elected as Senators from the Senatorial District of North Carolina.

"Witness our hand and seals, this day of November,

"..... (Seal).

"..... (Seal).

"..... (Seal).

"..... (Seal).

"If for any cause a majority of said chairmen should fail to be present those present shall adjourn for one week and give notice of such adjournment to the absent chairmen, which notice shall be served by the sheriff of the county where such chairmen may reside: *Provided, however*, if any such chairmen shall be incapacitated by sickness from attending it shall be the duty of the secretary of the board to attend in place of such chairmen and exercise the power conferred by this act upon such chairmen."

Adjournment for want of quorum. Notice.

Proviso: secretary of county board to attend in place of chairman.

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

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

CHAPTER 511.

AN ACT TO AMEND SECTION 739 OF THE CODE RELATIVE TO COSTS TO BE PAID IN CERTAIN CASES. TO APPLY ONLY TO NEW HANOVER COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section seven hundred and thirty-nine of The Code of North Carolina be and the same is hereby amended by inserting after the word "costs" in line three of said section the words "or serves out a sentence on the public roads of the county."

Half costs when convicts sent to roads.

Limited to New
Hanover county.

SEC. 2. That this act shall apply to New Hanover 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 6th day of March, A. D. 1905.

CHAPTER 512.

AN ACT TO VALIDATE CERTAIN STATE GRANTS.

The General Assembly of North Carolina do enact:

Grants signed by
deputy or chief
clerk of Secretary
of State validated.

SECTION 1. That in all cases where State grants have heretofore been issued and it appears that the name of the Secretary of State has been affixed thereto by his deputy or chief clerk, or by any one purporting to act in such capacity, said grants are hereby declared to be good and valid in all respects as if signed by the Secretary of State himself: *Provided*, that nothing herein contained shall interfere with vested rights.

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

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

CHAPTER 513.

AN ACT TO AMEND SECTION 2222 OF THE CODE SO AS TO PROMOTE AGRICULTURE BY ENCOURAGING THE HOLDING OF THE COUNTY FAIRS.

The General Assembly of North Carolina do enact:

Appropriation
increased.

SECTION 1. Strike out the word "fifty" in lines fourteen and seventeen of section two thousand two hundred and twenty-two of The Code and insert in lieu thereof in said lines the words "one hundred."

Shows relieved of
license tax.

SEC. 2. That all shows, attractions and amusements authorized by said society to exhibit within the said fair grounds shall be excused of all State and county license tax or charge while so exhibiting: *Provided*, that all unchaste shows shall be excluded.

Proviso: unchaste
shows excluded.

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

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

CHAPTER 514.

AN ACT TO CHANGE THE TIME FOR HOLDING CERTAIN
COURTS OF THE FIRST JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact:

SECTION 1. That the several terms of the Superior Court in Pas-
quotank County shall be held as follows: First Monday after the
first Monday in January, to continue two weeks for civil business
only; first Monday after the first Monday in March, to continue
two weeks for criminal and civil business; second Monday after
the first Monday in September, to continue one week for criminal
and civil business; twelfth Monday after the first Monday in Sep-
tember, to continue one week for civil business only.

SEC. 2. That the several terms of the Superior Court in Hyde
County be held as follows: Eleventh Monday after the first Mon-
day in March; eleventh Monday after the first Monday in Sep-
tember.

SEC. 3. That the several terms of the Superior Court in Dare
County shall be held as follows: Ninth Monday after the first
Monday in March; tenth Monday after the first Monday in Sep-
tember.

SEC. 4. That all processes that have been issued as returnable
to any term of the superior court which is changed by the pro-
visions of this act shall be and the same are hereby made return-
able to the first succeeding term of the superior court under this
act.

SEC. 5. That so much of chapter twenty-eight, Public Laws of
one thousand nine hundred and one, and chapter six hundred and
eighty-five, Public Laws of one thousand nine hundred and three,
and of all other laws as may be in conflict with this act be and
the same are hereby 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
6th day of March, A. D. 1905.

CHAPTER 515.

AN ACT TO MAKE APPROPRIATIONS FOR STATE
INSTITUTIONS.

The General Assembly of North Carolina do enact:

SECTION 1. That the sum of forty-two thousand five hundred dol-
lars is hereby annually appropriated to the support and main-
tenance of the North Carolina School for the Deaf and Dumb, and
the sum of five thousand dollars is further specifically appropri-

ated for the purpose of grading and macadamizing roads and walks, purchasing laundry machinery, furniture, putting in cement floors and for machinery for the wood-working department. And all other appropriations heretofore made are hereby revoked.

Institution for
Deaf, Dumb and
Blind.

SEC. 2. That the sum of sixty thousand dollars is hereby annually appropriated for the support and maintenance of the Institution for the Deaf and Dumb and Blind. And the sum of seven thousand five hundred dollars is further annually appropriated for the years 1905 and 1906 for the purpose of providing sick wards, cement floors for the basement rooms, new roofs for the kitchen and laundry with enlargement of the latter, additional windows for the girls' dormitories, a cold storage plant and other needed improvements, all at the institution for the whites. And the sum of fifty dollars is further appropriated annually for the purchase of books for said institution. All other appropriations heretofore made are hereby revoked.

State Hospital at
Raleigh.

SEC. 3. That the sum of seventy-five thousand dollars is hereby annually appropriated for the support and maintenance of the State Hospital at Raleigh. And the further sum of three thousand dollars is hereby annually appropriated for lights and water for said hospital. And the further sum of eight thousand dollars is further appropriated for the specific purpose of procuring and installing boilers at said hospital. And the further sum of six thousand dollars is hereby appropriated for the purpose of repairing, repainting and flooring and otherwise improving the buildings and fencing the grounds of said hospital. And the further sum of eighteen hundred and thirty-five dollars and forty-five cents is hereby appropriated for the special purpose of paying off outstanding indebtedness of said hospital. And the further sum of forty thousand dollars is hereby appropriated for the purpose of erecting a building or buildings for increased accommodations for patients, of which sum twenty thousand dollars shall be payable in the year one thousand nine hundred and five and twenty thousand dollars in the year one thousand nine hundred and six. And all other appropriations heretofore made are hereby revoked.

State Hospital at
Morganton.

SEC. 4. That the sum of one hundred and thirty-five thousand dollars is hereby annually appropriated for the support and maintenance of the State Hospital at Morganton. And for the purpose of procuring and installing needed boilers for said hospital the further sum of six thousand dollars is hereby specifically appropriated. And the further sum of five thousand dollars is hereby appropriated for the specific purpose of building an amusement hall for the patients in said hospital. And all other appropriations heretofore made are hereby revoked.

State Hospital at
Goldsboro.

SEC. 5. That the sum of fifty-eight thousand dollars is hereby annually appropriated for the support and maintenance of the State Hospital at Goldsboro. And the further sum of four thousand two hundred dollars is hereby appropriated for the purpose

of procuring and installing new boilers and for building a spur track from the railroad to said hospital. And the sum of twenty-five thousand dollars is hereby specifically appropriated for the construction and equipment of a building for the accommodation of patients. And all other appropriations heretofore made are hereby revoked.

SEC. 6. That the sum of fifteen thousand dollars is hereby annually appropriated for the support and maintenance of the Soldiers' Home. And the further sum of five thousand dollars is hereby appropriated for the special purpose of providing additional buildings, of which sum three thousand dollars shall be paid in the year one thousand nine hundred and five and two thousand dollars in the year one thousand nine hundred and six. And all other appropriations heretofore made are hereby revoked.

SEC. 7. That the sum of twenty-five thousand dollars is hereby annually appropriated for the support and maintenance of the North Carolina College of Agriculture and Mechanic Arts. And the further sum of five thousand dollars is hereby appropriated for the specific purpose of purchasing and installing textile machinery. And all other appropriations heretofore made are hereby revoked.

SEC. 8. That the sum of forty-five thousand dollars is hereby annually appropriated for the support and maintenance of the University of North Carolina. And the further sum of fifty thousand dollars is hereby appropriated for the purpose of building and equipping a chemical laboratory and to refit and equip the present chemical laboratory for a laboratory of biology, of which sum twenty-five thousand dollars shall be available in the year one thousand nine hundred and five and twenty-five thousand dollars in the year one thousand nine hundred and six. And all other appropriations heretofore made are hereby revoked.

SEC. 9. That the sum of three thousand dollars is hereby annually appropriated for the support and maintenance of the Cullowhee Normal and Industrial School, formerly the Cullowhee High School. And the further sum of three thousand five hundred dollars is hereby appropriated for the specific purpose of paying for furniture, desks, etc., and heating the buildings belonging to said school. And all other appropriations heretofore made are hereby revoked.

SEC. 10. That the sum of forty thousand dollars is hereby annually appropriated for the support and maintenance of the State Normal and Industrial College at Greensboro. And the further sum of ten thousand dollars is hereby annually appropriated for the years one thousand nine hundred and five and one thousand nine hundred and six for the purpose of replacing the laundry building and equipment and the cold storage plant destroyed by fire, and for paying the loss to the college income on account of said fire. And the further sum of five thousand dollars is hereby

annually appropriated as a special maintenance fund and for connecting the central heating plant with the college buildings. And the further sum of eighty-two thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the specific purpose of paying the debt contracted in replacing the buildings destroyed by fire and any interest that may accrue in excess of this amount. And all other appropriations heretofore made are hereby revoked.

Agricultural and
Mechanical College
for the colored
race.

SEC. 11. That the sum of seven thousand five hundred dollars is hereby annually appropriated for the support and maintenance of the Agricultural and Mechanical College for the Colored Race at Greensboro. And the further sum of seven thousand five hundred dollars is hereby appropriated for the purposes of building a dormitory and making the necessary sewerage connections, of which sum three thousand seven hundred and fifty dollars shall be available in the year one thousand nine hundred and five and three thousand seven hundred and fifty dollars shall be available in the year one thousand nine hundred and six. And all other appropriations heretofore made are hereby revoked.

Appalachian Train-
ing School.

SEC. 12. That the sum of two thousand dollars is hereby annually appropriated for the support and maintenance of the Appalachian Training School for Teachers. And for the purpose of completing the new buildings and for other purposes deemed useful and wise by the board of trustees for the improvement of said school the Auditor is hereby directed to draw his warrant, payable to the treasurer of the board of trustees, for an amount not to exceed four thousand dollars whenever a like amount shall have been subscribed and paid to the treasurer of the said board of trustees by citizens for the purposes above mentioned, and whenever the board of trustees of Watauga Academy shall convey to the State of North Carolina by deed in *fee simple* absolute these buildings, grounds and other property free from incumbrance it shall be considered as a donation or subscription for the above purposes and the value thereof shall be determined by the Superintendent of Public Instruction of North Carolina.

None but indigent
persons admitted
free to State Hos-
pitals or Institu-
tions for the Deaf
and Dumb and the
Blind.

Pay patients.

SEC. 13. That none except the indigent insane persons and indigent deaf and dumb and blind shall be received into or retained in any of the State Hospitals for the Insane or Institutions for the Deaf and Dumb and Blind for care or treatment unless upon payment of such sum as the board of directors of such hospital may determine to be sufficient to pay the expenses of the maintenance of such person or persons, or so much thereof as the said board shall find to be the full amount that such person or his or her estate is able to pay. Any person, employee or officer of said institutions violating the provisions of this section shall be guilty of a misdemeanor.

No sum greater
than appropriation
to be expended.

SEC. 14. That no greater sum than herein appropriated shall be expended by any institution or any officer thereof, nor shall any

part or portion of any appropriation herein made be used or expended except for the specific purpose named in this act, and no debt shall be created or contracted by the directors or officers or any of them of any of the institutions named in this act, nor shall any greater sum or amount be used for the purposes of such institution than the sum and amount named herein for the use and benefit of such institution, respectively, nor shall any officer or director enter into any contract or engagement for the use of any institution named in this act to any greater amount or for any other purposes than provided for herein. Any officer or director of any such institution who shall either direct or assent to the diversion of any part of the sum appropriated herein from the purposes to which it is herein specifically appropriated shall be guilty of a misdemeanor, and any officer or director who shall contract for or assent to the entering into any engagement or obligation for or on behalf of any institution to a greater sum than herein appropriated for the uses and purposes of such institution, or any officer or director who shall expend or assent to the expending of any greater sum than is herein appropriated to the institutions herein named, respectively, shall in each event be individually liable to the extent of double the amount of such sum or sums so diverted or expended to the State of North Carolina to the use of such institution, and it shall be the duty of the Attorney-General to forthwith institute an action in the Superior Court of Wake County in the name of the State to the use of such institution or institutions against any superintendent, executive head, manager, director or other officer who shall divert such funds or create such debt or assent thereto. That so much of chapter seven hundred and fifty-one, Laws of one thousand nine hundred and one, as is inconsistent with the provisions of this section is hereby repealed.

No appropriation used except for purpose specified.
No debt shall be contracted.

Officers and directors individually liable.

Attorney-General to institute action.

Inconsistent law repealed.

SEC. 15. That the appropriations herein made shall be drawn out by the Auditor upon his warrant and thereupon shall be charged by the State Treasurer to the account of the institution for which they are respectively made and drawn, and it shall be unlawful for the Treasurer to pay out upon the credit of any such institution any greater sum than by this act appropriated, and it shall be unlawful for the Treasurer to cash any order or voucher of any institution to any greater amount than is hereby appropriated to such institution, respectively.

How appropriation drawn.

Unlawful for treasurer to pay out more than appropriation.

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

Conflicting laws repealed.

SEC. 17. That this act shall take effect from and after its ratification.

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

CHAPTER 516.

AN ACT TO REPEAL CHAPTER 156, PUBLIC LAWS OF 1891.

The General Assembly of North Carolina do enact:

Hunting in Yadkin
county.

SECTION 1. That chapter one hundred and fifty-six, Public Laws of eighteen hundred and ninety-nine, 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 6th day of March, A. D. 1905.

 CHAPTER 517.

AN ACT TO AMEND CHAPTER 66, SECTION 3856, SECOND VOLUME OF THE CODE.

The General Assembly of North Carolina do enact:

Advertisement of
property from
wrecks.

SECTION 1. That the word "ten" in line seventeen be stricken out and insert in lieu thereof the word "five."

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

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

 CHAPTER 518.

AN ACT TO PROVIDE FIRE PROTECTION FOR STATE PROPERTY AND PROTECT THE INMATES OF THE STATE INSTITUTIONS.

The General Assembly of North Carolina do enact:

Preamble.

SECTION 1. Whereas, The Insurance Commissioner of North Carolina is charged by law with the inspection of the property of the State with a view to its protection from fire as well as to the safety of the inmates of State institutions; and whereas, said Insurance Commissioner in his recommendations to the General Assembly has pointed out the needs of certain State property for better protection against damage by fire and recommended that said protection be provided, the State Treasurer is hereby directed to set aside out of funds in the State treasury not otherwise appropriated the sums hereinafter named for said protection for the respective properties or institutions.

SEC. 2. There shall be appropriated and set aside for the purposes named in section one:

For Supreme Court Building, five hundred dollars.	Appropriations for fire protection.
For Blind Institution (white) at Raleigh, one thousand dollars.	Supreme Court building.
For State Hospital at Raleigh, two thousand dollars.	Blind Institution.
For State Hospital at Morganton, three thousand dollars.	State Hospital at Raleigh.
For State Hospital at Goldsboro, five hundred dollars.	State Hospital at Morganton.
For Agricultural and Mechanical College at Raleigh, one thousand dollars.	State Hospital at Goldsboro.
	Agricultural and Mechanical College at Raleigh.
For Agricultural and Mechanical College (colored) at Greensboro, three hundred dollars.	Agricultural and Mechanical College (colored) at Greensboro.
For Deaf and Dumb Institution at Morganton, one thousand dollars.	Deaf and Dumb Institution at Morganton.
For State Normal and Industrial College at Greensboro, five hundred dollars.	State Normal and Industrial College.
For State University at Chapel Hill, three hundred dollars.	State University, Chapel Hill.

SEC. 3. That the officers or boards having the said properties in charge may use so much of said sums so named and appropriated as may be necessary to protect the properties under their charge from loss by fire and protection of inmates: *Provided*, that said sums shall be used only for fire protection and equipment and as shall be approved by the Insurance Commissioner.

SEC. 4. That the State Auditor is hereby authorized and directed to draw his warrant on the State Treasurer and the State Treasurer to pay out of the State treasury to the officers and boards having such institutions or properties in charge not exceeding the respective sums named and appropriated in section two of this act.

SEC. 5. That the State Board of Agriculture is hereby authorized and directed to make the wall in the Agricultural Building (formerly the rear wall of the old National Hotel) a fire wall and provide all openings therein with standard automatic fire doors and by fire shutters and running up parapet walls protect the ends of said building from the Supreme Court Building and from exposing dwellings, bricking up such windows and openings as are not absolutely necessary, and pay the same out of the funds of said department.

SEC. 6. This act shall be in force from and after its ratification. In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

Proviso: under approval of Insurance Commissioner.

How appropriations drawn.

Protection for Agricultural building.

CHAPTER 519.

AN ACT TO AMEND CHAPTER 28, PUBLIC LAWS OF 1901,
RELATIVE TO THE HOLDING OF COURTS IN ALAMANCE
COUNTY.*The General Assembly of North Carolina do enact:*

Criminal cases.

SECTION 1. That the Public Laws of one thousand nine hundred and one, chapter twenty-eight, is hereby amended, applying to Alamance County only, beginning in line three, "first Monday in September," the words "for the trial of civil cases exclusively" is hereby stricken out and insert in lieu thereof the words "the first week for the trial of criminal cases."

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

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

CHAPTER 520.

AN ACT TO REGULATE THE DEALINGS OF THE TREASURER WITH DEPOSITORY BANKS.

*The General Assembly of North Carolina do enact:*Banks to furnish
statements to
Auditor.

SECTION 1. That the banks having State deposits shall furnish to the Auditor of the State upon his request a statement of the moneys which have been received and paid by them on account of the treasury.

Treasurer to keep
accounts.

SEC. 2. That the Treasurer shall keep in his office a full account of all moneys deposited in and drawn from all banks in which he may deposit or cause to be deposited any of the public funds, and such account shall be open to the inspection of the Auditor.

Accounts open to
inspection of
Auditor.Treasurer to sign
checks.

SEC. 3. The Treasurer shall sign all checks and no depository bank shall be authorized to pay checks not bearing his official signature. No depository bank shall make any charge for exchange or for the collection of the Treasurer's checks or for the transmission of the public funds.

Banks not to
charge exchange.Corporation Com-
mission to keep
treasurer informed
of condition of
banks.

SEC. 4. The Corporation Commission and the Bank Examiners when so required by the State Treasurer shall keep the State Treasurer fully informed at all times as to the condition of all such depository banks, so as to fully protect the State from loss.

Treasurer to re-
quire security.

SEC. 5. That the State Treasurer shall before making deposits in any bank require ample security from said bank for such deposit.

Conflicting laws
repealed.

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

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

In the General Assembly read three times, and ratified this 6th day of March, A. D. 1905.

CHAPTER 521.

AN ACT TO CHANGE THE ELEVENTH AND THIRTEENTH JUDICIAL DISTRICTS OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That the county of Ashe be and is hereby transferred from the Thirteenth Judicial District to the Eleventh, and the county of Wilkes be and is hereby transferred from the Eleventh Judicial District to the Thirteenth. Ashe from Thirteenth to Eleventh, Wilkes from Eleventh to Thirteenth.

SEC. 2. That the courts of Wilkes shall be held at the following times, to-wit: First Monday in March and continuing one week for the trial of criminal cases only; the fifteenth Monday after the first Monday in March, to continue for one week for the trial of civil cases only; the second Monday before the first Monday in September for the trial of criminal cases and motions in civil cases not requiring a jury; fifth Monday after first Monday in September and continuing for two weeks for the trial of civil cases only. That the courts of the county of Ashe shall be held at the following time, to-wit: On sixth Monday before the first Monday in March; twelfth Monday after first Monday in March; seventh Monday after the first Monday in September, each continuing for two weeks. Terms of Wilkes. Terms of Ashe.

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

SEC. 4. That this act shall be in force from and after the first day of August, 1905.

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

CHAPTER 522.

AN ACT TO AMEND SECTION 3756 OF THE CODE, RELATIVE TO WITNESS FEES OF DOCTORS IN IREDELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section three thousand seven hundred and fifty-six of The Code be amended by adding at the end of said section the following: "*Provided further*, that practicing physicians of medicine when compelled to attend and testify in criminal actions shall be allowed five dollars *per diem* for all such attendance." Practicing physicians \$5 per day.

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

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

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

CHAPTER 523.

AN ACT TO AMEND CHAPTER 199 OF THE PUBLIC LAWS OF 1887 BY INCLUDING "PEANUTS" IN THE PROVISIONS.

The General Assembly of North Carolina do enact:

Buying of loose
peanuts regulated.

SECTION 1. That section one of the Public Laws of eighteen hundred and eighty-seven, chapter one hundred and ninety-nine, be amended by adding "peanuts" after the word "baled" in line four.

Record to be kept.

SEC. 2. Amend section two of said chapter by adding the words "or 'peanuts'" after the word "cotton" in line one and before the word "as" in line two.

Penalty for failure
to keep record.

SEC. 3. Amend section three by adding after the word "cotton" in line one and the word "who" in line two the words "or peanuts."

Burden of proof.

SEC. 4. Amend section four by adding the words "or peanuts" after the word "cotton" in line three.

SEC. 5. This act to take effect from its ratification.

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

CHAPTER 524.

AN ACT TO AMEND CHAPTER 479 OF THE PUBLIC LAWS OF 1901, RELATING TO THE ANALYSIS OF SAMPLES OF FERTILIZER AND TO MAKE THE CERTIFICATE OF ANALYSIS FROM STATE CHEMIST EVIDENCE IN COURT WITHOUT REQUIRING HIS PERSONAL ATTENDANCE AS A WITNESS, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact: .

Certificate of
chemist *prima*
facie proof.

SECTION 1. That chapter four hundred and seventy-nine of the Public Laws of one thousand nine hundred and one be amended by adding after section nine at the end of the first sentence in said section and in the sixth line thereof, between the words "selected" and "it," the following: "In the trial of any suit or action wherein is called in question the value of composition of any fertilizer a certificate signed by the State Chemist and attested with the seal of the Department of Agriculture, setting forth the analysis made by the State Chemist of any samples of said fertilizer drawn and analyzed by him under the provisions of this act, shall be *prima facie* proof that the fertilizer was of the value and constituency shown by his said analysis. And the said certificate of the State Chemist shall be admissible in evidence to the same extent as if it were his deposition taken in said action in the manner prescribed by law for the taking of depositions. No analysis made by the State Chemist of any sample not drawn in accordance with the

Admissible in
evidence.

Sample to be drawn
in accordance with
rules.

rules of the Department of Agriculture shall be admitted in evidence in any such trial.

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

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

CHAPTER 525.

AN ACT TO AMEND AND SUPPLEMENT CHAPTER 516 OF THE PUBLIC LAWS OF 1903 IN RELATION TO THE OYSTER INDUSTRY.

The General Assembly of North Carolina do enact:

SECTION 1. That section eleven of chapter five hundred and sixteen of the Public Laws of one thousand nine hundred and three is amended by striking out the word "ten" in line eleven and inserting in lieu thereof the word "five."

Percentage of small oysters.

SEC. 2. That any person who is and has been continuously for two years a *bona fide* resident of the State of North Carolina and over twenty-one years of age may lease or enter not more than fifty acres of any bottom where oysters do not naturally grow or on any ground where there is not a sufficient growth of oysters to justify at the time of leasing the gathering of the same for profit. When any person desires to lease or enter any such ground he shall advertise the fact at the court-house and three other places for four weeks in the county where said bottom desired to be leased is located, and advertise in some newspaper published in said county for four weeks, and if there be none published in said county, then in a newspaper published in an adjoining county. Application for such land shall be made to the clerk of the superior court, who shall appoint a man and the applicant shall choose another, which two so chosen shall appoint a third man and the three shall constitute a board of arbitration, and the said board of arbitration shall inspect the bottom desired to be leased, and if they find the same subject to lease and so report to the clerk, then it shall be the duty of the said clerk to issue a lease as herein provided, and for such service the clerk shall receive the following fees, to-wit: Twenty-five cents for the application, twenty-five cents for the appointment and twenty-five cents for filing the report of arbitration, and copy-sheet fees for recording such lease and other papers necessary to be recorded. Such bottom shall be surveyed by the county surveyor; all cost and expense to be paid by the lessee, who shall also pay a yearly rental of fifty cents per acre, which rental shall be paid to the Oyster Commissioner and go to the benefit of the oyster fund. A failure to pay rental for two years shall render the lease null and void. No bottom which

Leases for oyster beds.

Application to be advertised.

How lease made.

Fees of clerk.

County survey.

Rental.

Failure to pay rental.

has been surveyed prior to the passage of this act need be re-surveyed where such leases are plainly marked at the time of the passage of this act. That the county surveyor shall furnish the lessee a map or plot free of charge. No lease shall be issued for any ground closer than two hundred yards to any natural oyster bed.

License for taking oysters.

SEC. 3. That section six of said chapter be amended as follows: Strike out all of said section after the word "purpose" in line three and add the following: "who is owner, lessee, master, captain, mate or foreman, or who owns an interest in or who is an agent for any boat that is used or that may be used in dredging oysters from the public grounds of the State, who is not a *bona fide* resident of this State and who has not continuously resided therein for two years next preceding the date of his application for license, and no non-resident shall be employed as a laborer on any boat licensed to dredge oysters under this act who has an interest in or who receives any profit from the oysters caught by any boat permitted to dredge oysters on the public grounds of the State. Any person, firm or corporation employing any non-resident laborer forbidden by this act, upon conviction shall be fined not less than fifty dollars nor more than five hundred dollars."

Non-residents not to be employed.

Penalty.

Form of oath on application for license.

SEC. 4. That section seven of said chapter be amended as follows: After the blank space following the pronoun "I" in line four add "if owner, lessee, master, captain, mate, foreman or agent of any boat used or that may be used in dredging oysters from the public grounds of the State." After the word "non-resident" in line eight add the following: "who is owner, lessee, master, captain, mate or foreman, or who has any interest in, or in the profits derived from, any boat that is used or that may be used in dredging oysters from the public grounds of the State."

Close season for Onslow and Carteret.

SEC. 5. That section twenty-two of said chapter be amended by striking out all of said section after the words "may be taken" in line ten and adding the following thereto: "from October first to May first of each year in the waters of Onslow and Carteret Counties."

Who to grant oyster license.

SEC. 6. That chapter five hundred and sixteen, Public Laws of one thousand nine hundred and three, be and the same is hereby amended and supplemented as follows: That the words "clerk of the superior court or clerks of the superior court" wherever they occur in said chapter be stricken out and the words "oyster commissioners, assistant oyster commissioner or inspectors" be inserted in lieu thereof, so as to take from the clerks of the superior courts of the several counties the power and authority to grant license as provided in said chapter and to empower the oyster commissioner, assistant oyster commissioner and inspectors to grant such licenses; and they are hereby empowered and vested with full authority to grant the same under the same rules and with the same powers as provided for and given to the several

clerks to carry this provision into effect. And said oyster commissioner, assistant oyster commissioner and inspectors are hereby vested with full authority to administer such oaths as are necessary to carry this provision into effect: *Provided*, that the oyster commissioner, assistant oyster commissioner and inspectors shall receive no compensation for granting any license, but that the fees paid by the applicant for such license shall go into the general oyster fund and shall be applied as is directed for the application of such fund. Proviso: no compensation for granting license.

SEC. 7. That section twenty-three of chapter five hundred and sixteen, Public Laws of one thousand nine hundred and three, be and the same is hereby repealed. Export allowed.

SEC. 8. That it shall be lawful to take or catch oysters on public oyster grounds north of the line running from Point Peter to Duck Island, except between a line running from the east end of Hog Island to the beach and from Ballast Point to the beach in Dare County, to be sold to residents or non-residents, from April first to May fifteenth of each year, upon the payment by the purchaser of a tax of one and one-half cents per tub. Tub tax.

SEC. 9. That all laws or parts of 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 6th day of March, 1905.

CHAPTER 526.

AN ACT IN RELATION TO PUBLIC SALES.

The General Assembly of North Carolina do enact:

SECTION 1. That all municipal corporations purchasing real property at any trustee's or mortgagee's sale or commissioner's sale or execution or tax sale shall be entitled to a conveyance therefor from the trustee, mortgagee or other person or officer conducting such sale, and deeds to such municipal corporations or their assigns shall have the same force and effect as conveyances to private purchasers. Municipal corporation purchasing property entitled to deed.

SEC. 2. That the provisions of the foregoing section shall apply to such sales and conveyances as may have been heretofore made by the persons and officers mentioned in the foregoing section. Applicable to sales heretofore made.

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

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

CHAPTER 527.

AN ACT TO AMEND SECTION 4, CHAPTER 122, PUBLIC LAWS 1903, ENTITLED "AN ACT FOR THE RELIEF OF SHERIFFS AND TAX COLLECTORS."

*The General Assembly of North Carolina do enact:*Time for collection
of arrears of taxes.

SECTION 1. That section four, chapter one hundred and twenty-two, Public Laws one thousand nine hundred and three, be amended by striking out the figures "1903" as the same appear in said section and inserting in lieu thereof the figures "1905."

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

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

CHAPTER 528.

AN ACT TO AMEND SECTION 11, CHAPTER 29 OF THE PUBLIC LAWS OF 1901, CHANGING THE TIME OF HOLDING COURTS OF WATAUGA COUNTY.

The General Assembly of North Carolina do enact:

Term of court.

SECTION 1. That section eleven of chapter twenty-nine of Public Laws of one thousand nine hundred and one be amended by striking out the word "thirteenth" in line four of said section and inserting in lieu the word "fifteenth."

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

In the General Assembly read three times, and ratified this 6th day of March, 1905.

CHAPTER 529.

AN ACT TO AUTHORIZE THE BOARD OF AGRICULTURE TO FIX THE SALARY OF THE COMMISSIONER.

*The General Assembly of North Carolina do enact:*Not to exceed
\$2,150.

SECTION 1. That the State Board of Agriculture is hereby authorized to fix the salary of the Commissioner of Agriculture, which shall not exceed twenty-one hundred and fifty dollars per annum.

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

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

CHAPTER 530.

AN ACT TO AUTHORIZE THE REGISTER OF DEEDS AS EX OFFICIO CLERK OF THE BOARD OF COUNTY COMMISSIONERS TO ADMINISTER OATHS.

The General Assembly of North Carolina do enact:

SECTION 1. That section seven hundred and twelve of The Code be amended by adding thereto the following: "(6) To administer oaths to all persons presenting claims against the county, but he shall receive no fee therefor." To persons presenting claims.

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

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

CHAPTER 531.

AN ACT TO AMEND SECTION 76. CHAPTER 89 OF THE PUBLIC LAWS OF 1901.

The General Assembly of North Carolina do enact:

SECTION 1. That section seventy-six of chapter eighty-nine of the Public Laws of one thousand nine hundred and one be and the same is amended as follows: After the words "give away" in line one insert the following words: "or shall sell." Sale of liquor forbidden on election days.

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

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

CHAPTER 532.

AN ACT REPEALING EXEMPTION FROM TAXATION HERETOFORE GRANTED TO MUNICIPAL BONDS.

The General Assembly of North Carolina do enact:

SECTION 1. That all laws and clauses of laws heretofore passed exempting bonds issued by any municipal corporation of the State of North Carolina from State, county or municipal taxation be and the same are hereby repealed: *Provided*, that nothing herein shall be construed to prevent a municipality from exempting its bonds from its own taxation. Exemption from taxation repealed.

Proviso: municipality may exempt its own bonds from its own taxation.

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

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

CHAPTER 533.

AN ACT TO AMEND CHAPTER 4 OF THE PUBLIC LAWS OF 1901 AND CHAPTER 435 OF THE PUBLIC LAWS OF 1903 AND OTHER LAWS RELATING TO THE PUBLIC SCHOOL LAW.

The General Assembly of North Carolina do enact:

Acts amended.

SECTION 1. That chapter four of the Public Laws of one thousand nine hundred and one, being an act to revise and consolidate the public school law, and chapter four hundred and thirty-five of the Public Laws of one thousand nine hundred and three, being an act to amend chapter four of the Public Laws of one thousand nine hundred and one, and chapter five hundred and sixty-seven of the Public Laws of one thousand nine hundred and three be and the same are hereby amended as follows:

Salary of stenographer.

SEC. 2. That section two, chapter four hundred and thirty-five of the Public Laws of one thousand nine hundred and three, be amended by striking out in line two thereof the word "five" and inserting in lieu thereof the word "six," and that section eleven, chapter four of the Public Laws of one thousand nine hundred and one, be amended by inserting after the word "thousand" in line two the words "two hundred and fifty."

Salary of chief clerk.

Teachers not eligible for Board of Education.

SEC. 3. That section twelve, chapter four, Public Laws one thousand nine hundred and one, be amended by adding at the end of said section the following: "*Provided*, that no person while actually engaged in teaching in the public schools shall be eligible as a member of the county board of education."

Schools closed.

SEC. 4. Strike out all between the word "census" in line fourteen and the word "order" in line fifteen of section twenty-three, chapter four of the Public Laws of one thousand nine hundred and one, and insert in lieu thereof the following: "The committee may with the approval of the county superintendent of schools."

Appropriation for teachers' institutes.

SEC. 5. Strike out section twenty-six, chapter four of the Public Laws of one thousand nine hundred and one, and section ten of the Public Laws of one thousand nine hundred and three and in lieu thereof substitute the following: "That the county board of education of every county may biennially appropriate an amount not less than two hundred dollars nor more than two hundred and fifty dollars out of the public school funds of the county, the definite amount between the minimum and maximum thus fixed to be determined by the State Superintendent of Public Instruction, for the purpose of conducting biennially a teachers' institute and school for the training of the public school teachers of the county at some convenient and satisfactory place. The biennial county teachers' institute and school provided for in this section shall be conducted by some practical teacher or teachers appointed by the State Superintendent of Public Instruction at such time and place

as shall be determined by the State Superintendent of Public Instruction after consultation with the county superintendent of schools and the county board of education. All public school teachers of any county in which such institute and school is conducted are hereby required to attend the same continuously during its session unless providentially hindered, and failure to attend the biennial institute and school shall debar any teacher so failing to attend continuously from teaching in any of the public schools of the State for a period of one year, or until such teacher shall have attended according to law some county institute and school as herein provided for in some other county. The rules and regulations governing all teachers' institutes, the course of study to be pursued and the proper credits for attendance on the same shall be prescribed by the State Superintendent of Public Instruction. And proper and just provision shall be made for the training of the teachers of each race in separate institutes and schools: *Provided*, that counties whose total annual public school fund is less than eight thousand dollars may arrange with an adjoining county for holding a biennial teachers' institute and school as herein provided for, making such biennial appropriation and arrangement with an adjoining county as shall be equitable and satisfactory, which appropriation and arrangement and the terms of the same shall first be approved by the State Superintendent of Public Instruction: *And provided further*, that a properly signed certificate of continuous attendance at some summer school of good standing for a period of not less than three weeks may be accepted by the county superintendent of schools as a substitute for attendance on the biennial teachers' institute and school herein provided for under such rules and regulations as shall be prescribed by the State Superintendent of Public Instruction.

SEC. 6. Strike out the words "the same" after the word "receive" in line five and before the word "per" in line six of section twenty-seven of chapter four of the Public Laws of one thousand nine hundred and one and insert in lieu thereof the words "two dollars," and after the word "and" and before the word "mileage" in line six of the same section insert the words "the same."

SEC. 7. Strike out all after the word "age" in line nine and before the word "nothing" in line ten of section twenty-nine of chapter four of the Public Laws of one thousand nine hundred and one.

SEC. 8. After the word "thereof" and before the word "they" in line twelve of section thirty-one of chapter four of the Public Laws of one thousand nine hundred and one insert the following: "The same means may be used to obtain more land in a district where there is a house or a site previously obtained, but not more than two acres shall be procured, including the site already obtained," and strike out all after the word "office" in line twenty-two and down to and including the word "location" in line twenty-four of the same section.

Compulsory attendance.

Powers of State Superintendent.

Provisions for each race.

Proviso: adjoining counties may combine.

Proviso: attendance on summer schools in lieu of institute.

Per diem and mileage of county board.

Condemnation of land.

Branches to be taught.

Examination of teachers.

Where examinations held.

Proviso: notice of examinations.

Private examinations.

Fee for private examinations.

Requirements for first grade certificates.

Second grade.

Third grade.

Certificates valid only in county where issued. Duration of validity.

Assistant examiners.

Papers preserved.

SEC. 9. Strike out section thirty-seven, chapter four of the Public Laws of one thousand-nine hundred and one, and substitute the following: "The branches to be taught in all the public schools shall be spelling, reading, writing, arithmetic, drawing, language lessons and composition, English grammar, geography, the history and the Constitution of North Carolina and of the United States, elements of agriculture and oral instruction in elementary physiology and hygiene, including the nature and effect of alcoholic drinks and narcotics: *Provided*, that in public schools employing more than one teacher the elements of civil government, physiology and hygiene, including the nature and effect of alcoholic drinks and narcotics and such other subjects of study as the State Board of Education may direct shall be taught after adequate provisions shall have first been made for the thorough teaching of the branches before named. On the second Thursday of July and October of every year the county superintendent of schools of each county shall publicly examine all applicants of good moral character for teachers' certificates on all subjects required to be taught in the public schools and also on the theory and practice of teaching. And the county superintendent may continue the examination from day to day if necessary until all applicants have been examined, and with the approval of the county board of education he may after giving at least ten days' notice hold public examinations on two other dates during the year. All examinations of teachers shall be held at the county court-house, but for the convenience of teachers the county superintendent may designate another place: *Provided*, due notice of the time and the place shall have been given. No private examination of applicants for teachers' certificates shall be given by the county superintendent unless a reasonable excuse shall be rendered for failure to attend the public examination, and for every private examination each applicant for a certificate shall pay in advance to the county superintendent a fee of three dollars, to be paid by him to the treasurer of the county school fund, to be placed to the credit of the general school fund of the county. A general average of ninety per cent. and over shall entitle the applicant to a first grade certificate; a general average of eighty per cent. and less than ninety per cent. shall entitle the applicant to a second grade certificate, and a general average of seventy per cent. and less than eighty per cent. shall entitle the applicant to a third grade certificate. No certificate shall be valid except in the county in which it is issued. First grade certificates shall be valid for two years from date of issue; other grades of certificates shall be valid for only one year and shall not be renewed except upon examination. The county superintendent may invite competent persons to assist in the examination of applicants for certificates and he shall file in his office a copy of all examination questions and also preserve for at least one year the examination papers and grades of all

applicants for certificates, and upon request of the State Superintendent of Public Instruction he shall send all examination papers and their gradation and a copy of all examination questions to the office of the State Superintendent of Public Instruction: *Provided*, that the State Superintendent of Public Instruction in lieu of the provisions of this section in reference to the examination, the gradation and the certification of teachers may in his discretion provide for a uniform system of gradation, examination and certification of public school-teachers, prescribing the examination, the time and manner of conducting the same, and also for making provision for the classification of teachers' certificates into primary, intermediate and high school." Proviso: State Superintendent may prescribe system.

SEC. 10. Strike out all after the word "session" in line twelve and before the word "and" in line thirteen of section thirty-nine of chapter four of the Public Laws of one thousand nine hundred and one. County superintendents to visit schools.

SEC. 11. Strike out section sixty-four of chapter four of the Public Laws of one thousand nine hundred and one and substitute the following: "Every teacher or principal of a school to which aid shall be given under this act shall keep such records of the attendance and classification of pupils as shall be prescribed by the State Superintendent of Public Instruction or the county board of education, and at the end of each term and when requested at other times every teacher or principal shall report to the county superintendent of schools in such form and manner and on such blanks as shall be furnished them by the county superintendent of schools or the State Superintendent of Public Instruction. 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 the 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, number of children under seventeen years of age not attending any school, stating some causes why they did not attend, how many families having children of school age did not send any of their children to school, how many families did, stating what personal effort has been made to get the children to attend school. The county superintendent shall not approve the final voucher for the salary of any principal or teacher until all reports have been made according to law and until the register has been properly filled out and filed with the chairman of the school committee or with the county superintendent of schools." Teachers to keep records.

SEC. 12. After the word "tuition" and before the word "the" in line four of section sixty-five of chapter four of the Public Laws of one thousand nine hundred and one insert the following: "*Provided*, that in case of contract with the teacher of a private school under section thirty-three of this act, tuition may be charged for Report to county superintendent.

What report to contain.

Voucher not approved before report filed.

Private tuition in higher branches.

instruction in higher branches of study not mentioned in section thirty-seven of this act if the apportionment of funds for the public school of the district would, in the opinion of the county board of education, be insufficient to provide instruction in these higher branches of study if the public school were taught separately."

SEC. 13. That section twenty-three of chapter four hundred and thirty-five of the Public Laws of one thousand nine hundred and three is hereby repealed and section seventy of chapter four of the Public Laws of one thousand nine hundred and one is also repealed and the following substituted in lieu thereof: "In any township upon petition of one-fourth of the freeholders of the township, approved by the county board of education, the board of county commissioners after thirty days' notice at the court-house door and three public places in the township shall hold an election to ascertain the will of the people within the township whether there shall be levied in said township a special annual tax of not less than ten cents nor more than thirty cents on the one hundred dollars valuation of property and not less than thirty cents nor more than ninety cents on each poll, in addition to all other taxes levied for all other purposes, to be used for the establishment of a central high school or high schools in said township in case such special tax is voted. The board of county commissioners shall appoint a registrar and order a new registration for said township, and said election shall be held in the said township under the law governing general elections as nearly as may be, and the expenses of such election shall be paid out of the general county school fund. 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 High School Tax' and those who are opposed shall vote a ticket on which shall be printed or written the words 'Against High School Tax.' In case a majority of the qualified voters at said election are in favor of said tax, then so much of the tax on property and polls herein provided for as in the judgment of the committee may be necessary shall be annually levied and collected in the manner prescribed for the levy and collection of other taxes. All moneys levied under the provisions of this section shall upon collection be placed by the treasurer of the county school fund to the credit of the township high school committee, composed of three members, appointed by the county board of education, and shall be expended exclusively by said committee in establishing and maintaining one or more high schools in said township under such rules and regulations as to its conduct and such course or courses of study as shall be prescribed by the State Superintendent of Public Instruction. The powers, duties and qualifications of the committeemen provided for in this section shall be similar to those of other school committeemen and they shall have the same power to apportion the funds so raised as is conferred upon the county board of education for apportionment

Elections for
special school tax.

Registrars.
New registration.

Form of ballots.

Money to credit of
high school com-
mittee.

How expended.

Powers, duties and
qualifications of
committeemen.

of the general fund among the schools of the township. And the provisions of this section shall not be so construed as to prevent the teaching of the elementary branches in such high schools as may be established nor so construed as to prevent the county board of education from making such apportionment of public school funds to such high schools as they may deem equitable and just: *Provided*, that township high schools may also be established without the levying of a special high school township tax where the public funds are sufficient for that purpose, under such rules and regulations as to organization and course of study as the State Superintendent of Public Instruction shall prescribe: *Provided further*, that high school subjects may be taught in all public schools employing more than one teacher according to such rules and regulations as to organization and course of study as shall be prescribed by the State Superintendent of Public Instruction where the public funds are sufficient to provide for such teaching, but the high school branches taught in such schools shall not interfere with the thorough teaching of the elementary branches."

Elementary branches in high schools.

Proviso: township high schools without special tax.

Proviso: high school subjects in other schools.

SEC. 14. After the word "be" and before the word "at" in line sixteen of section seventy-two of chapter four of the Public Laws of one thousand nine hundred and three insert the following: "*Provided*, the expense of holding said election shall be paid out of the general school fund of the county."

Election expenses from general fund.

SEC. 15. After the word "thousand" and before the word "dollars" in line one of section six of chapter five hundred and sixty-seven of the Public Laws of one thousand nine hundred and three insert the words "two hundred and fifty."

Salary of clerk to loan fund.

SEC. 16. Strike [out] all after the word "allowed" in line eight and before the word "dollars" in line nine of section nine of chapter four of Public Laws of one thousand nine hundred and one and insert in lieu thereof the following: "In lieu of and in commutation for traveling expenses one thousand."

Commutation for traveling expenses.

SEC. 17. After the word "annum" and before the word "on" in line thirteen of section seventeen of chapter four of the Public Laws of one thousand nine hundred and one insert the following: "Such township committee must take the census in their township by districts and may elect to be paid for taking the same at the rate of two cents per name, or be paid each one dollar per day for the four days, but they can not be paid for both."

Pay for taking school census.

SEC. 18. Strike out the word "may" in line five of section six of chapter four hundred and thirty-five of the Public Laws of one thousand nine hundred and three and insert the word "shall."

Appointment of janitors compulsory.

SEC. 19. At the end of section twenty-one of chapter four of the Public Laws of one thousand nine hundred and one add the following: "But nothing in this section shall be so construed as to give school committees the right to make expenditures without the order of the county board."

Expenditures by school committee.

Settlements with
treasurer.

SEC. 20. At the end of section fifty-four of chapter four of the Public Laws of one thousand nine hundred and one add the following: "In making settlement with the treasurer the sheriff or tax collector shall make separate account of insolvents and delinquents allowed, whether on property or capitation tax. The county superintendent shall make copies of the fines and penalties reported by justices of the peace and reported to clerk of superior court and file the same with the county board."

Report of treasurer published
annually.

SEC. 21. Strike out all of section twenty-six of chapter four hundred and thirty-five of the Public Laws of one thousand nine hundred and three, after the word "shall" in line one thereof, and insert in lieu of the same the following: "Cause to be published annually on the first Monday of July the report of the treasurer of the school fund."

Ball Mountain
school district and
high school district
in Rutherford
abolished.

SEC. 22. That chapter five hundred and eleven of the Public Laws of one thousand eight hundred and ninety-seven and chapter five hundred and ninety-two of the Public Laws of one thousand nine hundred and one be and the same are hereby repealed.

Conflicting laws
repealed.

SEC. 23. That all laws and clauses of laws in conflict with the provisions of 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 6th day of March, A. D. 1905.

CHAPTER 534.

AN ACT TO AMEND CHAPTER 43 OF THE CODE OF NORTH CAROLINA, RELATING TO MILLS.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter forty-three (43) of The Code of North Carolina be and the same is hereby amended by adding to said chapter the following:

Petition for con-
demnation of
lands.

(a) Any person or body corporate who hath land on one or both sides of a stream and wishes to build a water-mill or has a water-mill already built and may find it necessary for the better operation of said mill or the building of the said mill to convey water either to or from his said mill by ditch, water-way, drain, mill-race or tail-race, or in any other manner, over the lands of any other person or persons, or erect a dam to pond said water over the lands of any other person or persons, or raise said dam already built, may make application by petition in writing to the clerk of the superior court of the county in which the said lands to be affected, or a greater part thereof are situate, for the right to so

convey the said water or pond the same by the erection of a dam or the raising of any dam already built.

(b) The petition shall specify the lands to be affected, the name of the owner of said lands and the character of the ditch, race, water-way or drain or pond intended to be made, and said owner or owners shall be made parties defendant. The petition shall state the distance desired to be condemned on each side of the ditch, water-way or drain to be constructed or erected, and not more than thirty feet from each bank can be condemned. What petition to specify.

(c) Upon the hearing of the petition, if the prayer thereof be granted, the clerk shall appoint three disinterested persons qualified to act as jurors, and not connected either by blood or marriage with the parties, appraisers to assess the damage, if any, that will accrue to the said lands by the contemplated work, and shall issue a notice to them to meet upon the premises on a day specified, not to exceed ten days from the date of said notice. Jurors appointed.

(d) The appraisers having met, shall take an oath before some officer qualified to administer oaths to faithfully perform their duty and to do impartial justice in the case, and shall then examine all the lands in any way to be affected by the said work and assess the damage thereto and make report thereof under their hands and seals to the clerk from whom the notice issued, who shall have power to confirm the same. Assessors to be sworn. To examine lands. And make report.

(e) In determining the amount of such compensation to be paid to the owners of the said lands and assessing the damages thereto by reason of the erection or construction of such water-way, ditch, drain or dam they should make an allowance or deduction on account of any benefits which the parties in interest may derive from the construction or erection of such water-way, ditch, drain or dam, and shall ascertain the damages, as near as may be, to the extent it may damage each acre of land so appropriated or occupied by the said mill-owner. How damages assessed.

(f) After the return of the appraisers and the confirmation thereof the petitioner shall have full right and power to enter upon said lands and make such ditches, water-ways, drains, races or other necessary works and construct such dams: *Provided*, he has first paid or tendered the damage assessed as above to the owner of such lands or his known or recognized agent in this State. If the owner be a non-resident and have no known agent in this State the amount so assessed shall be paid by the petitioner into the office of the clerk of the superior court of the county for the use of such owner: *Provided further*, that the mill-owner shall not be compelled to pay said damages so assessed unless he shall enter upon such lands and make ditches, drains or other works or erect such dam. Petitioner to enter on lands. Proviso: payment or tender of damages. Payment into court. Proviso: mill-owner's election.

(g) If the area laid off on the lands of either party take away houses, gardens, orchards or immediate conveniences, or if the mill proposed or erected will overflow another mill or pond water When report not affirmed.

within two hundred feet of another mill or will overflow or pond water within two hundred feet of the mill-site or premises of a person who has the right to rebuild a mill under said chapter forty-three of The Code or any amendment thereto or by the authority of law, or the mill create a nuisance in the neighborhood, the court shall not allow the report of the appraisers to be affirmed.

Encroachments.

(h) No other person or body corporate shall have the right to erect or maintain any dam, ditch, water-way, drain or race that will overflow or pond water within two hundred feet of the mill-site or premises of any person or body corporate who shall have erected a mill, dam, ditch, drain or race under the provisions of this act, or of any mill-site owned by any person or body corporate who may have the right to rebuild the said mill under said chapter forty-three of The Code or any amendments thereto or by the authority of law, and when any person or body corporate shall violate the provisions of this section the owner of said mill or mill-site shall have a right of action against said person or body corporate to tear down said dam or other works so built or erected to the extent herein forbidden and to abate the same as prescribed by law for the abatement of nuisances.

Assessment may be registered.

(i) The petitioner or any other person interested may have the said assessment registered upon the certificate of the clerk and shall pay the register the usual legal fees for registering such instruments in his office.

Fee of appraisers.

(j) Each appraiser shall be entitled to a fee of one dollar for each day actually employed in making said assessment, to be paid by the petitioner.

Special proceeding.

(k) The procedure under this act shall be a special proceeding and shall be conducted as other special proceedings.

Misdemeanor to obstruct drain, ditch or dam.

(l) Any person who shall obstruct any drain, ditch or dam constructed under this act shall be guilty of a misdemeanor.

Damages assessed in full.

(m) The damages assessed by the appraisers under this chapter shall include all damages that the owners shall thereafter suffer or be entitled to by reason of the construction of the said water-ways, races, ditches or dams.

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

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

CHAPTER 535.

AN ACT SUPPLEMENTAL TO AN ACT ENTITLED "AN ACT RELATIVE TO SUPERIOR COURTS FOR THE COUNTY OF MARTIN," BEING H. B. 283, S. B. 44, AND RATIFIED ON JANUARY 20, 1905.

The General Assembly of North Carolina do enact:

SECTION 1. That in an act entitled "An act relative to the Superior Courts for the county of Martin," being H. B. 283, S. B. 44, and ratified on the twentieth day of January, one thousand nine hundred and five, the words "and fifteenth Monday after the first Monday in September," composing the last clause contained in quotations in said act, be stricken out and the following words inserted in lieu thereof: "and fourteenth Monday after the first Monday in September." Term 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 6th day of March, A. D. 1905.

CHAPTER 536.

AN ACT TO CHANGE THE TIME FOR HOLDING FEBRUARY AND MAY TERMS OF THE SUPERIOR COURT OF HAYWOOD COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the February Term of the Superior Court of Haywood County be changed from the fourth Monday before the first Monday in March, to begin on the fifth Monday before the first Monday in March and continue for three weeks, and that the May Term of the Superior Court of Haywood County be changed from the ninth Monday after the first Monday in March, to begin on the eighth Monday before the first Monday in September and continue for two weeks: *Provided*, that the Board of Commissioners of Haywood County may, when public interest requires it, decline to draw a grand jury for the aforesaid July term of court. February term.
May term.
Proviso: drawing grand jury optional.

SEC. 2. That all papers, writs, bonds and processes of every kind returnable to the May Term of the Superior Court of Haywood County are hereby made returnable to the July Term of the Superior Court of Haywood County as fixed by this act. Papers returnable to July term.

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

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

CHAPTER 537.

AN ACT TO ALLOW THE STATE LIBRARIAN TO HAVE A SEAL AND TO DISCHARGE OTHER DUTIES RELATIVE TO THE OFFICE.

*The General Assembly of North Carolina do enact:*Secretary of State
to furnish seal.

SECTION 1. That it shall be the duty of the Secretary of State to furnish the State Librarian with a seal of office.

State Librarian to
certify documents,
papers and ab-
stracts.

SEC. 2. That the said State Librarian shall have the right and he is hereby empowered to certify to the authenticity and genuineness of any document, paper or extract from any document, paper or book or other writing which may be on file in his said office.

Certificates prima
facie evidence of
correctness.SEC. 3. That when such certificate shall be made under his hand and seal and attested by his official seal, such certificate shall be received as *prima facie* evidence of the correctness of the matters therein contained, and as such shall receive full faith and credit.

Fees.

SEC. 4. That the said State Librarian shall be allowed to charge the fee of fifty cents for such seal and certificate, and in addition thereto he shall receive ten cents per copy-sheet for all documents, papers, copies of instruments of every description whatsoever pertaining to his office which he shall be called upon to furnish to any person interested in same, to be paid by party securing such copy of record.

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 6th day of March, A. D. 1905.

CHAPTER 538.

AN ACT AS A SUBSTITUTE FOR HOUSE BILL No. 379, TO PREVENT THE DEALING IN FUTURES.

*The General Assembly of North Carolina do enact:*Unlawful to open
or establish office
for dealing in
"futures."

SECTION 1. That it shall be unlawful for any person, corporation or other association of persons, either as principal or agents, to establish or open an office or other place of business in this State for the purpose of carrying on or engaging in any such business as is forbidden in this act or in chapter two hundred and twenty-one of the Public Laws of North Carolina of one thousand eight hundred and eighty-nine.

Misdemeanor.

SEC. 2. Any person, corporation or other association of persons who shall as principal or agent violate section one of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined and imprisoned at the discretion of the court.

Penalty.

SEC. 3. That no person shall be excused on any prosecution under chapter two hundred and twenty-one of the Public Laws of one thousand eight hundred and eighty-nine and this amendment thereto from testifying touching anything done by himself or others contrary to the provisions of said act and the amendment, but no discovery made by the witness upon such examination shall be used against him in any penal or criminal prosecution and he shall be altogether pardoned of the offense so done or participated in by him.

Persons not excused from testifying.

Persons examined pardoned.

SEC. 4. That in all prosecutions under said act and amendment proof that the defendant was a party to a contract as agent or principal to sell and deliver any article, thing or property specified or named in said act, chapter two hundred and twenty-one, Public Laws of one thousand eight hundred and eighty-nine, or that he was the agent, directly or indirectly, of any party in making, furthering or effectuating the same, or that he was the agent or officer of any corporation or association or person in making, furthering or effectuating the same, and that the article, thing or property agreed to be sold and delivered was not actually delivered and that settlement was made or agreed to be made upon the difference in value of said article, thing or property shall constitute against such defendant *prima facie* evidence of guilt.

Proof of enumerated acts *prima facie* evidence of guilt.

SEC. 5. That proof that anything of value agreed to be sold and delivered was not actually delivered at the time of making the agreement to sell and deliver and that one of the parties to such agreement deposited or secured, or agreed to deposit or secure what are commonly called "margins," shall constitute *prima facie* evidence of a contract declared void by chapter two hundred and twenty-one of the Public Laws of one thousand eight hundred and eighty-nine.

Prima facie proof of contract.

SEC. 6. That proof that any person, corporation or other association of persons, either as principals or agents, shall establish an office or place where are posted or published from information received the fluctuating prices of grain, cotton, provisions, stocks, bonds and other commodities or of any one or more of the same shall constitute *prima facie* evidence of being guilty of violating section one of this act and of chapter two hundred and twenty-one of the Public Laws of one thousand eight hundred and eighty-nine.

Prima facie proof of opening and establishing an office.

SEC. 7. That this act shall not be construed so as to apply to any person, firm, corporation or his or their agent engaged in the business of manufacturing or wholesale merchandising in the purchase or sale of the necessary commodities required in the ordinary course of their business.

Certain manufacturers and wholesale dealers in merchandise exempted.

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

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

CHAPTER 539.

AN ACT TO AMEND CHAPTER 275, PUBLIC LAWS OF 1903,
IT BEING "AN ACT REVISING THE BANKING LAWS."*The General Assembly of North Carolina do enact:*Transfer of stock
when holder in-
debted to bank.

SECTION 1. That section twelve of the said act be and the same is hereby amended by striking out all of the said section after the word "direct" in line three.

Bank examiner to
verify statements.

SEC. 2. That section twenty-three of the said act be and the same is hereby amended by adding after the word "year" in line five the following: "And it shall also be the duty of the said Bank Examiner to verify the report made by the directors or members or individual conducting any banking institution as required by section three 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 6th day of March, A. D. 1905.

CHAPTER 540.

AN ACT TO AMEND CHAPTER 678 OF THE PUBLIC LAWS OF
NORTH CAROLINA OF THE YEAR 1901 AUTHORIZING
WAREHOUSEMEN TO GIVE BONDS.

Bond reduced.

*The General Assembly of North Carolina do enact:*Proviso: capital
not less than \$5,000,
bond not required.

SECTION 1. That section two of chapter six hundred and seventy-eight of the Public Laws of one thousand nine hundred and one be and the same is hereby amended by striking out in line five the words "twenty-five thousand dollars" and inserting in lieu thereof the words "ten thousand dollars," and by adding at the end of said section the following: "Provided, that if such corporation has a capital stock of not less than five thousand dollars, then it shall not be required to give the bond mentioned in this section."

Warehouse receipts
binding without
registration.SEC. 2. That all warehouse receipts issued by warehousemen complying with the provisions of this act shall be valid and binding in the hands of all *bona fide* holders for value without registration.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 6th day of March, A. D. 1905.

CHAPTER 541.

AN ACT CONCERNING THE DRAINAGE OF LAND.

The General Assembly of North Carolina do enact:

SECTION 1. Upon the petition of a majority of the owners of lands adjacent to and on both sides of any creek or branch, stating the boundaries proposed, the commissioners of the county in which the lands are situated shall declare the territory mentioned in the petition, or so much of it as they approve, a drainage district and have the boundaries of the district entered upon their journal.

County commissioners to declare drainage district.

SEC. 2. When the board of commissioners have so declared and located a drainage district each owner of land in such district shall at his own cost within ninety days after the time named by the commissioners for the order to go into effect clean out the portion of the water-course adjacent to his lands so as to give full, free drainage and render them fit for cultivation and shall keep the same clear, removing any obstruction that may occur in said stream. Where the stream is a dividing line or boundary the owner on each side shall extend his work to center of the stream or the owners may agree as to the portion of the whole stream each one will care for, but no one shall be required to commence work until the person next below him shall have so far completed his work as to render his work beneficial.

Adjacent owner to clean out water-course.

SEC. 3. If any land-owner in a drainage district shall fail or refuse to perform his duties as prescribed in this act any other person or persons in such district may in writing make complaint to the county commissioners, setting forth specifically the cause of complaint. If the commissioners think the complaint well founded they shall appoint three disinterested land-owners, who, after being sworn, shall view the premises and report in writing to the commissioners at their next session or as soon thereafter as practical as to the justness of the complaint. If the commissioners think well founded they shall appoint one or more of the land-owners in said district to have such obstruction removed and put the stream in the condition required by law. Before the hearing by the said board of county commissioners of complaint against any person against whom complaint is made the person so complained against shall have ten days' notice in writing, signed by the said board of commissioners, stating the time and place for the hearing of such complaint by the said board of county commissioners. The party against whom judgment is rendered by said board shall have the right of appeal to the superior court as is provided in appeals in the court of justices of the peace.

Complaint to county commissioners on refusal of land-owner.

Commissioners to have obstruction removed.

Notice to land-owner complained of.

Right of appeal.

SEC. 4. The persons having the work done shall report the cost of the same to the commissioners and upon their approval it shall be paid by the person or persons whose duty it was to have removed the obstruction and done the work required and all other

Cost of work to be reported.

And paid by delinquent land-owner.

Costs lien on land.
Judgment of commissioners docketed.

cost connected therewith. Such costs shall be a lien upon the lands of said persons. The judgment of the commissioners shall be docketed in the office of the superior court of the county and execution be issued therein as in other cases provided.

Commissioners may authorize removal of obstructions.

SEC. 5. If there shall be any obstruction in any stream whereby the lands above such point are rendered unfit or unprofitable for cultivation, the person or persons owning the lands or any part of them which are so injured may upon approval of the commissioners of the county in which such obstruction is situated enter upon the adjacent lands as far as necessary to remove such obstruction, destroying or removing the materials causing the obstruction so as not to damage the lands or obstruct the stream adjacent to or below such point.

SEC. 6. Upon the petition of any persons as mentioned in section five, stating the location and cause of such obstruction, the county commissioners may authorize the petitioners to remove the obstruction as stated in the petition at the cost of the petitioners, destroying or removing the cause or causes as stated in section five.

Trash and timber.

SEC. 7. It shall be a misdemeanor for any person to leave any log, brush, trash or other thing where it is liable to wash into an adjacent stream and obstruct the flow of water or to cut any tree so as to fall in a stream or to place any other obstruction in a stream in a drainage district.

Dams excepted.

SEC. 8. Nothing in this act shall be construed to apply to dams erected for the purpose of using the water of a stream for manufacture or other useful purpose.

Misdemeanor.

SEC. 9. Any violation of any provision in this chapter shall be a misdemeanor, and upon conviction before any justice of the peace of the county having jurisdiction the offending party shall be fined not more than fifty dollars or imprisoned not more than thirty days.

Penalty.

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

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

CHAPTER 542.

AN ACT TO ESTABLISH A GEOLOGICAL AND ECONOMIC SURVEY OF THE STATE OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Governor to appoint State Geologist.

SECTION 1. That the Governor of the State shall appoint a suitable person as State Geologist to conduct under the supervision of a board of managers to be known as the geological board a geological and economic survey of the State.

Geological board.

SEC. 2. That the geological board shall consist of the Governor

(as chairman), four citizens of the State, two for a period of two years and two for a period of four years from March first, nineteen hundred and five, the same to be appointed by the Governor by and with the advice and consent of the Senate, and their successors to be in like manner appointed each for a period of four years. In case of the death or resignation of either of said citizens his successor shall be appointed by the Governor. The geological board shall meet twice each year, once in January and once in June, in the city of Raleigh, on the call of the Governor, except that the board may change the time and place of meeting as circumstances may require. In attending its meetings the members of the board shall be reimbursed the amount of their actual traveling expenses and members not otherwise receiving a salary from the State may in addition be paid a *per diem* of four dollars for not exceeding eight days during any one year.

Board to meet semi-annually.

Pay of board.

SEC. 3. That the State Geologist shall appoint, subject to the approval of the geological board, such experts and assistants as may be found necessary to enable him to carry out successfully and speedily the work of the survey. The compensation of the State Geologist and of such experts and assistants shall be fixed by the geological board.

Experts and assistants.

Pay to be fixed by board.

SEC. 4. That the said survey shall have for its objects:

Objects of survey.

(1) An examination of the mineral, forest, fishery and other material resources of the State.

(2) An examination of the geological formations of the State with reference to their economic products.

(3) An examination of the road-building materials and the best methods of utilizing the same.

(4) An examination and classification of the soils, the forests and other physical features of the State with special reference to their bearing upon the occupation of the people.

(5) An examination of the streams and water-powers of the State with special reference to the development for manufacturing enterprises and the preservation of the sources of these streams through the protection of the forests.

(6) The consideration of such other scientific and economic problems as in the judgment of the geological board shall be deemed of value to the people of the State.

(7) The preparation of such reports, illustrations and maps as may be deemed necessary in placing the results of these investigations before the public.

(8) And the State Geologist, with the approval of the geological board, is hereby authorized to arrange for and accept such aid and co-operation from the several United States Government Bureaus and other sources as may assist in completing the topographic surveys of the State and in carrying out other provisions of this act.

(9) An examination of the water supplies of the State with special reference to the sinking of deep or artesian wells.

Reports to General Assembly. SEC. 5. That the geological board shall cause to be prepared and submitted to each Legislature a report showing the progress and expenditures of the survey; it shall also cause to be prepared for publication such other reports with necessary illustrations and maps as will adequately set forth the geology and material resources of the State, all such reports, illustrations and maps to be printed and distributed as the geological board may direct in editions of three thousand copies each at the expense of the State as other public documents.

\$10,000 annually appropriated. SEC. 6. That the sum of ten thousand dollars annually, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury not otherwise appropriated for the purpose of carrying out the provisions of this act.

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

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

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

CHAPTER 543.

AN ACT RELATIVE TO THE SETTLEMENT OF THE SOUTH DAKOTA JUDGMENT AND SCHAFER BONDS.

Preamble. WHEREAS, the special committee appointed at this session of the General Assembly [upon] matters pertaining to the bonds known as the Western North Carolina Railroad Construction Bonds now owned or controlled by Schafer Brothers, and also the judgment recently rendered against the State of North Carolina in favor of the State of South Dakota has made its report, in which it recommends a settlement of the two hundred and forty-two bonds held and controlled by Schafer Brothers at the sum of eight hundred and ninety-two dollars per bond, making in the aggregate two hundred and fifteen thousand eight hundred and sixty-four [dollars] (\$215,864), this amount being twenty-five per centum of the principal of said bonds with interest thereon; and whereas, said committee has also recommended that the settlement of the South Dakota judgment be left with the Governor; and whereas, it is deemed best for the interest of the State that the settlement recommended by the committee be adopted: now, therefore,

The General Assembly of North Carolina do enact:

Treasurer to pay Schafer Bros. SECTION 1. That the Treasurer of North Carolina be and he is hereby authorized and directed to pay to said Schafer Brothers or the proper owners the sum of two hundred and fifteen thousand eight hundred and sixty-four dollars as a full settlement for the

two hundred and forty-two bonds held or controlled by said Schafer Brothers upon the surrender to him of the said bonds and coupons attached.

SEC. 2. That the Governor be and he is hereby authorized to settle the judgment of twenty-seven thousand four hundred dollars (\$27,400) in favor of South Dakota against the State of North Carolina, and the Treasurer is hereby directed to pay the warrant drawn by the Auditor for such sum as the Governor may approve in making such settlement.

Governor to settle South Dakota judgment.

Treasurer to pay sum approved by Governor.

SEC. 4. For the purpose of paying the above amounts for said bonds and judgment and for any other bonds of the issue upon which the South Dakota judgment was rendered, the Treasurer is hereby authorized and directed to issue and sell bonds of the State of North Carolina, payable eight years after the first day of January, one thousand nine hundred and five, to the amount not exceeding two hundred and fifty thousand dollars (\$250,000), which shall express upon their face the purpose of their issue. All of said bonds shall bear interest at the rate of four per centum per annum from the first day of January, one thousand nine hundred and five, until paid, which said interest shall be payable semi-annually on the first day of January and July of every year so long as any portion of the principal or interest shall remain due and unpaid.

Treasurer to issue bonds.

Four per cent. interest.

SEC. 5. The bonds authorized and directed to be issued by the preceding section shall be coupon bonds of the denominations of five hundred or one thousand dollars each, as may be determined by the State Treasurer, and shall be signed by the Governor and the State Treasurer and sealed with the Great Seal of the State. The coupons thereon may be signed by the State Treasurer alone or may have a *fac simile* of his signature printed, engraved or lithographed thereon and said bonds shall in all other respects be in such form as the Treasurer may direct, and the coupons thereon shall after maturity be receivable in payment of all taxes, debts, dues, licenses, fines and demands of the State of North Carolina of any kind whatsoever, which shall be expressed on the face of the coupons. Said bonds shall be exempt from all taxation, including income tax.

Description of bonds.

Coupons receivable for taxes.

SEC. 6. Said above bonds shall not be sold by the Treasurer for less than par.

Bonds not to be sold below par.

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

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

CHAPTER 544.

AN ACT TO AMEND CHAPTER 159 OF THE LAWS OF 1903.

The General Assembly of North Carolina do enact:

Power of condemnation of land extended.

SECTION 1. That section sixteen of chapter one hundred and fifty-nine of the Public Laws of nineteen hundred and three be amended by striking out the word "now" in line one 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 6th day of March, A. D. 1905.

CHAPTER 545.

AN ACT TO CAUSE RAILWAY COMPANIES TO DELIVER TO CONSIGNEES FREIGHTS WITH REASONABLE PROMPTNESS AND TO AMEND CHAPTER 590 OF THE PUBLIC LAWS OF 1903.

The General Assembly of North Carolina do enact:

SECTION 1. That section three of chapter five hundred and ninety of the Public Laws of North Carolina passed at the session of one thousand nine hundred and three be stricken out and that the following be substituted:

Unlawful to omit or neglect to transport freight within reasonable time.

"SEC. 3. That it shall be unlawful for any railroad company or railway company, steamboat company, express company or other transportation company doing business in this State to omit or neglect to transport within a reasonable time any goods, merchandise or articles of value received by it for shipment and billed to or from any place in the State of North Carolina unless otherwise agreed upon between the company and the shipper or unless same be burned, stolen or otherwise destroyed, or unless otherwise provided by the North Carolina Corporation Commission. Each and every company violating any of the provisions of this act shall forfeit to the party aggrieved the sum of twenty-five dollars for the first day and five dollars for each succeeding day of such unlawful detention or neglect where such shipment is made in car-load lots, and in less quantities there shall be a forfeiture in like manner of twelve and fifty one-hundredth dollars for the first day and two and fifty one-hundredth dollars for each succeeding day: *Provided*, the forfeiture shall not be collected for a period exceeding thirty days.

Exceptions.

Forfeiture.

Reasonable time defined.

"That in reckoning what is reasonable time for such transportation it shall be considered that such transportation company has transported freight within a reasonable time if it has done so in the ordinary time required for transporting such articles of freight between the receiving and shipping stations, and a delay of two

days at the initial point and forty-eight hours at one intermediate point for each hundred miles of distance or fractions thereof over which said freight is to be transported shall not be charged against such transportation company as unreasonable and shall be held to be *prima facie* reasonable, and a failure to transport within such time shall be held *prima facie* unreasonable."

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

In the General Assembly read three times, and ratified this 6th day of March, A. D. 1905.

CHAPTER 546.

AN ACT FOR PROTECTION OF MINOR CHILDREN WHOSE FATHERS ARE DEAD AND WHOSE MOTHERS ARE INSANE AND OWNING ESTATES.

The General Assembly of North Carolina do enact:

SECTION 1. That when a father dies leaving his surviving minor children and a widow who is the mother of said children, but leaving no sufficient estate for the support and maintenance and education of said minor children, and the mother shall be or become insane and be so declared according to law and such insanity shall continue for twelve months thereafter, and she shall have an estate which shall be placed in the hands of a guardian or other person as provided by law, the estate of such insane mother shall in such cases as are provided for in section sixteen hundred and seventy-seven (1677) of The Code be made liable for the support, maintenance and education of the class of persons mentioned in said section of The Code to the same extent, in the same manner and under the same rules and regulations as applies to estates of fathers under said section and the succeeding sections of The Code referring thereto and providing the procedure in such cases.

Mother's estate liable for support, maintenance and education of children.

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

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

CHAPTER 547.

AN ACT TO AMEND CHAPTER 44, ACTS OF 1899, AND TO FACILITATE THE RESTORATION TO THE RIGHTS OF CITIZENSHIP IN CERTAIN CASES.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter forty-four, Public Laws of eighteen hundred and ninety-nine, be amended by inserting between the words "Governor" and "such" in line seven the following:—

Citizenship restored in cases of judgment suspended.

ing: "or the court suspended judgment or suspended judgment on payment of the costs and the costs have been paid."

Proviso: petition in cases of judgment suspended.

SEC. 2. That section two of chapter forty-four, Public Laws of one thousand eight hundred and ninety-nine, be amended by adding at the end thereof the following: "Provided, that in all cases where the court suspended judgment it shall not be necessary to allege or prove that pardon has been granted by the Governor and in such cases the petition may be made and the forfeited rights of citizenship restored at any time after conviction."

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

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

CHAPTER 548.

AN ACT TO AMEND CHAPTER 99, PUBLIC LAWS OF 1903, RELATING TO THE SALE OF CONTINGENT REMAINDERS WHEN NONE OF THE CONTINGENT REMAINDERMEN ARE IN ESSE.

The General Assembly of North Carolina do enact:

Court may authorize loaning of money.

SECTION 1. That chapter ninety-nine of the Public Laws of one thousand nine hundred and three be and the same is hereby amended by adding at the end of section three the following: "The court may authorize the loaning of such money subject to its approval until such time when it can be re-invested in real estate, such time not to exceed two years."

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

In the General Assembly read three times, and ratified this the 6th day of March, 1905.

CHAPTER 549.

AN ACT TO AMEND SECTION 3724 OF THE CODE RELATING TO CLERICAL ASSISTANCE IN THE OFFICE OF THE SECRETARY OF STATE.

The General Assembly of North Carolina do enact:

\$1,200 for clerical assistance.

SECTION 1. That section three thousand seven hundred and twenty-four of The Code be amended by striking out the words "one thousand" in line two and inserting in lieu thereof the words "twelve hundred."

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

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

CHAPTER 550.

AN ACT TO PROTECT THE STOCK IN THE VICINITY OF
WINTERVILLE.

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 following boundaries: Beginning at Black Bottom, near the town line, and running northwardly with line fence to A. G. Cox's fence; then eastwardly with said A. G. Cox's fence and a direct line across the railroad near the colored lodge, with a ditch to A. G. Cox's fence; then northwardly and eastwardly with said A. G. Cox's fence to the northeast corner of his field; then southwardly with his fence to the Winterville public road; then westwardly with said road and said Cox's fence to A. G. Cox's pasture fence; then southwardly a direct line, crossing Blount Street to a point near an old mulberry tree near Sylva Street, extended; then westwardly with the street and direct line to Rowan Cooper's fence; then with Rowan Cooper's fence to the beginning. That any person owning land on the outside of the line mentioned above in this section shall have the privilege of bringing his or her lands within the provisions of this act by building and extending the fence in the manner they may choose: *Provided*, that such persons shall pay the extra expense that shall be caused for widening or extending the fence territory, or shall construct the fence without cost to any of the parties living within the boundaries mentioned above; but when the fence is constructed it shall come within the purview of this act, and the outward lines of the fence as so extended shall be repaired under the general provisions of this act: *Provided*, the extension as aforesaid shall be only applicable to the lands that are adjacent to the lines specified in section one (1).

Unlawful for stock to run at large.

Boundary.

Persons owning land outside of line.

Proviso: extra expense.

Proviso: adjacent lands only may come in.

SEC. 2. That this act shall not be in force within said territory until a good and lawful fence has been erected on the line fully set out in section one (1), with gates on all the public roads passing into or through said boundaries.

Law not effective until fence built.

SEC. 3. That if the owner of any land shall object to the building of the fence herein allowed, a sufficient width of his land shall be condemned for the fence-way as land is now condemned for railroads: *Provided*, that no fence shall divide a tract of land against the owner's consent, but may follow the boundary line thereof. The county commissioners shall have exclusive control of erecting the fences and gates herein provided for, and the appointment of such keepers and repairers as they may deem proper, and they are hereby granted full power for that purpose, to be exercised according to their best discretion.

Land condemned for fence-way.

Proviso: land not to be divided.

County commissioners to erect fence.

SEC. 4. That for the purpose of the next preceding section it shall be lawful for the county commissioners to assess and collect

Fence tax.

a special tax for the building and repairing of said fence on all real property within the boundaries of said fence as provided in chapter twenty (20), sections two thousand eight hundred [and] twenty-four and five of The Code: *Provided*, that the citizens living outside of the town of Winterville shall have the privilege to keep up the fence upon the line.

Proviso: citizens
may keep up fence.

Misdemeanor.

SEC. 5. That any person willfully permitting his or her live stock to run at large within the aforesaid boundaries shall be guilty of a misdemeanor, and on conviction may be fined not exceeding fifty dollars (\$50) or imprisoned not exceeding thirty (30) days.

Penalty.

Injuring fence a
misdemeanor.

SEC. 6. That any person willfully tearing down or in any manner breaking a fence or any gate established pursuant to this act, or willfully breaking any inclosure within any boundaries where this act is in force and wherein any stock is confined, so that the same may escape therefrom, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars (\$50) or imprisoned not exceeding thirty (30) days.

Penalty.

Stock defined.

SEC. 7. That the word "stock" in this act shall be construed to mean horses, mules, colts, cows, calves, sheep, goats, geese and all neat cattle and swine: *Provided*, that all levies made under section four (4) the constitutional equation herein in property and poll shall be observed.

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 25th day of February, A. D. 1905.

CHAPTER 551.

AN ACT TO PROHIBIT THE SHOOTING, KILLING AND NETTING OF FISH IN GOODWIN'S MILL-POND, PERQUIMANS COUNTY.

The General Assembly of North Carolina do enact:

Unlawful to shoot,
kill or use gill,
pound or dutch
nets.

SECTION 1. That it shall be unlawful for any person to shoot, kill or to catch in gill, pound or dutch nets any fish in the waters of Goodwin's mill-pond, Perquimans County.

Misdemeanor.

SEC. 2. Any person violating the preceding section shall be guilty of a misdemeanor and fined not to exceed fifty dollars or imprisoned not to exceed thirty days.

Penalty.

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

In the General Assembly read three times, and ratified this the 25th day of February, A. D. 1905.

CHAPTER 552.

AN ACT TO AMEND THE PUBLIC SCHOOL LAW RELATIVE
TO FRIENDSHIP GRADED SCHOOL IN COBLE TOWNSHIP,
ALAMANCE COUNTY, NORTH CAROLINA.*The General Assembly of North Carolina do enact:*

SECTION 1. That section four of chapter two hundred and thirty- Tax limit changed.
six, Public Laws one thousand nine hundred and three, be and the
same is hereby amended by striking out the word "twenty-five" in
the fifth line of said section and inserting in lieu thereof the word
"fifteen," and by striking out the word "seventy-five" in the
seventh line of said section and inserting in lieu thereof the word
"sixty cents."

SEC. 2. That all laws and parts of laws in conflict with any of Conflicting laws
repealed.
the provisions of this act are hereby repealed.

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

In the General Assembly read three times, and ratified this the
25th day of February, A. D. 1905.

CHAPTER 553.

AN ACT TO AMEND CHAPTER 191, PUBLIC LAWS OF 1903,
ENTITLED "AN ACT TO RESTORE LOCAL SELF-GOVERN-
MENT IN PERQUIMANS COUNTY."*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred and ninety-one of the County commis-
sioners increased
to five.
Public Laws of nineteen hundred and three be and the same is
hereby amended by striking out "1904" in line three and substi-
tuting therefor "1906," and by striking out the word "three" in
line four and substituting the word "five."

SEC. 2. That this act shall be in force from and after its ratifi-
cation.

In the General Assembly read three times, and ratified this 25th
day of February, A. D. 1905.

CHAPTER 554.

AN ACT TO BETTER PROTECT THE PUBLIC TRAVEL OF
GATES AND HERTFORD COUNTIES.*The General Assembly of North Carolina do enact:*

SECTION 1. That all owners of water-mills who keep up mill- Mill-dams used as
roads to be fenced.
dams and whose dams are used by the public either for general
travel or in order to get to the mill with grain shall plant posts,

not more than eight feet apart, not less than ten inches in diameter and not less than six feet long, with four feet above ground, on border of mill-dam on each side, and shall spike or nail scantling not less than three inches by four inches at top of said posts and also midway of said posts from the ground to the top: *Provided, however*, that if trees not more than twelve feet apart grow on border of mill-dams the scantling may be nailed or spiked to them: *Provided further*, that in lieu of scantling smooth wire not less than one-fourth of an inch in diameter may be used.

Owner liable in damages.

Misdemeanor.

Penalty.

Limited to counties named.

SEC. 2. That any owner of a water-mill who fails to comply with the above section shall be liable for all damages that may occur on account of any such failure, and shall also be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned not more than twenty days.

SEC. 3. That this act shall only apply to the counties of Gates and Hertford.

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

In the General Assembly read three times, and ratified this 25th day of February, A. D. 1905.

CHAPTER 555.

AN ACT TO AMEND CHAPTER 366 OF THE PUBLIC LAWS OF 1901 BY PROVIDING THAT THE CHAIN-GANG FOR UNION COUNTY MAY BE WORKED ON THE STREETS OF MONROE IN EVENT THE MONROE TOWNSHIP ROAD FUND SHOULD AT ANY TIME BECOME EXHAUSTED.

The General Assembly of North Carolina do enact:

Proviso: chain gang may be worked on streets.

City to pay expenses.

SECTION 1. That section four of chapter three hundred and sixty-six of Public Laws of one thousand nine hundred and one be and the same is hereby amended by adding after the word "roads" in the last line thereof the words "*Provided*, that in event the road fund for Monroe Township shall at any time become exhausted, the said road commission may work or permit to be worked on the streets of the city of Monroe in said county the chain-gang provided for in this chapter, upon condition that the said city of Monroe shall pay all actual necessary expenses of said gang during the time it may do such work, in which expense shall be included the pay of all superintendents, guards, feed for teams, food, or actual expenses of every character."

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 25th day of February, A. D. 1905.

CHAPTER 556.

AN ACT TO ESTABLISH THE MOORESVILLE GRADED
SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

SECTION 1. That all the territory embraced within the corporate Boundaries.
limits of the town of Mooresville, Iredell County, and all that portion of Iredell County contiguous thereto embraced in the following boundaries: Beginning at the Davidson Township line near John Honeycutt's, thence to John Honeycutt's house; thence to the public road two hundred yards north of E. W. Brawley's tenant-house, where J. P. Howell now lives; thence to Barringer Township line at David Oliphant's; thence with boundary line of District Number Three, known as Oak Grove District; thence with Linwood District Number Five, to the line of Hickory Hill District; thence with Hickory Hill District Number Four to Mount Mourne District Number One, Davidson Township; thence with said line to Davidson Township line; thence with said line to the beginning shall be and is hereby constituted a school district for white and colored children, to be known as "The Mooresville Graded School District."

SEC. 2. The Commissioners of the town of Mooresville may submit to the qualified voters of the said territory, at the same time an election is held for a bond issue, under the act of this General Assembly for municipal improvements, whether an annual tax shall be levied for the support of the public schools in the said territory above mentioned: *Provided*, that the said commissioners shall call an election at any time when one-fourth of the freeholders of said territory petition for the same. The elections provided for in this act shall be held and conducted by the same registrars and judges of an election for issuing bonds for municipal improvements, but said registrars shall make out other registration books containing the names of all qualified voters residing within the territory described in section one of this act. The returns shall be made, counted and the result declared in like manner as in said election, but a separate book shall be provided for the election provided for in this act, and the voters in this election shall vote on a separate ballot from that on which they vote in the box for the other bonds. Those who favor establishing the schools and issuing the bonds for the necessary buildings and levying the necessary tax for the maintenance of the schools, and the payment of the interest on the said bonds, shall vote a ballot on which shall be written or printed the words "For Schools," and those who are opposed thereto shall vote a ballot on which shall be written or printed the words "Against Schools." If a majority of the votes cast by the qualified voters of said election shall be "For Schools," it shall be deemed and held that a majority

Election on school tax.

Proviso: election on petition.

How election conducted.

Returns.
Separate box.

Form of ballots.

Proviso: subsequent elections.

of the qualified voters of the said graded school district are in favor of granting to the board of trustees hereinafter provided for to issue such bonds and to said board of trustees of said graded school district authority to levy such special tax; but if a majority of the votes cast by the qualified voters at said election shall be "Against Schools," then the said board of trustees of said graded school district shall not have such authority: *Provided*, that if a majority of said votes so cast shall not be in favor of issuing bonds and levying such tax, said board of trustees shall order another election at any time when advisable to do so, and if at such election a majority of the qualified votes cast shall be "For Schools" it shall have the same force and effect as if no election had been previously held.

Taxes levied and collected.

SEC. 3. That the taxes levied and collected for graded school purposes under this act shall be governed by the laws for the levy and collection of municipal taxes for the town of Mooresville. The list-taker appointed by the town commissioners to list the taxable property of the town shall also list the taxable property within the above-described school district upon separate scrolls and make out receipts for the taxes provided under this act upon separate books.

Bonds issued.

SEC. 4. That the board of graded school trustees hereinafter provided for shall be and are hereby authorized and empowered to issue bonds of said graded school district to an amount not exceeding ten thousand dollars, of such denomination and of such proportions as said board of trustees may deem advisable, bearing interest from date thereof at a rate not exceeding five per centum, with interest coupons attached, payable annually at such time or times and at such place or places as may be deemed advisable by said board of trustees; such 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 thirty years from the date thereof, and at such place or places as said board of trustees may determine.

Amount.

Interest.

Appropriation of proceeds.

SEC. 5. That the proceeds arising from the sale of said bonds, or of such part thereof as may be necessary, shall be expended by said board of trustees in providing, by purchase or otherwise, such graded school sites and buildings as may be necessary and furnishing the same with necessary equipment.

Bonds not to be sold below par.

SEC. 6. That said bonds shall not be sold, hypothecated or otherwise disposed of for less than their par value, nor shall said bonds or their proceeds be used for any purpose other than the purpose mentioned in section two of this act.

Special tax.

SEC. 7. That for the purpose of providing for the payment of said bonds and the interest thereon, and of defraying the expenses of the public graded school provided for in this act, the board of trustees shall, on the first Monday of June, beginning next after the adoption of this act by a majority of the voters of said district, and annually thereafter, levy and lay a special tax on all persons and property subject to taxation within the limits of said

graded school district on which said board of graded school trustees may now or hereafter be authorized to lay and levy taxes for any school purposes; said special tax not to exceed thirty-three Tax limit. and one-third cents on the one hundred dollars assessed valuation of property and not more than one dollar on each taxable poll.

SEC. 8. That said taxes shall be collected by the tax collector of How tax collected. the town of Mooresville at the time and in the manner that the town taxes are collected, and full power and authority for this purpose is hereby conferred upon said tax collector, and that said tax collector shall faithfully collect, keep and turn over to the secretary and treasurer all such moneys as he collects for the use of said graded schools. He shall take receipts from the secretary and treasurer for all moneys paid him, which receipts shall be his legal vouchers in settlements with the board of trustees. He shall give such bond for the faithful performance of his duties as said board of trustees require. The secretary and treasurer shall Town treasurer to keep school fund. faithfully and safely keep such moneys as may come into his hands for the use of said graded school, and shall pay out only upon the order of the board of trustees and warrant of the chairman of said board of trustees: *Provided*, that said secretary and treasurer shall enter into a good and sufficient bond in such amount as said board of graded school trustees may direct, conditioned for the faithful keeping and disbursing of said taxes and other funds that may come into his hands for the use and benefit of said graded schools. Proviso: treasurer's bond.

SEC. 9. That the following persons shall constitute the board of Trustees named. trustees of said graded school: J. P. Mills, B. A. Troutman, T. B. Smith, M. W. White and W. C. Johnston. The first three shall Terms of office. hold office from the ratification of this act till the general election for municipal officers for the town of Mooresville in one thousand nine hundred and seven, at which general election the successors of the first class shall be elected for a term of four years. The second two shall hold office from the ratification of this act till the general election for municipal officers for the town of Mooresville in one thousand nine hundred and nine, at which general election their successors shall be elected for a term of four years; and at each general election thereafter, as the terms of office shall expire (in classes one and two, respectively), the vacancies shall be filled at like times and in like manner as the above: Proviso: vacancies. *Provided*, that said board of trustees shall have power to fill any vacancy that may occur, by resignation or death, for any unexpired term caused by such resignation or death, and it is enacted that the provisions of section two of this act shall be and are hereby extended to the election of the members of the aforesaid board of trustees.

SEC. 10. That the said board of graded school trustees and their Trustees incorporated. successors shall be and are hereby constituted a body corporate by the name and style of "The Board of Graded School Trustees of Corporate name. Mooresville," 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 may have a corporate seal.

Trustees to establish schools.

SEC. 11. The board of graded school trustees may 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 special taxes and from other sources in such manner as they may deem just to both races.

Trustees to have exclusive control.

SEC. 12. That said board of trustees shall have exclusive control of all public schools in said district, free from the supervision and control of the county school authorities; shall prescribe rules and regulations 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, in accordance with the general school law of the State, an accurate census of the school population of said graded school district, and shall exercise such other powers as may be necessary for the successful control and operation of said schools.

School census.

Organization.

SEC. 13. That said board of trustees, upon the adoption of this act, shall immediately meet and organize by electing a chairman and a secretary and treasurer and adopting such rules and regulations as to them may seem proper.

Present school authorities to be continued.

SEC. 14. That the school authorities as at present constituted shall carry on the schools in said graded school district until the graded schools as provided in this act shall be established by said board of trustees.

School to have quota of county school fund.

SEC. 15. That immediately upon the establishment of the graded schools provided for in this act the Treasurer of Iredell County shall pay over to the secretary and treasurer of said board of trustees, when sufficient bond has been fixed, all school funds which may then be in his hands belonging to the present school district included within said graded school district.

State school fund.

SEC. 16. That all public school funds derived from the State and from the county of Iredell for the use and benefit of the public schools in said graded school district shall be paid over to the secretary and treasurer of said board of trustees by the treasurer of said county for the use and benefit of the graded public schools in said graded school district; and the property, both real and personal, of the public school districts embraced within the limits of said graded school district shall become the property of said graded school district, and the title thereto shall be vested in said board of trustees in trust therefor: and said board of trustees may in their discretion sell the same, or any part thereof, and apply the proceeds to the use of the schools to be established under authority of this act.

Public school property transferred to graded school.

SEC. 17. That said board of trustees may adopt the text-books Text-books. for said schools as are recommended by the State Board of Education, and fix the rate of tuition to be charged therefor; admit pupils residing without the limits of said district upon such terms as said board may deem reasonable: *Provided*, that there shall be accommodations more than adequate for the children of school age within said district.

SEC. 18. That said board of trustees shall elect a superintendent, Superintendent. who shall supervise said graded schools and exercise such other power and discharge such other duties as said board of trustees may prescribe, subject to removal at the discretion of said board of trustees.

SEC. 19. That the board of trustees shall publish in the graded Statements to be published. school district an annual itemized statement of the receipts and expenditures on account of and for the said graded schools.

SEC. 20. That the school authorities having authority under the School funds appropriated per capita. 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.

SEC. 21. That all laws and clauses of laws in conflict with this Conflicting laws repealed. act are hereby repealed.

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

In the General Assembly read three times, and ratified this the 25th day of February, A. D. 1905.

CHAPTER 557.

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

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of Hertford County Tax limit. be authorized, and are hereby authorized and empowered, to levy a special tax for the year one thousand nine hundred and five (1905) of not exceeding thirteen and one-third ($13\frac{1}{3}$) cents on one hundred dollars valuation of real and personal property in said county and forty (40) cents on the poll, observing the constitutional equation in levying said tax, for the purpose of repairing Purpose. the court-house of the county and building the vaults to the offices of the clerk of the court and register of deeds for the preservation of the records of the county. That said special tax shall be levied and collected as are other taxes in said county.

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

In the General Assembly read three times, and ratified this the 25th day of February, A. D. 1905.

CHAPTER 558.

AN ACT TO REPEAL CHAPTER 575 OF PUBLIC LAWS OF 1903. RELATIVE TO SEINING IN LITTLE RIVER IN MARK'S CREEK AND LITTLE RIVER TOWNSHIPS IN WAKE COUNTY.

The General Assembly of North Carolina do enact:

Law forbidding
seining repealed.

SECTION 1. That chapter five hundred and seventy-five of Public Laws of one thousand nine hundred and three, relative to seining in Little River in Mark's Creek and Little River Townships in Wake County, be and the same is hereby repealed.

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

In the General Assembly read three times, and ratified this the 25th day of February, A. D. 1905.

CHAPTER 559.

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 the County of Forsyth did, for the purpose of raising the sum of fifty-five thousand dollars with which to erect and equip a county court-house, issue 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 first, one thousand nine hundred and one; thirty-six maturing May first, one thousand nine hundred and six, and the remaining thirty-six maturing May first,

Preamble.

one thousand nine hundred and eleven; and whereas, the General Assembly of North Carolina, by an act of one thousand eight hundred and ninety-nine, ratified the twenty-eighth day of February, one thousand eight hundred and ninety-nine, being chapter three hundred and seven of the acts of one thousand eight hundred and ninety-nine, authorized and empowered the said Commissioners of the County of Forsyth to levy and collect a tax with which to discharge and pay off, etc., the principal and interest of said bonds: and whereas, the first series of said bonds, to-wit, thirty-eight, matured on May first, one thousand nine hundred and one, and there are no funds with which to pay the same, and the said Commissioners of the County of Forsyth are desirous of funding the said first series of bonds 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 first day of May, one thousand nine hundred and sixteen; and whereas, the second series of said bonds, Preamble.
 to-wit, thirty-six thereof, mature on May first, one thousand nine hundred and six, and there will not be sufficient funds on hand with which to pay all of the principal of said bonds, and the said Commissioners of the County of Forsyth are desirous of funding the same by issuing thirty-six new bonds or by issuing a sufficient number thereof to meet so much of said second series as the commissioners may be unable to pay, said bonds to be in the sum of five hundred dollars each, bearing interest at the rate of not more than six per cent. per annum, payable semi-annually and maturing the first day of May, one thousand nine hundred and twenty-one; and whereas, an act of the General Assembly was passed on the eighteenth day of February, one thousand nine hundred and one (acts of one thousand nine hundred and one, chapter one hundred and eighty-three), authorizing the Board of Commissioners of the County of Forsyth to fund the said first series of bonds, but no effort has been made since the passage of said act to carry the same into effect, and it has now become necessary to fund both the first and second series of said bonds: now, therefore, Preamble.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of the County of Forsyth are hereby fully authorized and empowered to fund the said first series of thirty-eight bonds, each of the denomination of five hundred dollars, bearing interest at the rate of six 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 five per cent. per annum, payable semi-annually, said bonds to mature May first, one thousand nine hundred and sixteen. That the said Board of Commissioners of the County of Forsyth are hereby authorized and empowered to fund the said second series of thirty-six bonds, each of the denomination of five hundred dollars, bearing interest at six per cent., by issuing a new series of thirty-six bonds in the sum of five hundred dollars each, bearing interest at the rate of not more than five per cent. per annum, payable semi-annually, said bonds to mature May first, one thousand nine hundred and twenty-one. That said Board of Commissioners of the County of Forsyth are also empowered to levy a special tax from year to year, beginning in the year one thousand nine hundred and five, said levy being continued every year thereafter until the principal and interest of all the aforesaid bonds are fully paid. Said taxes so raised shall be used to pay the interest on said bonds and to provide a sinking fund for the payment of the principal thereof when due, and for no other purpose: First series of bonds.
Provided, in no one year shall the tax authorized to be levied and collected exceed ten cents on the one hundred dollars value of property and thirty cents on the poll, and said tax shall be levied Second series of bonds.
Special tax for interest and sinking fund.
Proviso: tax limit.

at the same time and in the same manner as general State and county taxes are levied on all the taxable property and polls in the county.

Tax collected by sheriff.

SEC. 2. That the said tax hereby authorized 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 general, State and county taxes levied in said county.

Bonds not specified not affected.

SEC. 3. That this act shall in no way repeal, modify or interfere with the act of one thousand eight hundred and ninety-nine, chapter three hundred and seven, providing for the payment of the other series of bonds as they may mature.

How bonds attested.

SEC. 4. That the bonds issued as aforesaid shall be signed by the Chairman of the Board of County Commissioners of the County of Forsyth and countersigned by the clerk of the board of county commissioners, authenticated by the official seal of the Board of Commissioners of the County of Forsyth, 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.

Commissioners to dispose of bonds.

SEC. 5. That the board of commissioners of said county may dispose of said bonds in any way they may deem best for the interest of the county: *Provided*, no bond shall be sold for less than its par value and accrued interest.

Proviso: bonds not to be sold below par.

Coupons receivable 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 25th day of February, A. D. 1905.

CHAPTER 560.

AN ACT TO PREVENT THE FISHING WITH NETS OR SEINE IN STONY CREEK IN HERTFORD COUNTY BETWEEN THE RAILROAD BRIDGE ACROSS SAID CREEK AND THE LOWER BOUNDARIES OF THE LANDS OF W. E. SESSOMS AND MRS. T. T. HOLLOMAN.

The General Assembly of North Carolina do enact:

Unlawful to use nets or seines without consent of adjacent land-owners.

SECTION 1. That it shall be unlawful for any person to fish with nets or seines in that part of Stony Creek in Hertford County between the bridge of the Wellington and Powellsville Railroad Company across said creek to the lower boundaries of the lands of W. E. Sessoms and Mrs. T. T. Holloman, without the consent of the adjacent land-owners.

SEC. 2. This act shall take effect from and after July first, one thousand nine hundred and five. In effect from 1st July.

In the General Assembly read three times, and ratified this 25th day of February, A. D. 1905.

CHAPTER 561.

AN ACT TO PROVIDE FOR A SPECIAL TAX ELECTION IN EUREKA PUBLIC SCHOOL DISTRICT, MOORE COUNTY

The General Assembly of North Carolina do enact:

SECTION 1. That Eureka Public School District in McNeill's Township, Moore County, be and is hereby empowered to hold an election for special tax for school purposes under the provisions of section seventy-two of chapter four of the Public Laws of one thousand nine hundred and three. Election under general law.

SEC. 2. That if a majority of the votes cast at said election are for the special tax this tax must be levied for five years consecutively, and after five years if a majority of the qualified voters in said school district shall at any time petition the county commissioners not to levy the special tax their petition shall be granted. Special tax five years if approved. Discontinued on petition.

SEC. 3. This act shall be in force from and after its ratification. In the General Assembly read three times, and ratified this 25th day of February, A. D. 1905.

CHAPTER 562.

AN ACT TO PROHIBIT ANY TANNERY OR TANNIC ACID PLANT FROM ALLOWING ANY WASTE MATERIALS TO BE DEPOSITED OR DISCHARGED INTO RICHLAND CREEK OR ANY OF ITS TRIBUTARIES IN OR ABOVE THE CORPORATE LIMITS OF THE TOWN OF WAYNESVILLE.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for the owners, lessee, employees or any other person having charge of any tannery or tannic acid plant to permit or allow the refuse or any waste materials to be deposited or discharged into Richland Creek or any of its tributaries in or above the corporate limits of the town of Waynesville. Unlawful to permit refuse of tannery or tannic acid plant to be discharged into creek.

SEC. 2. That any person or persons violating this act shall be guilty of a misdemeanor, and that each and every day the same is done or permitted to be done shall constitute a separate offense. Misdemeanor.

Penalty.

and upon conviction shall be fined or imprisoned in the discretion of the court.

SEC. 3. That this act shall be in force from and after July first, one thousand nine hundred and five.

In the General Assembly read three times, and ratified this the 27th day of February, A. D. 1905.

 CHAPTER 563.

AN ACT TO DRAIN THE LOWLANDS OF FRENCH BROAD RIVER AND ITS TRIBUTARIES IN HENDERSON COUNTY.

Preamble.

WHEREAS, there are many thousand acres of land on the French Broad River and its tributaries that have been, are being and are liable to be greatly damaged and the value thereof greatly diminished by reason of the fact that the outlet and fall of the French Broad River at Buck Shoals and other places on said river are too limited to afford the proper drainage for said lands; and whereas, a very small and conservative assessment upon the acreage to be benefited would make a fund sufficient, if wisely and judiciously expended, to remove the shoals and other obstructions and thereby increase the value of said lands; and whereas, it is impracticable for the land-owners to do this much-needed work without legislative aid, whereby there can be concentrated effort equally distributed and mutually beneficial to all the owners: therefore,

The General Assembly of North Carolina do enact:

Commission named.

SECTION 1. That a commission of five men, to-wit, Albert Cannon of French Broad, Preston Fletcher of Cane Creek, Preston F. Patton of Mud Creek, Nicholas W. Posey of Boilston Creek and Otis E. Corpening of Mills River, and their successors, be and they are hereby constituted and appointed a commission for the purpose of carrying out the work suggested in the preamble of this act, to be known as the "French Broad Water-course Commission," and in that name they shall be a corporation, with power to have a corporate seal, sue and be sued, contract and be contracted with, and generally to do whatever may be necessary to be done in order to make effectual the drainage of French Broad River and its tributaries in Henderson County, which said powers shall embrace the power to purchase the necessary machinery, tools, appliances and other material to carry out said work, and the county commissioners shall have power to fill all vacancies occurring in said commission.

Name.

Corporation.

Formal enumeration of corporate powers.

Organization.

SEC. 2. That the said commission shall have the right to elect a chairman and a secretary and to employ such assistance as in their judgment the work may require.

SEC. 3. The said commission shall have the power to employ a competent engineer and do such surveying as is necessary to make a just estimate of all the lands on French Broad River and its tributaries that will in their judgment be benefited, either generally or specially, by the work to be done, and make a list of the owners of said lands, with the number of acres to be benefited by each owner.

Commission to
appoint engineer.

List of lands bene-
fited.

SEC. 4. That as soon as the said list can be made, formulated and tabulated, then it shall be the duty of the said commission to present said list to the Board of Commissioners of Henderson County and request said board to levy an assessment upon said lands in such an amount as may be recommended by said commission, not to exceed twenty-five (25) cents per acre for each year thereafter until said work is completed. Said levy shall be made by said Board of Commissioners of Henderson County at the first regular monthly meeting held by them after said list is filed, and annually thereafter, and said Board of Commissioners of Henderson County shall direct the clerk of their board immediately to make a list of said assessments, with the name of the owner of the land, the number of acres upon which he is to pay assessments, with the amount per acre and the total amount assessed against him, and place the same in the hands of the Sheriff of Henderson County, to be collected in the same manner, with the same powers, same responsibilities and settled in the same way as taxes are required to be collected and settled under the general tax laws.

Commission to
present list to
county commis-
sioners.

And recommend
tax.

Limit.

Levy to be made.

SEC. 5. That the treasurer of said county shall hold said funds derived from said assessments and paid over to him by the sheriff as aforesaid, subject to the order of said water-course commission, and pay them out upon proper warrants signed by the chairman of said commission and countersigned by the secretary thereof.

County treasurer
to hold drainage
funds.

Warrants.

SEC. 6. That it shall be the duty of said commission to see that all shoals, rocks, trees, brush and other obstructions interfering with the free movement and rapid fall of said water-courses shall be removed as rapidly as possible, and they shall have power to move or cause to be moved, and to keep removed, from the banks of said stream all such growth or other hindrances as tend directly to retard the rapid flow of the waters of said streams on occasions of high water, and shall have the right from time to time to enter upon any lands along said water-courses for that purpose or for any other purpose made necessary to carry out the work contemplated in this act. But in doing this work they shall give attention first to the blowing out or removing of the dam or obstruction caused by the rock at what is known as Buck Shoals, that being the greatest hindrance to the rapid flow of the French Broad River and its tributaries.

Duties and powers
of commission.

Buck Shoals.

SEC. 7. Said commission shall meet and organize as soon as possible, and at the first meeting shall direct the secretary to pro-

Commission to meet
and organize.

cure necessary books, upon which he shall keep a perfect record of all the dealings and transactions of said commission, which records shall be open to the inspection of the public at all times.

Members to
qualify.

SEC. 8. It shall be the duty and obligatory on each of the members of said commission to meet with the commission and qualify by taking an oath to faithfully discharge his duties as commissioner, after which any member shall have the right to resign, or for good cause his office may be declared vacant by the other members, and all vacancies from whatever causes occurring shall be filled by the other members of said commission.

Work at discretion
of commission.

SEC. 9. That, subject to the requirements set forth above, the said commission shall prosecute said work at their discretion, with a view of accomplishing the greatest good to the largest body of land to be benefited, until the whole of said work shall have been completed.

Misdemeanor to
obstruct flow of
water.
Penalty.

SEC. 10. It shall be a misdemeanor, punishable by a fine not to exceed fifty dollars or imprisonment not to exceed thirty days, for any one to obstruct the flow of water in said streams or to interfere with the work of said commission draining said land.

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 27th day of February, A. D. 1905.

CHAPTER 564.

AN ACT TO BUILD CERTAIN IRON BRIDGES IN HENDERSON COUNTY AND TO APPLY CERTAIN ROAD FUNDS.

The General Assembly of North Carolina do enact:

Green river.

SECTION 1. The Commissioners of Henderson County are hereby empowered to build one iron bridge over Green River in Green River Township in said county and one iron bridge over the French Broad River in Henderson County, at any time within two years after the passage of this act that they in their discretion may see fit so to do. That the said bridge in Green River Township may be built at any place the commissioners may designate, but the bridge across the French Broad River shall be built at that point now known as "King's Bridge," and shall take the place of said King's Bridge. That in contracting for said bridges the county commissioners shall make the purchase-money payable in three annual installments from the date of purchase; and the said commissioners shall have the power to buy bridges of such quality and price as they may deem sufficient for the uses of the public.

French Broad
river.

Location of
bridges.

Purchase-money
payable in install-
ments.

SEC. 2. That in order to meet the said payments the Commissioners of Henderson County are hereby authorized to levy at the June session of their board annually not more than four cents on the one hundred dollars valuation of property and twelve cents on each poll, to be placed upon the tax list and included and collected with the annual taxes.

Special tax.
Limit.

SEC. 3. And the said commissioners shall levy no more tax than is necessary to meet the debt so incurred.

No more tax to be levied than necessary.

SEC. 4. That all moneys now in the hands of any officer or any person authorized to collect the same which may have been collected by virtue of chapter one hundred and fifty-five of the Public Laws of one thousand nine hundred and three, entitled "An act to regulate the making and working of public roads in Henderson County," shall be immediately turned over by such person or persons to the Treasurer of Henderson County, and the commissioners of said county are hereby authorized to expend such moneys toward the support of the chain-gang of said county.

Road tax heretofore collected to be turned over.

Appropriation for chain-gang.

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. 1905.

CHAPTER 565.

AN ACT TO PERMIT THE DISPENSARY TOWNS OF JOHNSTON COUNTY TO VOTE ON THE QUESTION OF PROHIBITION.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be the duty of the governing body of any city or town in Johnston County which now has or may hereafter have regularly and lawfully established a dispensary for the sale of intoxicating liquor by virtue either of chapter two hundred and thirty-three of the Public Laws of one thousand nine hundred and three or any other general law or of any special act of the General Assembly, upon petition of one-third of the voters therein who were registered for the last preceding municipal election, to order an election to be held, after thirty days' notice, to determine whether the sale of spirituous, vinous, malt, fermented and other intoxicating liquors and bitters and tonics and drugs shall be entirely prohibited in such city or town.

Election ordered on petition of one-third of voters.

SEC. 2. Whenever such election shall be held the same shall be conducted and held under the same rules and regulations provided by the laws of the State of North Carolina regulating municipal elections. In such election any person entitled to vote for members of the General Assembly shall have the right to vote; and every such voter who is in favor of the total prohibition of the

Election held under general law.

Form of ballots.	sale of spirituous, vinous, malt, fermented and other intoxicating liquors and bitters and tonics and drugs in such city or town shall vote a ticket on which shall be written or printed the words "For Prohibition," and every such voter who is opposed to the total prohibition of the sale of spirituous, vinous, malt, fermented and other intoxicating liquors and bitters and tonics and drugs in such city or town shall vote a ticket on which shall be written or printed the words "For Dispensary." Such tickets shall be on white paper and without device.
Dispensary to remain if majority for dispensary.	SEC. 3. If a majority of the votes cast in any such election shall be "For Dispensary," then the dispensary established in such city or town and all the rules regulating the sale of intoxicating liquor in said city or town before such election shall continue in existence without being affected by said election.
If majority for prohibition.	SEC. 4. If a majority of the votes cast in any such election shall be "For Prohibition," then in that event and after sixty days after the date of such election—
Unlawful to sell liquors.	One. It shall be unlawful for any person, firm or corporation to sell or otherwise dispose of, for gain, any spirituous, vinous, malt, fermented or other intoxicating liquors or bitters or tonics or drugs in such city or town: <i>Provided</i> , that this act shall not be so construed as to prohibit druggists from using as much alcohol as may be necessary in making tinctures and extracts to be used in general prescription work, or from selling or using alcohol for mechanical and scientific purposes.
Proviso: alcohol for mechanical or scientific purposes excepted.	
Unlawful to solicit orders or advertise.	Two. It shall be unlawful for any person, firm or corporation to solicit, either in person or by proxy, or by advertising in any newspaper published in such city or town, any order or orders for the sale of any spirituous, vinous, malt, fermented or other intoxicating liquors or bitters or tonics or drugs in such city or town, to be shipped from any county in the State of North Carolina or from any place in the United States.
Commissioners may grant license to druggists.	Three. The commissioners or other governing body of such city or town shall have power in their discretion to grant license to one or more druggists to sell spirituous, vinous, malt, fermented or other intoxicating liquors or bitters or tonics or drugs in such city or town, and such commissioners or other governing body shall have power to require of such druggists, before granting such license, the payment of such tax as such commissioners or other governing body may in their discretion prescribe. In the event of the granting of such license—
License tax.	
Unlawful for druggist to sell without prescription and certificate of physician.	(a) It shall be unlawful for any such licensed druggist to sell any spirituous, vinous, malt, fermented or other intoxicating liquor or bitters or tonics or drugs to any person except upon the prescription of a regularly licensed and actively practicing physician, accompanied with a certificate of such physician that he has such person under his charge, that such patient is in need of the kind and amount of such liquor or bitters or tonic or drug prescribed on

account of sickness, and that such physician has been paid his customary prescription fee for such prescription.

(b) It shall be unlawful for any such licensed druggist to fill any such prescription more than once. Unlawful to fill prescriptions more than once.

(c) It shall be unlawful for any physician to make a prescription for any spirituous, vinous, malt, fermented or other intoxicating liquor or bitters or tonic or drug for any person who is not *bona fide* sick and in his charge. Unlawful for physician to make prescription for one not sick and under his charge.

(d) All such druggists shall keep on file, separate from their regular prescription file and subject to the inspection of any person who may desire to see the same, all prescriptions for spirituous, vinous, malt, fermented or other intoxicating liquors or bitters or tonics or drugs, together with the physician's certificates accompanying the same, and shall submit to the solicitor at each criminal term of the Superior Court of Johnston County a written report, in duplicate, giving full details of all such prescriptions and physicians' certificates. One of such copies of such report shall be filed by the solicitor in the office of the clerk of said court, after being fully inspected by said solicitor, and the other such copy of such report shall be posted by said solicitor at the courthouse door of said county for thirty days. Prescriptions kept on file.
Reports to solicitor in duplicate.
Copy to be filed with clerk of court.
Copy to be posted at court-house door.

Four. It shall be the duty of the mayor of such city or town to use due diligence for the enforcement of this act, and it shall be the duty of the chief of police of such city or town, on the first Monday of every month, to make a written report, on oath, to the mayor of such city or town, stating whether or not he has reason to believe that the provisions of this act have been violated in such city or town, and if so, by whom; and thereupon, in case of report by such chief of police of any probable violation of this act, it shall be the duty of said mayor to use due diligence to have the case investigated and the offender brought before him for trial; and in making investigation the police of such city or town are hereby fully authorized and empowered to make thorough examination into any suspicious package, parcel or bundle which may be shipped or otherwise carried into such city or town; and it shall be the duty of every policeman in such city or town to make to the chief of police on every Monday a sworn statement in writing as to whether he has reason to believe that the provisions of this act have been violated, and if so, by whom. All such statements and reports of police officers shall be kept on file in the office of the clerk of such city or town and shall be open to the inspection of all persons who may desire to inspect the same. Any such chief of police or other police officer in such city or town who shall fail to make any reports herein provided for, or who shall fail to disclose any and all violations or probable violations of this act of which he may have any knowledge or information, shall be guilty of a misdemeanor, and upon conviction thereof shall for the first offense be fined not less than twenty-five dollars nor more Duty of mayor.
Monthly sworn report of chief of police.
Right of search.
Policemen to make weekly sworn report to chief.
Statements and reports filed.
Open to inspection.
Failure of duty a misdemeanor.
First offense.
Punishment.

Second offense.	than fifty dollars, or shall be imprisoned not less than twenty days nor more than thirty days; and for any such offense after the first such chief of police or other police officer shall be fined or imprisoned in the discretion of the court, and in addition shall be removed from office under the sentence of the court as a part of the punishment.
Place of delivery of liquor place of sale.	SEC. 5. That the place where delivery of any spirituous, vinous, malt, fermented or other intoxicating liquors or bitters or tonics or drugs is made in the county of Johnston shall be construed and held to be the place of sale thereof, and any station or other place within said county to which any person, firm, company or corporation shall ship or convey any spirituous, vinous, malt, fermented or other intoxicating liquors or bitters or tonics or drugs for the purpose of delivery or carrying the same to a purchaser shall be construed to be the place of sale thereof.
Violation of law a misdemeanor.	SEC. 6. That any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall for the first offense be punished by a fine of not less than twenty-five dollars nor more than fifty dollars, or shall be imprisoned for not less than twenty days nor more than thirty days; and for any such offense after the first such person shall be punished by a fine of not less than one hundred dollars and imprisonment for not less than sixty days.
First offense.	
Subsequent offense.	
Powers of mayors and justices of the peace in making investigations.	SEC. 7. The mayor of any city or town in Johnston County or any justice of the peace in said county who has reason to suspect that any of the provisions of this act have been violated, and that any person within his jurisdiction has any knowledge in regard thereto, may issue to the sheriff of the county or to the constable of the township or to the chief of police or other police officer of the town a subpoena, a <i>capias ad testificandum</i> or a summons in writing, commanding such person to appear immediately and, if desired, to bring any writings he may have in his possession or subject to his control before such mayor or justice of the peace, and give evidence on oath as to what he may know about such suspected violation of the provisions of this act; and such evidence, when obtained, may be considered as an information on oath, and such mayor or justice of the peace may thereupon issue his warrant for the arrest of any person who appears from such evidence or information to have violated any of the provisions of this act. Any person willfully failing to comply with the requirements of a subpoena issued under the provisions of this section and duly served upon him shall be guilty of a misdemeanor. Any person who, upon such an investigation as is provided for in this section, shall, after being duly sworn, refuse to answer any question pertinent to the matter being investigated shall be guilty of a misdemeanor and shall be fined not less than twenty-five dollars nor more than fifty dollars, or shall be imprisoned for not less than twenty days nor more than thirty days.
Failure to obey subpoena a misdemeanor.	
Refusal to answer question a misdemeanor.	
Punishment.	

SEC. 8. That in the conduct of investigations or trials relative to violations or supposed or suspected violations of any of the provisions of this act no person shall be excused from testifying touching his knowledge or information in regard to the matter under investigation upon the ground that his answer might tend to subject him to prosecution, pains or penalties, or that his evidence might tend to criminate him, but no discovery made by such witness upon any such examination shall be used against him in any court or in any penal or criminal prosecution.

Parties not excused from testifying.

Discovery made by witness not used against him.

SEC. 9. Any person who shall report any violation of any of the provisions of this act and furnish sufficient evidence to convict the offender shall receive one-half of the fine imposed.

One-half fine to informer.

SEC. 10. That it shall be unlawful for any town commissioner or alderman or member of the governing body of any city or town in Johnston County to hold the office or serve as a commissioner, manager, clerk or other employee or officer of a dispensary of intoxicating liquor in such city or town, and any person violating the provisions of this section shall be guilty of a misdemeanor and fined or imprisoned in the discretion of the court, and in addition thereto shall be removed from office as such commissioner or alderman or other officer as a part of the punishment of such offense.

Misdemeanor for member of governing body of city or town to serve in dispensary.

Punishment.

SEC. 11. Nothing in this act shall be construed to permit or authorize, directly or indirectly, the holding of an election on the question of the sale of intoxicating liquor by saloons in any city or town affected by this act, and no such election shall be held in any such city or town after an election in such city or town as in this act provided has been carried in favor of prohibition.

Sale by saloons not to be presented.

No further election after election in favor of prohibition.

SEC. 12. That the possession of or issuance to any person, firm or corporation of a license to manufacture, rectify or sell, at wholesale or retail, spirituous, vinous or malt liquors, by the United States Government or any officer thereof at any place in Johnston County where the manufacture, sale or rectification of spirituous, vinous or malt liquors is forbidden by the laws of this State shall be *prima facie* evidence that the person, firm or corporation having such license, or to whom the same was issued, is guilty of doing the act permitted by the said license in violation of the laws of this State.

Possession of United States license *prima facie* proof.

SEC. 13. That all laws and clauses of laws in conflict with the provisions of this act or its enactment be and they are hereby modified or repealed to such an extent as may be necessary to give full force to this act and no further.

Conflicting laws repealed.

SEC. 14. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 27th day of February, A. D. 1905.

CHAPTER 566.

AN ACT TO RE-ESTABLISH THE OFFICE OF TREASURER
OF RICHMOND COUNTY.*The General Assembly of North Carolina do enact:*Office re-es-
tablished.

SECTION 1. That from and after the first Monday in December, one thousand nine hundred and six, there shall be a treasurer for the county of Richmond.

Treasurer elected
at next election
and thereafter.

SEC. 2. That at the next general election in said county, and every two years thereafter, a treasurer shall be elected for said county by the voters thereof, under the same rules and regulations governing the election of other county officers.

Compensation.

SEC. 3. That the compensation of the said treasurer shall be two per centum commission on all disbursements of the general county funds, school funds and special funds disbursed by said officer.

General laws to
apply.

SEC. 4. That in all other respects the general laws relative to county treasurers in North Carolina shall apply to the Treasurer of Richmond 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 27th day of February, A. D. 1905.

CHAPTER 567.

AN ACT TO AMEND CHAPTER 555 OF THE PUBLIC LAWS
OF NORTH CAROLINA OF 1903, RELATING TO THE STOCK
LAW OF RICHMOND AND SCOTLAND COUNTIES.*The General Assembly of North Carolina do enact:*County lines made
lawful fences.

SECTION 1. That section one of chapter five hundred and fifty-five of the Public Laws of one thousand nine hundred and three be and the same is hereby amended by adding to said section one the words: "and the boundary lines of said counties shall be lawful fences."

Conflicting laws
repealed.

SEC. 2. That all laws and clauses of laws in conflict with said chapter five hundred and fifty-five of the Public Laws of one thousand nine hundred and three as amended by 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 27th day of February, A. D. 1905.

CHAPTER 568.

AN ACT TO AUTHORIZE THE BOARD OF ROAD COMMISSIONERS OF WAYNESVILLE TOWNSHIP, HAYWOOD COUNTY, TO PAY OVER TO THE BOARD OF ALDERMEN OF THE TOWN OF WAYNESVILLE PART OF THE PROCEEDS ARISING FROM THE SALE OF BONDS FOR ROAD IMPROVEMENT.

The General Assembly of North Carolina do enact:

SECTION 1. That the Road Commissioners of Waynesville Township, Haywood County, created by chapter three hundred and seventy-five, Public Laws one thousand nine hundred and three, are hereby authorized and directed to pay over to the Board of Aldermen of the town of Waynesville the sum of five thousand dollars (\$5,000), the same being a portion of the sum realized from the sale of bonds issued by virtue of the said chapter, to be expended under the direction of the Board of Aldermen of the town of Waynesville for the purpose of grading, macadamizing and otherwise improving Main Street from a point of intersection of Hilliard and Main Streets at the Presbyterian Church to the point of intersection of Academy Street and Main Street in the said town. \$5,000 for street work.

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. 1905.

CHAPTER 569.

AN ACT FOR THE BETTER SUPPORT OF THE PUBLIC SCHOOLS OF NEW HANOVER COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Mayor and Board of Aldermen of the city of Wilmington are hereby authorized and empowered to pay one-third of the taxes levied and collected by said city for liquor license to the Treasurer of the County Board of Education of New Hanover County for the benefit of the public schools of said county. One-third of city liquor license appropriated to county school fund.

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

In the General Assembly read three times, and ratified this the 27th day of February, A. D. 1905.

CHAPTER 570.

AN ACT TO SECURE COMPULSORY SCHOOL ATTENDANCE
IN RALEIGH TOWNSHIP, WAKE COUNTY.

The General Assembly of North Carolina do enact:

School attendance compulsory.

Proviso: necessary absence.

Persons in charge of child to enforce attendance.

Misdemeanor.

Punishment.

Jurisdiction of justices of the peace.

Right of appeal.

Who may make complaint.

Persons convicted may be discharged on bond.

Attendance officers.

Children may be arrested without warrant.

Attendance officer to serve notice.

SECTION 1. That every child in said Raleigh Township between eight and twelve years of age, in proper physical and mental condition, shall attend some public or private school during the time the public schools of said township are in session: *Provided*, that necessary absence may be excused by the school committee or the superintendent of public schools of said township.

SEC. 2. That every person in parental relations to a child in said township between eight and twelve years of age, in proper mental and physical condition, shall cause such child to attend some public or private school during the time the public schools of said township are in session. The violation of the provisions of this section is hereby declared to be a misdemeanor and punishable by a fine not exceeding ten dollars or imprisonment not exceeding ten days for each offense. The justices of the peace of said township shall have jurisdiction of offenses against the provisions of this act, and there shall be right of appeal from their decision as in any other case tried before them. Complaints for the violation of the provisions of this act may be made by any member of the school committee of said township or the superintendent of public schools or by a teacher in any one of the public schools of said township. In case of conviction before any justice of the peace of said township of an offense against the provisions of this act, said justice may permit any person so convicted to give bond in the sum of not exceeding fifty dollars, with one or more sureties, to be approved by said justice, conditioned that the said person so convicted shall cause the child under his or her control to attend same recognized school within three days thereafter, and to remain at said school during the time prescribed by this act: and upon the giving of said bond the person so convicted or in default may be discharged.

SEC. 3. The Public School Committee of said Raleigh Township may appoint one or more attendance officers to aid in carrying out the provisions of this act, and prescribe their duties and term of employment and fix their compensation, to be paid out of the public school funds of said township. Said attendance officers may arrest, without warrant, any child between eight and twelve years of age found away from the school upon which he or she should be in attendance and deliver him or her to said school. Said attendance officers are empowered to serve any and all processes issuing from the courts in relation to the enforcement of 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 27th day of February, A. D. 1905.

CHAPTER 571.

AN ACT TO AMEND CHAPTER 416, PUBLIC LAWS OF 1901, RELATING TO STOCK LAW IN PART OF THE TOWNSHIP OF LILLINGTON IN HARNETT COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Amend section one, chapter four hundred and sixteen, Public Laws of one thousand nine hundred and one, by striking out all of section one of said chapter four hundred and sixteen after the word "fence" in line nineteen of said section one of said chapter four hundred and sixteen and substitute in lieu thereof the following: "then running in an eastern direction with Miss Betty Pipkin's and John McLeod's line fence to their corner, thence with the outside fence of the west hill field to the McNeill old mill or Smylie road, thence down the west side of said road to where J. W. Pipkin's plantation, thence crosses said road, thence running in a southern direction with said fence to Mrs. Dr. McNeill's fence, thence in a western direction with her fence to Miss Fanny F. Brantley's fence, thence with her fence around her field and mulberry orchard to the nearest point to Mrs. Dr. McNeill's fence, thence direct to her fence, thence with her outside fence to where the fence of the Brantley plantation joins it, thence with that fence to Upper Little River bank at or below mouth of Wild Cat Swamp, thence down said river with its various courses to a high bluff or point above the McNeill old mill-seat, thence down said river without the construction of any rail fence to its mouth or confluence with the Cape Fear River, which latter river is the lawful fence, thence without the construction along said river of any rail fence to the beginning."

Boundary established.

SEC. 2. That the commissioners named in section two of said chapter four hundred and sixteen of said act of one thousand nine hundred and one, and their successors in office, shall erect or cause to be erected good and substantial gates across the public and neighborhood roads or highways, where necessary, where said stock law fence crosses them. The cost and expense of erecting and keeping in repair said gates shall be paid in like manner as the erecting of the fence.

Gates to be erected across roads.

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

In the General Assembly read three times, and ratified this 27th day of February, A. D. 1905.

CHAPTER 572.

AN ACT TO PROHIBIT THE MANUFACTURE AND SALE OF
INTOXICANTS WITHIN TWO MILES OF THE CHURCHES
AND GRADED SCHOOLS OF SPRING HOPE, N. C.*The General Assembly of North Carolina do enact:*Unlawful to sell or
give away liquors.

SECTION 1. That from and after the first day of July, one thousand nine hundred and five, it shall be unlawful for any person, firm or corporation to sell or give away, directly or indirectly, any spirituous, vinous or malt liquors, wine or cider, or intoxicants of any kind, within two miles of the Methodist and Baptist churches and graded (public) schools of Spring Hope, N. C.: *Provided*, that this act shall not be construed to apply to wine and cider manufactured from grapes, berries or fruits raised on the lands of persons so manufacturing: *Provided further*, that this act shall be construed to forbid the sale of such spirituous, vinous or malt liquors by druggists for sickness, upon the written prescription of a legally qualified physician having such sick person directly under his treatment.

Proviso: wine and
cider.Proviso: druggists'
sales on prescrip-
tion.Conflicting laws
repealed.

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

In effect from 1st
July, 1905.

SEC. 3. That this act shall be in force from and after July first, one thousand nine hundred and five.

In the General Assembly read three times, and ratified this 27th day of February, A. D. 1905.

CHAPTER 573.

AN ACT TO AUTHORIZE THE TREASURER OF THE SCHOOL
FUND OF DUPLIN COUNTY TO PAY OFF THE OUTSTAND-
ING CLAIMS AGAINST THE COUNTY BOARD OF EDUCA-
TION OF SAID COUNTY.*The General Assembly of North Carolina do enact:*Unapportioned
fund appropriated.

SECTION 1. That the treasurer of the county school fund of Duplin County is hereby authorized and directed to pay off and discharge, out of any unapportioned school fund, or any part of the fund set aside for building purposes now on hand or that may hereafter come into his hands during the year ending June thirtieth, one thousand nine hundred and five, all the legal valid claims against the county school fund or the county board of education of said county heretofore contracted, upon the same being signed by the school committeemen of the respective school districts and countersigned by the county superintendent of schools.

SEC. 2. That in the event there shall not be sufficient unapportioned funds to pay off said claims, then the amount for each district may be paid out of the funds due or that may hereafter become due said district, upon the presentation of a voucher signed as provided in section one of this act.

How claims paid if unapportioned fund insufficient.

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. 1905.

CHAPTER 574.

AN ACT TO ALLOW THE COMMISSIONERS OF PERSON COUNTY TO EXPEND THE SURPLUS RAILROAD TAX UPON THE PUBLIC ROADS.

The General Assembly of North Carolina do enact:

SECTION 1. That the Commissioners of Person County be and they are hereby authorized and directed to expend upon the public roads of Roxboro, Olive Hill, Holloway's and Woodsdale Townships in said county the money levied and collected from said townships to pay the principal and interest of the bonds issued by said townships to pay their several subscriptions to the stock of the Lynchburg and Durham Railroad, all of said bonds having now been paid and cancelled and the surplus collected for said purpose, now amounting to two thousand seven hundred and sixty-eight dollars and twenty-five cents (\$2,768.25). Said commissioners will direct the county treasurer to transfer the amount of such surplus now in his hands to the credit of the road fund of each township in the same proportion as the same was levied and collected, and when so transferred the same will be expended in the same manner as other road funds belonging to said townships are now expended under the road law applicable to Person County.

Surplus of railroad tax to public roads.

To be credited to townships proportionately.

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. 1905.

CHAPTER 575.

AN ACT TO PROTECT PRIMARY ELECTIONS AND CONVENTIONS OF POLITICAL PARTIES IN THE CITY OF RALEIGH, AND TO PUNISH FRAUDS COMMITTED THEREAT.

The General Assembly of North Carolina do enact:

Primaries to be held under rules of political party.

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 city or county 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, a justice of the peace 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 city clerk within five days after such election.

Managers to be sworn.

Managers to fill vacancies.

Oaths to be filed.

Boxes to be opened and exhibited.

SEC. 2. Before any ballots are received at any 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 election, and shall, if a voter be challenged for any cause by any elector, before receiving his 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 transmit 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

Boxes locked or sealed.
Not opened until close of election.
Poll lists.

Oath of voter challenged.

Votes counted publicly.

Certificate of results.

rules of the party, organization or association holding such 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 city clerk of the city of Raleigh within twenty-four hours after the final declaration of the result thereof, and shall remain there for public inspection.

Party holding primary to regulate same.
Returns and poll lists filed in office of city clerk.
For public inspection.

SEC. 4. Any manager who shall be guilty of willfully 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 one hundred dollars 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 five hundred dollars or imprisonment for a term not to exceed twelve months, or both, in the discretion of the court.

Violation of duty a misdemeanor.
Penalty.
Fraud or corruption a misdemeanor.
Penalty.

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.

False swearing.

SEC. 6. That in the city of Raleigh there shall be a party registration of voters under regulations to be prescribed by the rules of the party, organization or association.

Party registration.

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 willfully fail or refuse to perform such duty shall be guilty of a misdemeanor cognizable in the county of his residence.

Persons accepting party appointment to perform duties.
Delegates to conventions to carry out choice of party.
Failure a misdemeanor.

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 offense.

Fraudulent voting.
Punishment.
Repeating a misdemeanor.
Punishment.

Bribery or attempt to bribe 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 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 twenty-five dollars nor more than five hundred dollars, or imprisoned not less than thirty days nor more than twelve months, in the discretion of the court.
Penalty.	
Dram-shops and liquor houses closed. Unlawful to sell or give away liquors.	SEC. 10. All dram-shops and other places for 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 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.
Certified copy of registration books.	SEC. 11. That for the purpose of a registered primary the custodian of any of the registration books in the city of Raleigh or county of Wake shall, on demand, make a certified copy of the same for the manager or managers of any political party, organization or association: <i>Provided</i> , that the political party, organization or association or any of the managers shall pay to the custodian of the books fifteen cents for every one hundred names made or copied: <i>Provided further</i> , that this application shall be made at least ten days before the primary.
Proviso: fees for copy.	
Proviso: time of application.	
Hours of election.	SEC. 12. That the polls shall be opened on the day of the election for such length of time as the executive committee of such party or organization may name, and no longer; and each elector whose name shall appear on the poll book 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 room in which the election is held shall be kept open and clear of all persons except the election officers herein provided for, which space may, if the executive committee of the party holding said primary so direct, in any precinct or ward, be railed or roped off, with a narrow passage leading to and from the polls, and each elector shall approach the polls from one direction through such passage, and after his ballot is deposited in the box, with as little delay as possible, shall depart by the passage leading from the polls. Only one elector shall enter the said passage leading to the polls at one time. After the elector has entered the passage no one except the managers of the election or the challengers herein provided for shall be permitted to speak to him or make any signs to him, nor shall he be permitted to speak or to make any sign to any one except the managers of the 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 bal-
Space kept clear.	
Only one elector to enter passage.	
Outside communications forbidden.	
Space to be kept open and cleared.	

lotting be kept open and cleared of all persons except the election officers aforesaid, and it shall be the duty of the election managers to keep such space so cleared and open. The city executive committee of the said party holding a primary election, at least ten days before each primary election in this act provided for, shall appoint for each polling place one discreet person challenger (from opposite so-called factions or parties, if any two of the candidates belong to opposite so-called factions or parties, otherwise any discreet person), and in the event said executive committee fails to appoint such challengers, or any of them, those not appointed by either so-called faction or party shall be appointed in the managers' discretion; and if the vote of any elector shall be challenged by them or any elector, or the said managers of the election, upon 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 aforesaid to the polling place and remain while the testimony is being taken upon the question of challenge, and no longer.

Challengers.

Challengers and witnesses allowed in polling place.

SEC. 13. After the ballots are counted they shall be carefully preserved, and shall be, together with the poll lists, which shall be signed by the managers, delivered to the clerk of the said city of Raleigh.

Ballots to be preserved and filed.

SEC. 14. That the several candidates for mayor, aldermen and candidates for any other office for the city of Raleigh to be filed at any election shall, at least five days prior to any primary election, file with the City Clerk of Raleigh 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 such notices the date when it was filed in his office, and shall preserve the same with the records of the city for twelve months. Any elector of the city shall have the right to inspect the same. That it shall be the duty of the said clerk, within three days of any primary election, to have printed the ballots to be used and cast by the electors in such primary election, which ballots shall contain the names of all candidates who file said notices 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 respective candidates, shall be printed on the same ballot, and no candidates for any office shall be voted for in any primary election who have not filed written notices in said clerk's office as in this act provided; and said clerk shall provide necessary ballot boxes in which the ballots are to be placed: *Provided*, that the said party or organization, through its city executive committee of said party holding the primary election, shall pay said clerk for the amount of expense incurred for the printing and distributing said ballots or tickets and providing said boxes herein

Candidates to file notice.

Clerk to endorse notices.

Right of inspection.

Clerk to have ballots printed.

Description of ballots.

Clerk to provide ballot boxes. Proviso: party holding primary to pay expenses.

Clerk to deliver ballots.

Manager to distribute ballots.

Lists of candidates to be kept posted.

If ballots not provided, elector may prepare his own.

How ballot marked and deposited.

Persons not able to read and write may have assistance.

Proviso: certain ballots not counted.

Proviso: assistant mismarking ballots guilty of fraud.

Punishment.

Limited to Raleigh.

Proviso: act may be extended to county primaries.

Act modified if adopted for county.

provided for. That said clerk shall not, later than sunset of the day preceding such primary election, fail to deliver to a manager of each precinct or ward three times as many of said printed ballots as the polling books shall show that there are electors in such ward or precinct, and it shall be the duty of each of the said managers to have such ballots or tickets at his polling place at the time designated for holding said primary election, and see that two of such tickets are given to every elector presenting himself to vote in said primary election. That it shall further be the duty of such managers to have and keep posted in a conspicuous place at his polling place during the whole of the election a 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 managers of his ward or precinct, upon his demand for same, such elector, if entitled to vote, shall have a right to prepare and write or have prepared and written his own ballot, and may fold and cast same, if otherwise entitled to do so, and such ballot shall be counted. That each elector who shall upon his demand be furnished with the 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 primary election, and may fold and shall deposit his ballot, so marked, in the ballot box, or cause the same to be deposited. If the elector cannot read or write he may have one of the managers or any of the challengers, or, in case they refuse, then any one 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 in said primary election such ballot shall not be counted: *Provided*, that any one assisting any elector who cannot read and write his ballot to prepare the same shall willfully fail to prepare said ballot as directed by said elector shall be guilty of fraud, and upon conviction thereof shall be fined not more than fifty dollars nor less than twenty-five dollars, or imprisoned for not less than thirty days nor more than thirty days.

SEC. 15. That this act shall only apply to the city of Raleigh.

SEC. 16. *Provided*, that it shall be optional with the County Executive Committee of Wake County of any political party to adopt this act as applying to any county primary election to be held for the purpose of choosing candidates for county and township offices, members of the Legislature, State officers, solicitor, judge of the superior court, selecting and instructing delegates to county conventions, election of county executive committees or for any other purposes or elections; and if the county executive committee shall adopt this act for any primary election the provisions of this act shall apply thereto to the same extent as if so expressed, and where so adopted the words "city," "city clerk," "city executive committee" and "city of Raleigh," wherever they may appear

in this act, shall be construed to mean "county," "clerk of the superior court," "county executive committee" and "county of Wake," respectively, as the case may be.

SEC. 17. 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. 1905.

CHAPTER 576.

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

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of Pamlico County are hereby authorized and empowered, at their regular meeting on the first Monday in June, one thousand nine hundred and five, and at their subsequent regular meetings on the first Mondays in June of each year thereafter, so long as it may be necessary, to levy a special tax upon the taxable real and personal property and polls of said county for the purpose of discharging the outstanding indebtedness of said county, principal and interest, incurred by said commissioners to erect at the county-seat of said county a fire-proof vault for the safety of the public records, for which bonds have been executed. Special tax for outstanding debt.

SEC. 2. That the amount of tax levied under this act shall be determined by said board of commissioners, but shall not in either year exceed ten cents on the hundred dollars worth of real and personal property and thirty cents on the poll, and the constitutional equation between property and poll shall always be observed in making levies. Rate.

SEC. 3. That said tax shall be collected and accounted for by the sheriff or other tax collector of said county in the same manner and under the same penalties prescribed for the collection of other taxes in said county. To be collected 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 27th day of February, A. D. 1905.

CHAPTER 577.

AN ACT TO REGULATE THE APPOINTMENT AND DUTIES
OF COTTON-WEIGHER FOR THE TOWN OF DUNN, HAR-
NETT COUNTY.

The General Assembly of North Carolina do enact:

Former act as to
cotton-weigher
repealed.

SECTION 1. That chapter one hundred and forty-three of the Public Laws of one thousand eight hundred and ninety-nine be and the same is hereby repealed.

Cotton to be
weighed.

SEC. 2. That all cotton sold in bales in the town of Dunn, Harnett County, North Carolina, shall be weighed by a sworn cotton-weigher, who shall give bond in the sum of one thousand dollars, to be approved by the Commissioners of Harnett County and the Commissioners or Aldermen of the town of Dunn, for the faithful performance of his duties.

Pay of weigher.

SEC. 3. That the cotton-weigher provided for in this act shall receive as compensation ten cents for each bale weighed, to be paid one-half by the seller and one-half by the buyer.

Term of office.

SEC. 4. That the term of said officer shall be two years, beginning on the first day of August, one thousand nine hundred and five: *Provided*, that the cotton-weigher now elected or to be elected shall fill the said term as aforesaid without re-election on the said first day of August, one thousand nine hundred and five.

Proviso: term of
first weigher.

County commis-
sioners and town
aldermen to elect.

SEC. 5. That the said cotton-weigher shall be elected by the Commissioners of Harnett County and the Commissioners or Aldermen of the town of Dunn on the first day of August, one thousand nine hundred and seven, or as soon thereafter as they can meet in joint session.

Duties of cotton
weigher.

SEC. 6. That it shall be the duty of said cotton-weigher to keep separated the cotton belonging to each purchaser or buyer, so that the cotton owned by different purchasers or buyers will not become mixed on the cotton yard or cotton platform or platforms in said town; and it shall be his duty to keep a record of all cotton weighed, showing the name of the seller, the marks thereon, if any, by whom delivered on yard, if not so delivered by the seller, and name of purchaser, grade of cotton, and the price for which sold, if known to such weigher.

Records evidence.

SEC. 7. That the records of the said officer, when properly authenticated, shall be evidence in any court, and said records shall be open to inspection to any person upon requesting said officer to be allowed to do so.

Open to inspection.

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

In the General Assembly read three times, and ratified this 27th day of February, A. D. 1905.

CHAPTER 578.

AN ACT TO PROHIBIT THE PUTTING OF SAWDUST INTO
CERTAIN STREAMS IN ASHE COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person or persons to throw or deposit or in any manner place sawdust into the North Fork of New River and its tributaries above J. A. Dixon's mill in Ashe County. Unlawful to place sawdust in river.

SEC. 2. That any person violating this act shall be guilty of a misdemeanor, and upon conviction fined not more than ten dollars in each case, or imprisoned, at the discretion of the court.

SEC. 3. That this act shall apply only to Ashe County and take effect on and after July first, one thousand nine hundred and five. Limited to Ashe county.
In effect from 1st July, 1905.

In the General Assembly read three times, and ratified this the 27th day of February, A. D. 1905.

CHAPTER 579.

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF GRANVILLE COUNTY TO REFUND THE
BONDED INDEBTEDNESS OF OXFORD AND SALEM
TOWNSHIPS.

WHEREAS, by virtue of the Public Laws of one thousand eight hundred and eighty-five, chapter one hundred and sixteen, and the Public Laws of one thousand eight hundred and eighty-seven, chapters three and one hundred and forty-eight, the Board of County Commissioners of Granville County, upon the vote of the majority of the qualified voters of Oxford Township to aid in the construction of the Oxford and Clarksville Railroad, did issue the coupon bonds of said township to the amount of twenty thousand dollars, payable in thirty years, bearing interest at the rate of six per cent. per annum; and whereas, by the laws of one thousand eight hundred and ninety-one, chapters sixty-three and three hundred, the township of Salem was erected out of a portion of said Oxford Township, with the proviso that the property of said Salem Township should still be responsible for its proportionate part of the debt incurred in aid of the construction of the Oxford and Clarksville Railroad; and whereas, the people of said two townships have paid off six thousand dollars of said indebtedness and now wish to refund the fourteen thousand dollars still due on said bonded indebtedness at a lower rate of interest: now, therefore, Preamble.
Preamble.
Preamble.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of refunding and paying off the bonded indebtedness of the townships of Oxford and Salem, incurred for the purpose of aiding in the construction of the Oxford Funding bonds to be issued.

Amount.	and Clarksville Railroad, the Board of Commissioners of the County of Granville are hereby authorized to issue coupon bonds on behalf of said Oxford and Salem Townships to an amount not exceeding fourteen thousand dollars, in denominations of one thousand dollars, payable in not more than fourteen years and bearing interest at a rate not exceeding five and one-half per centum per annum, payable semi-annually, both the principal and interest of said bonds to be payable at such time and place as may be deemed advisable by the said board of county commissioners, with the proviso that the said board of county commissioners may redeem and pay off one of said bonds each year after the date of issue. Said bonds shall be signed by the chairman of the board of county commissioners and attested by the register of deeds, <i>ex officio</i> clerk of the board, with the seal of said county, and said coupons shall bear the engraved or lithographed signature of the chairman of said board of county commissioners. Said bonds shall be sold either publicly or privately, with or without notice or advertisement, as the board of county commissioners may determine, for not less than their par value and accrued interest; and the proceeds of the sale of said bonds, including any premium received upon their sale, shall be applied to the payment of the outstanding bonds of the said Oxford Township issued to aid in the construction of the Oxford and Clarksville Railroad as aforesaid, and the interest thereon, but the purchaser of said bonds shall not be required to see to the application of the purchase-money.
Description.	
How bonds attested.	
Sale of bonds.	
Not less than par.	
Application of proceeds.	
Purchaser not required to see to application.	
Bonds paid off recorded and destroyed.	SEC. 2. That it shall be the duty of the chairman and clerk of the said board of county commissioners to make a record of all the bonds paid off, and then destroy said bonds. The said board of county commissioners shall also make a record of the sale of the bonds authorized under this act, and the name and address of the purchaser or purchasers thereof.
Record of sale of bonds.	
Special tax for interest and bonds.	SEC. 3. That the Board of County Commissioners and the justices of the peace of Granville County are hereby authorized, empowered and directed, at their meeting in June of each year, when the taxes are levied, to levy a sufficient tax upon real and personal property and all other subjects upon which county taxes can be levied and polls in said townships to pay off and discharge the interest upon said bonds and the principal of one of said bonds, always preserving the equation between the tax upon property and upon polls.
	SEC. 4. That chapter two hundred and thirty-four of the Public Laws of one thousand nine hundred and three be and the same is 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 27th day of February, A. D. 1905.

CHAPTER 580.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF MITCHELL COUNTY TO RELEASE S. J. BLACK, EX-TREASURER OF MITCHELL COUNTY, FROM PAYMENT OF CERTAIN FUNDS.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of County Commissioners of Mitchell County be and they are hereby authorized, if in their judgment it be proper, to release S. J. Black, late Treasurer of Mitchell County, and his sureties from the payment of the sum of two hundred and forty-two dollars and thirty-seven cents due to the school, special, bond and road funds of said county, said fund alleged to have been stolen from said S. J. Black while he was acting as said treasurer 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 27th day of February, A. D. 1905.

CHAPTER 581.

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

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of settling the indebtedness and necessary expenses of Richmond County the board of commissioners of said county is authorized and empowered to issue bonds, bearing interest at the rate of five per centum (5 per cent.) per annum, to the amount of twenty-five thousand dollars, or so much thereof as may be necessary, in denominations of five hundred dollars each, to each and every of which shall be attached coupons representing the interest on said bonds, which said coupons shall be due and payable on the first day of January and July of each year until the said bonds shall become due. That the bonds so issued by the said board of commissioners shall be numbered consecutively from one to fifty, and the coupons shall bear the number corresponding to the bond to which they are attached, and shall declare the amount of interest which they shall represent and when the interest is due, and shall be receivable in payment of all county taxes.

SEC. 2. That the bonds shall be signed by the chairman of the board of county commissioners and countersigned by the register of deeds, and the official seal of the board of county commissioners shall be attached thereto.

Record of bonds.	SEC. 3. 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 an accurate account of all the interest paid and a record of the bonds redeemed.
Bonds destroyed when redeemed.	SEC. 4. That the bonds, when redeemed and recorded, shall be destroyed by fire, in the presence of the board of commissioners, by some one of its number or by the clerk under direction of the board.
Date and maturity.	SEC. 5. That said bonds shall be dated as of the first day of July, one thousand nine hundred and five (1905), and shall be due and payable at the expiration of thirty years from and after said date; and when said bonds are sold the coupons calling for the interest accrued between date of said bonds and the July or January nearest the date of sale of the same shall be detached.
Coupons for accrued interest detached.	SEC. 6. That the commissioners of said county are hereby authorized, at the time of levying other county taxes, to levy annually an additional special tax sufficient in amount to pay the interest on said bonds, together with the costs and charges incident to said tax, upon all subjects of county taxation in said county as aforesaid, until the final payment of said bonds shall be provided for, maintaining the constitutional equation between property and poll.
Special tax for interest.	SEC. 7. That for the purpose of creating a sinking fund to pay at maturity the bonds issued under this act the commissioners of said county, at the regular time for levying other county taxes for the year one thousand nine hundred and fourteen (1914), and annually thereafter for twenty years, are hereby authorized to levy a special tax which shall be sufficient to raise a sum equal to one-twentieth of the whole amount of the bonds issued under this act, together with the costs and charges incident to said special tax, upon all subjects of county taxation in said county as aforesaid, maintaining the constitutional equation between property and poll. The moneys raised by this special tax shall be kept separate and distinct from any other funds, and the board of commissioners of said county may use the same from time to time in purchasing, before maturity, any of the bonds outstanding issued under this act, provided they can obtain the same at a fair and reasonable price, or may deposit the said sinking fund from time to time in any banking institution or trust company in North Carolina of approved standing and solvency, at the prevailing rate of interest for such deposits, or said board may invest said fund in North Carolina State bonds or bonds of the United States.
Special tax for sinking fund.	SEC. 8. That the said special taxes shall be collected by the sheriff of the said county, whose bond shall be liable therefor as for other county taxes, and he shall pay over the same to the county treasurer in like manner as other county taxes are paid; and said taxes shall be used only for the purposes for which the
Money kept separate.	
Bonds to be purchased.	
Investment of sinking fund.	
Taxes collected as other taxes.	
Specifically appropriated.	

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

SEC. 9. That the said bonds and proceeds arising from the sale of the same shall be used by the board of commissioners for the following purposes, to-wit, the payment of Richmond County's *pro rata* part of the indebtedness against the county at the time of the creation of Scotland County and when said indebtedness was divided between Richmond and Scotland Counties, the payment of outstanding court-house bonds, the payment of outstanding county home bonds, the payment of outstanding floating debt bonds, and for the payment of all other outstanding county indebtedness for necessary expenses.

Application of proceeds of bonds.

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

Proceeds received and held by county treasurer.

SEC. 11. That all laws or 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 27th day of February, A. D. 1905.

CHAPTER 582.

AN ACT TO RELIEVE WILLIAM H. WORTH, LATE TREASURER, OF THE LOSS SUSTAINED BY THE FAILURE OF THE FIRST NATIONAL BANK OF ASHEVILLE, THE WESTERN CAROLINA BANK OF ASHEVILLE AND THE BANK OF GUILFORD OF GREENSBORO.

WHEREAS, William H. Worth, late Treasurer of North Carolina, did, in pursuance of the laws of the State, deposit in the First National Bank of Asheville, in the Western Carolina Bank of Asheville and in the Bank of Guilford, Greensboro, to the credit of the State, certain funds of the State, as was customary with his predecessors in office, the said banks having been depositories of the former State Treasurer, and all of said banks having failed; and after giving credit for all dividends paid by the receivers thereof there still remains unpaid of the funds deposited in the First National Bank of Asheville the sum of one thousand nine hundred dollars, of the funds so deposited in the Western Carolina

Preamble.

Bank of Asheville the sum of four hundred and sixty-seven dollars and fifty cents, and of the sum deposited in the Bank of Guilford, Greensboro, the sum of two hundred and thirty-two dollars and fifty cents: now, therefore,

The General Assembly of North Carolina do enact:

Auditor and Treasurer to credit on books.

SECTION 1. That the Auditor of the State is hereby directed to credit on the books of his office the amount of money still due from the banks aforesaid, amounting to twenty-six hundred dollars, and that the State Treasurer is directed to make a like credit on the books of his office; and that William H. Worth, late Treasurer of the State, be absolved and relieved from any further liability for and on account of the moneys deposited in the banks as set forth in the preamble to this act.

Dividends to be paid to State Treasurer.

SEC. 2. That any dividends hereafter paid on said deposits shall be paid to the State Treasurer and turned into the general fund.

SEC. 3. 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. 1905.

CHAPTER 583.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF PASQUOTANK COUNTY TO ISSUE BONDS TO PAY THE FLOATING DEBT.

The General Assembly of North Carolina do enact:

Bond issue authorized.

SECTION 1. That for the purpose of paying the floating debt of the county the Board of Commissioners of Pasquotank County are hereby authorized and empowered to issue bonds for an amount not to exceed five thousand dollars (\$5,000), in denominations of five hundred dollars (\$500) each, bearing interest not to exceed five per cent. per annum on the principal of each bond; said interest to be due and payable semi-annually from the date of issuing said bonds.

Amount.

Denominations.

Interest.

How bonds attested.

Record of bonds.

SEC. 2. Said bonds shall be signed by the chairman of the board of county commissioners and countersigned by the register of deeds. Said register of deeds shall keep a suitable book in which he shall keep an account of each bond issued, to whom issued and the number of each bond, and he shall keep an accurate account of all the interest paid and an account of the bonds when they are paid. Said book shall be open to the inspection of any taxpayer of said county. And should said register of deeds fail to so keep said book he shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than ten dollars (\$10) nor more than fifty dollars (\$50), in the discretion of the court.

Record to be open to inspection.
Failure to keep record a misdemeanor.
Penalty.

SEC. 3. The said bonds shall be numbered one, two, three, and so on, as they are issued, and bonds numbers one and two shall be due and paid one year from date of same; bonds numbers [three] and four shall be due and paid two years from date of same, and so on, according to numbers; two bonds falling due and payable every year until the last bond is paid.

Bonds to be numbered.

When to mature.

SEC. 4. That said bonds shall not be sold for less than their par value.

Not to be sold below par.

SEC. 5. As soon as the county treasurer pays any interest and bonds as they become due, he shall report to the register of deeds the amount paid as interest or bonds, and to whom paid, in order that the register of deeds may fully comply with section two of this act.

County treasurer to report payments.

SEC. 6. 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. 1905.

CHAPTER 584.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF RICHMOND COUNTY TO ISSUE TOWNSHIP BONDS TO BUILD PUBLIC ROADS IN THE DIFFERENT TOWNSHIPS OF SAID COUNTY, IF VOTED FOR BY THE QUALIFIED VOTERS OF SAID TOWNSHIP, AND TO CHANGE THE BOUNDARY LINES OF ROCKINGHAM TOWNSHIP.

The General Assembly of North Carolina do enact:

SECTION 1. That the boundary lines of the township of Rockingham in the county of Richmond be and the same are hereby so changed and enlarged as to include within said township all that portion of what is now Black Jack Township in said county lying south of the main prong of Cartledge's Creek.

Township boundaries changed.

SEC. 2. That for the purpose of rebuilding, grading, improving and maintaining in good order the public roads of the various townships of the county of Richmond the board of commissioners of said county and their successors in office shall have the power, and it shall be their duty if so authorized by the election hereinafter provided for in any township of said county, to sell twenty-five thousand dollars of the bonds of each and every township of the county of Richmond, or so much of said amount as the board of township road commissioners hereinafter provided for may notify them in writing to be necessary to carry out the provisions of this act. Said bonds shall not be sold for less than their par value. Said bonds shall be issued in denominations of not less than one hundred dollars and not more than one thousand dollars, and shall be interest-bearing coupon bonds, bearing interest at the

Purpose of bonds.

Bonds to be issued if voted.

Amount.

Bonds not to be sold below par.

Description.

rate of six per centum per annum and maturing thirty years from the date of their issue. Said bonds shall be prepared and issued by order of the board of county commissioners for and in behalf of the township voting the same as hereinafter provided, and shall be signed by the chairman of the board of county commissioners and attested by the Register of Deeds of Richmond County. Said bonds shall state upon their face for which township they are issued, and that they are public road bonds issued by authority of this act; and the purchase price of said bonds shall be paid to the Treasurer of Richmond County and disbursed by him as hereinafter provided for.

Special tax for interest.

SEC. 3. For the purpose of paying the interest upon all bonds issued and sold under this act, there shall be levied and assessed each year, at the time county taxes are levied and assessed, by the board of county commissioners of said county or such other authority as may by law be given the power and authority of levying and assessing the taxes for county purposes upon the property and poll of said county, upon all the taxable property, both real and personal of every kind and description, and the polls resident therein, of each township on behalf of which bonds may be issued and sold under this act, a sufficient tax to pay the interest on said bonds so issued and the cost of collecting and disbursing said taxes; and after said bonds shall have been running for ten years said county commissioners or other authority as aforesaid shall each year, until all of said bonds, principal and interest, shall be paid, compute, levy and assess upon all taxable property of every kind whatsoever and polls of said township a sufficient tax to pay one-twentieth of the principal of said bonds: *Provided*, that in the levy and assessment of said taxes the commissioners as aforesaid shall preserve the constitutional equation between property and the polls.

Special tax for bonds.

Proviso: constitutional equation.

Date of election.

SEC. 4. That on the first Saturday of May, one thousand nine hundred and five, there shall be an election in each and every township of said county, as said townships shall be bounded and described after the passage of this act, at the polling place or places established by law in said townships, to determine the questions of improving the roads as herein provided for, issuing the bonds, levying the taxes with which to pay the interest on the same and to redeem the same when matured. At said election those who are in favor of the improved roads, the bonds and taxes herein provided for shall vote a ballot upon which shall be either written or printed the words "For Roads, Bonds and Taxes," and those who are opposed to the same shall vote a ballot upon which shall be written or printed the words "Against Roads, Bonds and Taxes." The election shall be held under the law governing special elections in North Carolina, except that the returns of the results of said elections shall be made to the board of county commissioners, who shall canvass said returns and declare the results

Form of ballots.

Election under law governing special elections.

of the said elections and cause the returns from said elections to be recorded in the book of record of elections held in the county. That said board of county commissioners shall issue and sell said bonds on behalf of those townships wherein a majority of the qualified votes cast are for roads, bonds and taxes as herein provided, as speedily as is compatible with the preparation and procurement of fair offers for the same, and they shall not sell any bonds under this act on behalf of those townships wherein a majority of the qualified votes are not cast in said elections for roads, bonds and taxes: *Provided*, that the change made by this act in the boundary lines of Rockingham and Black Jack Townships shall not necessitate a new registration in said townships; that those residents of Black Jack Township made residents of Rockingham Township by the provisions of this act shall register and vote in Precinct Number One of Rockingham Township, and those remaining in Black Jack Township shall vote therein who are properly registered without re-registering, and those voters resident in Rockingham Township who are already properly registered need not re-register.

County commissioners to issue bonds in behalf of townships.

Proviso: change of line not to render new registration necessary.

SEC. 5. That the justices of the peace in each township where the roads, bonds and taxes are carried as aforesaid shall convene within ten days from said election at some place in said township to be agreed upon in writing by a majority of said justices of the peace, and after one day's notice of hour and place of meeting to each justice, shall proceed to elect three township road commissioners, who shall hold office for two years from the date of their election and until their successors shall be elected and qualified. In said elections by said justices the majority shall elect and give to said township road commissioners a written commission of office; and said justices shall convene at the expiration of the commission of said township road commissioners and elect their successors under the rules and regulations governing the first election of the said commissioners, and shall, under the same rules and regulations, by a majority of votes, fill all vacancies occurring by death, resignation or any other cause whatsoever on said board of township road commissioners. Said township road commissioners shall be residents of and freeholders in the township for which they are elected.

Justices of the peace to meet.

Township road commissioners.

Road commissioners to be resident freeholders.

SEC. 6. That within ten days after the election of said township road commissioners as hereinbefore provided for, said commissioners shall take and subscribe and file with the Clerk of the Superior Court of Richmond County an oath for the faithful, honest and lawful discharge of the duties of his office; and they shall thereafter within three days meet and organize by electing one of their number chairman and another secretary, and in all their meetings a majority vote shall control.

Commissioners to qualify.

And organize.

SEC. 7. That said township road commissioners, when organized as aforesaid, may and it shall be their duty to locate, relocate,

Duties of road commissioners.

widen, grade or otherwise change any public road or any part of the same, or to cause the same to be done, where in their judgment such location, re-location or change as aforesaid will prove advantageous to public travel, and may employ a competent surveyor and other necessary labor to aid them in doing said work; and for the purpose of laying out, locating, relocating, widening, changing, opening up, constructing and working any public road within their said townships, said board of township road commissioners shall have power and authority to employ all necessary labor and fix the compensation of the same and buy all material and machinery found by them to be necessary, and draw orders on the Treasurer of Richmond County as hereinafter provided for said road funds; and said township road commissioners or any one acting under their authority, by their direction or under their supervision, [may] enter upon the lands of any person situate in said township and proceed to open, build and construct or change a public road, and may use stone, earth, timber or any necessary material contiguous to said road for opening, constructing, changing and working said road. That when any person or persons on whose land the new road or part of a road is to be located, or an old road to be widened, changed or extended, claims damages therefor in excess of what the township road commissioners may deem just and offer to pay, and shall within thirty days petition said township road 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, order a jury of five freeholders who are residents of said township, none of whom shall be related to the person claiming damage, to be summoned by the sheriff of the county or the constable of the township, on a notice issued by the said board of township road commissioners, to meet and assess the damages, if any, sustained by the owner of the land, which said jury, after being duly sworn to impartially assess the damages, shall forthwith proceed to assess the same and make their report to the next regular or called session of the said commissioners. That said jury, in considering the question of damages, shall take into consideration the benefits to the owner of the land by such road or change of the same, and if the said benefits be considered equal with the damage sustained the jury shall so declare, but if the damage exceeds the benefits they shall declare the amount thereof. The officer making the service shall serve a copy of the summons on each freeholder summoned for a juror. The damages, if any are awarded, shall be paid out of the road funds of the said township by order of the township road commissioners. In case either party interested shall be dissatisfied with the finding of the jurors such dissatisfied party may appeal to the Superior Court of the county of Richmond, and an appeal taken by either party may be taken without bond, and the same shall be heard *de novo*; but the judge may in his discretion

Surveyor and labor.
 Material and machinery.
 Entrance on lands.
 Material.
 Procedure for condemnation.
 Appeal without bond.

require either party to give bond after the appeal is docketed in the superior court.

SEC. 8. That said board of township road commissioners shall elect for each township voting for the roads, bonds and taxes as hereinbefore provided for a township road supervisor, who shall take and subscribe and file with the Clerk of the Superior Court for Richmond County an oath to faithfully and honestly discharge the duties of his office. Said township road supervisor shall hold office at the pleasure of the board of township road commissioners and have such power and authority in the employment of labor, the purchase of material and machinery and otherwise as said board of township road commissioners may confer upon him, not inconsistent with this act and the law of the State, and no other; and such power as said township road commissioners may confer upon said supervisor may be withdrawn at any time. Said township road commissioners shall fix the compensation of said township road supervisor, and he shall not receive any other compensation for his services except such as may be allowed by them.

Township road supervisor.

SEC. 9. That said road taxes shall be collected by the Sheriff of Richmond County under the same regulations and penalties and punishment as the law of the State makes for the collection of the taxes of said county for general county purposes, and he shall receive the same commission for collecting the same as is allowed by law for the collecting of taxes for general county purposes; and said sheriff shall make bond for the faithful collecting and paying over of said taxes in an amount fifty per centum greater than the amount levied the preceding year for said roads; and if he be *ex officio* Treasurer of Richmond County he shall make bond before receiving the purchase price of the bonds sold under this act in an amount fifty per centum greater than the amount to be received from the sale of said bonds. Said bonds shall be approved by the Commissioners of Richmond County, who shall have the power and whose duty it shall be to institute action thereon in case of a breach of the same for and on behalf of said damaged township.

Road tax collected as other taxes.

Bond of sheriff.

Bond of sheriff as treasurer.

SEC. 10. That the Treasurer of Richmond County shall make bond in a sum fifty per centum greater than the amount of taxes levied under this act for the preceding year, and fifty per centum greater than the amount to be received from the sale of said bonds, conditioned for the faithful care and paying over according to law of said funds: *Provided, however,* that if the sheriff is *ex officio* treasurer of said county he shall only be required to make the bond provided for in the preceding section; and there shall be added to the amount of the bond required of the treasurer of said county or the sheriff and *ex officio* treasurer of the county a sum fifty per centum greater than the amount in hand from the preceding year or from his successor in office; and said treasurer shall honor, so far as he has said township road funds with which

Bond of treasurer.

Proviso: if sheriff be treasurer.

Orders for road money.

to do so, all orders upon him by said board of township road commissioners, and shall account to and settle with the Board of Commissioners of Richmond County for all moneys received on account of said township road funds at the same time he makes settlement with them for funds received for general county purposes; and in such settlement said board of county commissioners shall credit said sheriff or treasurer with all orders of the township board of road commissioners paid by him.

Road vouchers. SEC. 11. That said township road commissioners shall have power and authority to draw orders for money upon said funds in the hands of the Treasurer of Richmond County, and said treasurer shall not disburse any of said funds except upon the order of said township road commissioners, signed by their chairman and attested by their secretary.

Meetings of road commissioners. SEC. 12. That said board of township road commissioners of each township shall meet on the first Monday of each month at some place in said township to be agreed upon by them, and may have called meetings upon the call of the chairman; and said township road commissioners shall receive as compensation for their services the same pay as is allowed by the Commissioners of Richmond County for the same number of days, and no more.

Pay of commissioners.

Act applies to towns.

SEC. 13. That this act shall apply to and include the incorporated towns of the townships of said county; and in the townships voting for said roads, bonds and taxes said taxes herein provided for shall be levied upon the property and polls of incorporated towns situated therein, just as upon the polls and property of other parts of said townships; and the main thoroughfares or streets which run through said incorporated towns or portions of the same, and on into the country, shall be worked, graded and improved in every way by said township road commissioners just as the roads of said townships lying outside of incorporated towns are worked, graded and improved: *Provided*, that they shall not work side streets and alley-ways in said incorporated towns which begin and terminate in said incorporated towns.

Proviso: side streets and alley-ways.

Supervisor need not be citizen.

SEC. 14. That the township road supervisor herein provided for need not be a citizen of Richmond County.

Present law retained.

SEC. 15. That nothing in this act shall change, alter or amend the present road law of Richmond County until the qualified voters of a township or townships shall vote for roads, bonds and taxes as hereinbefore provided for, and then only in the township or townships so voting.

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 27th day of February, A. D. 1905.

CHAPTER 585.

AN ACT TO PROVIDE FOR THE WORKING OF THE PUBLIC
ROADS OF HYDE COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Commissioners of Hyde County shall, at their regular meeting on the first Monday in April, one thousand nine hundred and five, order an election to be held in Hyde County and each township thereof, on the Saturday after the fourth Monday in April, one thousand nine hundred and five, submitting to the qualified voters of the county and the respective townships therein the question of the approval of this act; and said commissioners shall give notice of said election for twenty days by publication of said notice at the court-house door and one or more public places in each township in the county; and the said commissioners, when the aforesaid election is ordered, shall appoint the registrars for said election and for each voting precinct in the county, and the judges of election—two for each voting precinct in the county—with power in the chairman of the board of said commissioners to fill any vacancy or to substitute their appointees, if reasons should exist therefor, and notice shall be given to these respective persons of their appointment; and the registration books of the county shall be placed in the hands of the registrars so appointed, and the registration books shall be kept open for the registration of any persons entitled and not hitherto registered; and said election shall be held in accordance with the general provisions of the law for the holding of elections, except as may be modified herein.

County commissioners to order election.

Date of election.

Approval of act to be submitted.

Notice of election.

Registrars and judges of election.

Appointees notified.

Registration books.

Registration.

SEC. 2. That the election officers shall appoint one of their number in each township to make returns of the registration books and the poll books, and also the return of the vote from his precinct; said return to be made on the first Monday of May, one thousand nine hundred and five; and the Board of Commissioners of Hyde County shall on that day meet and canvass the vote and record said vote by townships and by the county, and declare the result of said election.

Returning officers.

Returns made and canvassed.

SEC. 3. That in said election those favoring this law and the levying of the tax thereunder shall vote on a written or printed ballot "For Good Roads," and those against on a written or printed ballot "Against Good Roads."

Form of ballots.

SEC. 4. That if a majority of the votes cast at said election in the county shall be "For Good Roads," that in said case the act shall be adopted for the entire county of Hyde, and all of the provisions shall be carried out as in this act directed; but if a majority of the votes cast in said election in the county shall be "Against Good Roads," and at the same time a majority of the votes cast in said election in any township in said county be "For

Act in force if majority for good roads.

Townships giving majority for good roads.

Proviso: further elections.	Good Roads," then in such case this act shall be in force and operation only in the townships in said county that have given a majority in its favor: <i>Provided</i> , that in any township where this act is not adopted by a majority of the votes cast in the election to be held on the Saturday after the fourth Monday in April, one thousand nine hundred and five, this board of county commissioners shall order an election in such township upon petition of one-third of the qualified voters of such township asking that such election be held; the time for holding said election to be stated in said petition; but in no case shall but one election be held in such townships within the same year.
Only one election in one year.	
Board of road commissioners.	SEC. 5. That for the purpose of constructing, repairing, improving and maintaining the public roads in Hyde County, there shall be a special board, composed of one member from each township in the county in which this act shall be adopted, who shall be known as the "Board of Road Commissioners" for said county, which board shall have the entire supervision and jurisdiction of all the public roads of said county and succeed to and exercise all of the powers and duties heretofore exercised by and imposed upon the board of county commissioners and justices of the peace in reference to the establishment, alteration or discontinuance of all public and private roads, cart-ways and other thoroughfares.
Board to have entire supervision and jurisdiction over roads.	
County commissioners to appoint.	SEC. 6. That the Board of Commissioners of Hyde County are hereby authorized and empowered, at their first meeting after the ratification of this act, to appoint in each township in the county in which this act shall have been adopted one member from each township, who shall constitute the board of road commissioners of the county: <i>Provided</i> , that if this act shall not be adopted by any township in the county, then in that event said township shall not be represented on this board. The term of office of said board shall be until the first Monday in December, one thousand nine hundred and six, or until their successors are duly elected and qualify. A majority of said board shall constitute a quorum for the transaction of business.
Proviso: townships not represented.	
Term of office.	
Quorum.	
Successors to board elected by people.	SEC. 7. That at the regular election in November, one thousand nine hundred and six, and every two years thereafter, at the regular elections, members of said board of road commissioners shall be elected under the same rules and regulations as are or shall be prescribed for the election of other county officers.
Road commissioners to qualify.	SEC. 8. That the members of said board of road commissioners shall qualify before any officer authorized to administer oaths, on or before the first Monday in December immediately following their election, except those appointed under section six of this act, and all vacancies on said board caused by failure to qualify or otherwise shall be filled by said board by the appointment of a member from the same township from which the vacancy occurred, and said appointee, upon his qualification within a reasonable time, shall fill the unexpired term.
Vacancies.	

SEC. 9. That the members of said board appointed under section six of this act shall qualify on or before the first Monday in June, one thousand nine hundred and five, and they shall meet at the court-house in Swan Quarter on the first Monday in June, one thousand nine hundred and five, and organize by electing one of their number as chairman and by electing a secretary, who may be one of the board. The secretary shall, in a book suitable for the purpose, keep a full and perfect record of all the proceedings and actions of the board, which record shall be open to the inspection of the citizens of the county. The compensation of the members of the board shall be the same as the board of county commissioners. Said board shall meet quarterly on the first Mondays in December, March, June and September of each year, and oftener if necessary, upon a call of the chairman or any member if requested by a majority of the board. At all their meetings, which shall be held at the county-seat, they shall be authorized to transact any business and duties with reference to the roads of the county or within their jurisdiction.

SEC. 10. At or before their meeting in June of each year said board of road commissioners, provided a majority of the votes cast in the election as hereinbefore provided shall be "For Good Roads," shall consult together as to the amount of money reasonably necessary to purchase suitable tools, machinery, etc., for the proper working, improving and establishing of the public roads of the various townships in said county, and pay all expenses thereof and the expenses pertaining to the performance of their duties for one year, and shall fix and determine the rate of taxation on the property and polls in the various townships in said county for the purpose of raising said amount, which rate shall not be less than ten cents nor more than twenty cents on the one hundred dollars valuation of property and not less than thirty cents nor more than sixty cents on the poll in any year. The constitutional equation between property and poll shall always be observed in levying said tax. Said tax shall be collected as other taxes, and they shall be kept separate in the tax books of the county and shall appear separate on the tax receipts and be set aside as a special road fund to the credit of the respective townships in said county from which said road fund is derived, and to be used in the construction, improvement and keeping in repair the public roads of the county, the rents or purchase of team, machinery, material and implements, and the employment of such labor as may be found necessary to properly carry out this work: *Provided, however*, that the money derived from the aforesaid levy in each township shall be used and expended on the roads of said townships, and that each township shall have the benefit of the entire fund collected on the property and polls of said township: *Provided further*, that the board of commissioners, in levying said taxes, shall not be required to levy a uniform rate, but may levy in their judgment and in

When first board to qualify and meet.

Organization.

Secretary to keep record.

Record open to inspection.

Compensation.

Quarterly meetings.

Special meetings.

Board to make estimate and fix tax rate.

Tax limits.

Taxes kept separate.

Specific appropriation.

Proviso: township taxes to be expended in township.

Proviso: uniformity not required.

accordance with the recommendation of the board of road commissioners, according to the needs of each township.

Road duty.

SEC. 11. That after August first, one thousand nine hundred and five, every able-bodied male person between the ages of eighteen and forty-five shall be liable to perform two days' labor upon the roads of said county in their respective townships, under the supervision and direction of the road supervisor, overseers or other officer appointed by the board of road commissioners, who may assign each person to any portion of the road in the township in which said person resides as said officer may think best: *Provided, however,* that any person subject to work the roads under this act may be discharged from performing such labor upon the payment to the supervisor, overseer or other officer appointed under this act the sum of one dollar, or fifty cents for each day liable to perform said work, in lieu thereof: *Provided,* that said money be paid on or before the first Monday in June of each and every year; and if any person subject to work the roads under this act shall fail to pay said money in lieu of said labor for which he is liable on or before the first Monday in June of said year, then such person shall be charged with one dollar for each day he is required to perform such labor in lieu thereof; and if any person liable to work on said roads under this act shall fail to pay the sum stipulated in lieu thereof on or before the first Monday in June of each year and shall refuse to work when duly notified after this date, or to pay the sum stipulated in lieu thereof on or before the day in which day he is summoned to perform such work, then such person shall be guilty of a misdemeanor and shall be fined not more than ten dollars or imprisoned not more than thirty days, or both, in the discretion of the court.

Proviso: cash commutation.

Proviso: commutation to be paid by first Monday in June.

Failure to work a misdemeanor.

Penalty.

Road work in lieu of poll tax.

SEC. 12. All persons who shall be liable to pay poll tax levied by virtue of this act and who shall fail to pay the same on or before the first Monday in June of each year shall be liable and compellable to work four days upon the roads in their respective townships in said county under the same rules and regulations as provided in section eleven of this act: *Provided,* that such person failing to pay said poll tax shall be relieved of performing said labor upon the payment of one dollar for each day liable to perform such labor, under the same rules as prescribed in the preceding section.

Proviso: cash commutation.

County treasurer to be treasurer of road fund.

Liable on bond.
Commission.

Separate accounts.

SEC. 13. That the county treasurer shall be and he is hereby appointed treasurer of the road fund of the several townships in said county, and for the faithful keeping and disbursement of said funds the bond of said treasurer shall be liable. For his services in receiving and disbursing said funds he shall receive such commission as he is allowed for receiving and disbursing other county taxes. He shall keep in a special book, which shall be labeled "Road Fund," a separate [account] for each township in which road funds are levied and collected under this act, and credit to the

respective townships all its funds arising, levied and collected in said township coming into his hands, and said county treasurer shall pay the accounts of the several townships coming into his hands out of the respective funds of said townships. All orders or warrants of said board of road commissioners on the county treasurer shall be authenticated as is required for such orders of the board of county commissioners. Orders authenticated.

SEC. 14. That the taxes and other revenue derived by virtue of this act shall constitute a special road fund for said township, to be used for the construction and improvement of the roads and small bridges in said township and for the purchase of tools, machinery, teams and other supplies and equipments for the better prosecution of the work in said township, and shall be expended in the respective townships according to the judgment and discretion of the board of road commissioners, and said board shall, as often as they deem necessary, issue orders or warrants upon the county treasurer directing him to pay to the supervisors or other officers of roads the amount herein specified for the purpose of carrying out the provisions of this act. Specific appropriation.

SEC. 15. That said board of road commissioners shall, at their meeting in June, one thousand nine hundred and five, and annually thereafter, appoint a road supervisor in each township in which this [act] shall be adopted, and at any time may appoint overseers if they deem the same advisable, or authorize the supervisors to appoint said overseers. Township supervisors. Overseers.

SEC. 16. Every supervisor shall be required to execute a proper undertaking in an amount to be fixed by said board of road commissioners for the faithful performance of his duties and for the proper accounting for the funds and property which may come into his hands as such, and shall always be subject to the orders and control of said board, and may be at any time removed by them for inefficiency, misconduct and other good cause, and a successor may be appointed by them. Supervisors to give bond. Subject to board. Removal for cause.

SEC. 17. The supervisor shall have charge and management of the hands, labor, teams, tools, apparatus and machinery used on the roads under his charge, and shall render an itemized statement on account of the number of hands worked on the roads, the number of hours or days worked, the amount paid each hand, the amount of money received and how the same was disbursed, and a list of the tools, teams, machinery and other apparatus in his hands and the condition thereof, and any other information in reference to his management that may be reasonably required. Said reports shall be made quarterly, or oftener if required, to said board. He shall have the teams and all apparatus properly cared for. In all matters he shall be subject to the control and direction of said board. Duty of supervisors. Itemized statements. Reports quarterly.

SEC. 18. That said board of road commissioners shall have full power and discretion to adopt such methods and means and agen- Plenary powers of board.

cies for and in the management, improvement and working of said roads as they may determine to be wise and best, regardless of any seeming limitations or restrictions in this act, and they may also make such purchases of lands, timbers and machinery and teams as they may deem wise and important for the improvement of the roads.

Annual state-
ments.

SEC. 19. That the board of road commissioners shall make an annual statement of all their doings and proceedings in the same manner and at the same time as is required of the board of county commissioners, which statement shall be recorded and preserved by the register of deeds in a suitable book which shall be subject to the inspection of the public, and the register of deeds shall receive the same fees for such services as he receives in other like cases.

Statement re-
corded.

Record open for
inspection.
Fees of register of
deeds.

Orders on road
funds.

SEC. 20. All orders or warrants of the said board on the county treasurer authorized as is required for such orders of the board of county commissioners shall be paid by the said treasurer out of the road funds in his hands.

Pay of supervisor,
overseers and
laborers.

SEC. 21. The supervisor and overseers appointed by said board of road commissioners in the respective townships of said county shall receive such compensation as may be determined upon by said board, and all laborers employed by the supervisor or other officer shall receive such compensation as may be determined by said board. The board shall have authority to decide at what times the roads shall be worked and the number of hours required to constitute a day's work.

Board to decide on
time of work.

Powers and juris-
diction of board.

SEC. 22. That the board of road commissioners shall have all the powers and jurisdiction given to the board of county commissioners and justices of the peace in chapter fifty of The Code and the amendments thereto, and may exercise the same where not inconsistent with this act, and the provisions of said chapter and the amendments thereto, where not inconsistent herewith, are to remain in force.

Power to enter on
lands and take
materials.

SEC. 23. That for the purpose of repairing and constructing and improving the public roads the supervisor or other officers employed by said board shall have authority to enter upon any uncultivated lands near to or adjoining the roads, or any improved or cultivated lands when unencumbered by cultivated crops, to cut and carry away timber, except trees or groves left for ornament or shade; to dig or cause to be dug and carry away gravel, earth, sand or stone which may be necessary to repair or improve said road; to make such drains or ditches through the same as may be necessary for the benefit of the road, doing as little injury to the lands as possible; and any person willfully obstructing the performance of these duties or willfully obstructing such drains or ditches when made shall be guilty of a misdemeanor, and any such supervisor, officer or employee maliciously or needlessly in-

Obstruction and
needless damage
misdemeanor.

jurying or damaging any lands or timbers in the performance of his duties shall be guilty of a misdemeanor.

SEC. 24. That the roads in said county shall be worked until August first, one thousand nine hundred and five, under the same law in force on January first, one thousand nine hundred and five, except that they shall be under the control and direction of the board of road commissioners instead of the county commissioners and justices of the peace. Roads worked under present law.

SEC. 25. That all of the provisions of The Code and the amendments thereto not in conflict with this act shall remain in full force and effect, and the same are hereby made a part of this act, except that all of the powers and duties heretofore vested in the board of county commissioners and justices of the peace in reference to the public roads shall be vested in the board of road commissioners. Code to apply where not inconsistent.

SEC. 26. That any person willfully violating any of the provisions and requirements of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days. Misdemeanor. Penalty.

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

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

CHAPTER 586.

AN ACT TO INCORPORATE THE "APPALACHIAN INTER-URBAN RAILROAD COMPANY."

WHEREAS, J. S. Rhodes, J. M. Stepp, D. S. Pace and others hereinafter named have decided to organize an interurban railroad company as hereinafter defined; and whereas, it is the wish of the incorporators to procure a charter whereby cities, towns, townships and counties can subscribe to the capital stock of said company; and whereas, this object cannot be accomplished under the general law in a charter procured from the Secretary of State: now, therefore, Preamble.

The General Assembly of North Carolina do enact:

SECTION 1. That J. S. Rhodes, J. M. Stepp, D. S. Pace, C. M. Pace, T. C. Israel, J. Williams, John L. Orr, G. H. Valentine, J. M. Waldrop, Louis A. Miller, W. A. Smith, H. D. Hyder, W. C. Lyda, W. F. Dotson, F. V. Hunter, M. T. Justus, J. B. Freeman, W. C. Rector, J. W. Wolford, K. G. Morris, John H. Timley, E. W. Eubank, Corporators.

Corporate name. Formal enumeration of corporate rights.	<p>B. Jackson, W. M. Hill, W. F. Edwards, R. H. Staton, H. G. Ewart, O. V. F. Blythe, Claude Brown, G. M. Glazener, S. H. Hudgins, J. P. Israel, I. H. Cantrell, J. D. Dermid, J. P. Rickman, J. L. Freeman, Jesse O. Johnson, T. L. Johnson, L. L. Johnson, J. P. Case, J. G. Posey, F. S. Starrett, C. E. Wilson, T. A. Jackson, M. L. Shipman, J. L. Allen, J. P. Crook, D. L. Johnson, T. E. Osborne, B. T. Morris, J. P. Patton, Charles Clark, D. P. Pace, Fred. E. Allison, O. E. Blythe, A. L. Holmès, J. R. Hill and their associates and successors be and they are hereby declared a body politic and corporate under the name and style of the "Appalachian Inter-urban Railroad Company," and by that name shall sue and be sued, plead and be impleaded, make and use a corporate seal, alter the same at pleasure, contract and be contracted with, and have and enjoy all the rights and powers and privileges necessary for the purposes of this act.</p>
Capital stock.	<p>SEC. 2. That the capital stock of the said company shall be one hundred and twenty-five thousand dollars, which may be increased from time to time by amendment as provided in section twenty-nine, chapter two of the Public Laws of one thousand nine hundred and one, upon payment of the proper fees to the Secretary of State: <i>Provided</i>, such increase shall be null and void until such fees are paid.</p>
Purposes of corporation.	<p>SEC. 3. That the chief purposes of said corporation shall be to make, grade and operate railroads, pleasure drives, boulevards, avenues, telegraphs and telephones in the mountains of western North Carolina for the use and entertainment of citizens, tourists and pleasure-seekers; and said company shall have the right to make, grade, construct, operate and maintain such drives, boulevards, avenues, electric and steam railroads, to be operated by electric or steam engines and cars, dummy engines and cars, horse cars, horse vehicles, automobiles, locomotives and such other modes of carriage for passengers and freight, and to erect such poles and wires to carry said power and messages as may be necessary to promote the objects for which said company is organized and incorporated.</p>
Right to hold property.	<p>SEC. 4. 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 installments 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 agreement or by reason of fraudulent</p>
Stock may be paid in installments.	
Stockholders not personally liable.	

conduct upon his or her part. And any city, town, township or county through which said roads may be located may subscribe to the capital stock of said company, to be paid in cash or bonds, in such amounts as may be deemed wise and expedient. Said subscriptions may be made by counties and ratified by the voters thereof as provided by sections one thousand nine hundred and ninety-six, one thousand nine hundred and ninety-seven, one thousand nine hundred and ninety-eight, one thousand nine hundred and ninety-nine, and two thousand of The Code. Said subscriptions by cities and towns shall be made by the mayor and aldermen or commissioners and approved by the voters in an election to be held in any city or town under such regulations and upon such conditions as the mayor and aldermen or commissioners may prescribe, and the election thereupon held shall be held at any time after thirty days' notice in a newspaper published in the city or town proposing to vote such bonds, under the rules prescribed for holding elections for municipal officers. Said subscription, if approved by a majority of the qualified voters of such city or town, may be paid either in cash or bonds. Any township through which said company may propose to construct its road may subscribe to the capital stock of said company, as aforesaid, through the board of commissioners of the county in which said township is situated, upon the written petition of one-fourth of the qualified voters of said township, indicating the terms and conditions upon which said subscription is to be paid; and upon the filing of said petition with said board of commissioners the said board of commissioners shall call an election to be held in said township at its various voting precincts at any time after thirty days' notice published in some newspaper in said county and at said voting precincts; and if at said election a majority of the qualified voters in said township shall vote for said subscription, then the said subscription so made may be paid either in cash or bonds to be issued by the commissioners of said county in the same manner as bonds are authorized to be issued by counties. Said bonds, with the interest thereon, shall be liquidated by taxes to be levied and collected by the sheriff or tax collector of said county in the same manner as public taxes are collected. Said election to be held in the same manner as prescribed for elections in the county under section one thousand nine hundred and ninety-eight of The Code.

Municipalities and counties may subscribe to stock.

Procedure for making subscriptions.

Subscriptions in cash or bonds.

How townships may subscribe.

Taxes to be levied for interest and bonds.

SEC. 5. 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 company may begin the work contemplated in this act.

When work to begin.

SEC. 6. That for the purposes set forth above and for the accommodation of the public, said company may become a common carrier and liable to the public as such, and shall have the right to purchase such land as they may need for the rights of way and

Common carrier.

Purchase or condemnation of land.

for the erection of such buildings as may be necessary in running said business; and if said company and the owners of land cannot 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 to owners of land and railroad companies under chapter forty-nine, volume one of The Code, entitled "Railroads," and all amendments thereof.

Water-powers. 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, and shall have the right to buy, sell, lease and use lights and motive power for any and all useful purposes.

Fares and freights. 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 and for the transmission of messages as they may elect.

Gates across drives and boulevards. 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, on foot or in their own vehicles and upon their own horses, such reasonable tolls as are charged and allowed to be charged by turnpike companies.

Tolls. 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.

Location. SEC. 11. That said company, for the purpose of transferring power and lights and messages from place to place, 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 damages as said owners may sustain therefrom; said damages, if they cannot be agreed upon, to be determined in like manner as is hereinbefore provided for ascertaining damages caused by the construction of the roads mentioned herein.

Wire lines. 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 lay out towns and villages. SEC. 13. 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

Officers.

of time as said stockholders may determine in their by-laws or otherwise.

SEC. 14. 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 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 by-laws. The said company shall be allowed to organize as soon as five hundred dollars in cash shall be paid, in, and the first meeting of the stockholders shall be held in Hendersonville at a time and place to be fixed by any of the stockholders mentioned above, after publication thereof made for ten days in two newspapers published in Hendersonville.

Votes of stockholders.

Stockholders to enact by-laws.

Meeting for organization.

SEC. 15. That this charter may be amended under the general law, by application to the Secretary of State, in any particular wherein the Secretary of State is allowed to issue charter rights and wherein said rights are not required to be granted by the General Assembly.

Amendments.

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

Conflicting acts 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 27th day of February, A. D. 1905.

CHAPTER 587.

AN ACT FOR THE RELIEF OF JAMES A. LOGAN, LATE TREASURER OF YADKIN COUNTY.

WHEREAS, on the night of September sixth, one thousand nine hundred and four, James A. Logan, late Treasurer of Yadkin County, had his safe blown open and robbed of the sum of forty-one hundred and thirty-nine and nine one-hundredths dollars of funds belonging to the county of Yadkin; and whereas, it is desired that the Board of Commissioners of Yadkin County be authorized and empowered to compromise and settle with the said James A. Logan his liabilities to the county of Yadkin, provided said compromise and settlement is ratified by the voters of Yadkin County; now, therefore,

Preamble.

The General Assembly of North Carolina do enact:

Commissioners to offer settlement subject to vote of people.

SECTION 1. That the Board of Commissioners of Yadkin County are hereby authorized and empowered, after a full consideration and investigation of this matter, to offer to accept such sum as in their judgment they may deem fair, just and equitable from the said James A. Logan in full settlement and compromise of all his liabilities to the county of Yadkin, subject to the approval and ratification of said offer by the voters of Yadkin County as herein-after provided.

Election to be called if offer accepted.

SEC. 2. That if the said James A. Logan shall agree to accept said offer, then in such case the Board of Commissioners of Yadkin County shall call an election, the same to be held on the eighth day of August, one thousand nine hundred and five, and in the manner provided and under the provisions of chapter five hundred and fourteen of the Public Laws of one thousand eight hundred and ninety-nine, at which said election the approval or rejection of said settlement shall be submitted to the qualified voters of Yadkin County.

Settlement if vote against approval.

SEC. 3. That if the majority of the votes cast at said election shall be against the approval and ratification of the settlement proposed and agreed on between the commissioners aforesaid and the said James A. Logan, then in such case the Board of Commissioners of Yadkin County shall not accept from the said James A. Logan anything less than the full amount due by him; but if the majority of the votes cast at said election shall be in favor of the proposed agreement and settlement aforesaid, then in such case the said board of commissioners shall carry out said agreement of compromise and settlement and complete the same in accordance with said agreement.

If settlement approved.

Commissioners may extend time.

SEC. 4. That the said county commissioners may extend the time of settlement with said James A. Logan in their discretion for a period not exceeding one year from date of ratification of this act.

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

In the General Assembly read three times, and ratified this 28th day of February, A. D. 1905.

CHAPTER 588.

AN ACT TO AMEND CHAPTER 247 OF THE PUBLIC LAWS OF 1903, AND TO AMEND AN ACT TO PROVIDE FOR THE ASSESSMENT OF PROPERTY AND THE COLLECTION OF TAXES.

The General Assembly of North Carolina do enact:

That chapter two hundred and forty-seven of the Public Laws of one thousand nine hundred and three, relating to raising revenue, be amended so as hereafter to read as follows:

Former act amended.

SCHEDULE A.

SECTION 1. *Objects for which taxes are levied.*

That the taxes hereinafter designated are payable in the existing national currency, and shall be assessed and collected under the rules and regulations prescribed by law, and applied to the payment of the expenses of the State government, the appropriations to charitable and penal institutions, other specific appropriations made by law, and the interest on the four per centum consolidated debt of this State.

Taxes payable in national currency.
Rules and regulations.
Applied to payment of what.

SEC. 2. *Poll tax.*

On each taxable poll or male between the ages of twenty-one and fifty years, except the poor and infirm whom the county commissioners may declare and record fit subjects for exemption, there shall be annually levied and collected a tax of one dollar and twenty-nine cents, the proceeds of such tax to be devoted to purposes of education and the support of the poor, as may be prescribed by law, not inconsistent with the apportionment established by section two of article five of the Constitution of this State.

Poll tax, age, exemption, rate.

Application of proceeds.

SEC. 3. *Rate.*

There shall be levied and collected annually an *ad valorem* tax of twenty-one cents for State purposes, four cents for pensions, and eighteen cents for public schools, making forty-three cents on every one hundred dollars value of real and personal property in this State required to be listed in "An act to provide for the assessment of property and collection of taxes," subject to exemptions made by law, and no city or other municipal corporation shall have power to impose, levy or collect any greater sum on real and personal property than one per centum of the value thereof, except by special authority from the General Assembly.

Ad valorem tax rate.

Exemptions.
Municipal corporations, maximum levy, special authority.

SEC. 4. *Corporation taxes payable to State Treasurer.*

Every corporation, joint stock association, limited partnership or company whatsoever, from which a report is required by law to be

Corporation taxes payable to State Treasurer.

Ad valorem tax on stock.	made to the State Auditor or State Treasurer, shall be subject to and pay to the State Treasurer annually a tax as prescribed in section three upon each one hundred dollars of the actual value of its whole capital stock of all kinds, including common, special and preferred, as ascertained in the manner prescribed by law, and it shall be the duty of the treasurer or other officer having charge of any such corporation, joint stock association or limited partnership upon which a tax is imposed to transmit the amount of the tax to the State Treasurer within thirty days from the date of the settlement of the account by the Auditor and State Treasurer: <i>Provided</i> , that for the purposes of this act, interests in limited partnerships or joint stock associations shall be deemed to be capital stock and taxable accordingly: <i>Provided also</i> , that corporations, limited partnerships and joint stock associations, liable to tax on capital stock under this section shall not be required to make any report or pay any further tax on mortgages, bonds, other securities and credits owned by them in their own right; but corporations, limited partnerships and joint stock associations, holding such securities as trustees, executors, administrators, guardians, or in any other manner, shall return and pay the tax imposed by this act upon the securities so held by them, as in case of individuals. Individual stockholders in any corporation, joint stock association, limited partnership or company paying a tax on its capital stock shall not be required to pay any tax on said stock or list the same. Nor shall corporations legally holding capital stock in other corporations upon which the tax has been paid by the corporation issuing the same be required to pay any tax on said stock or list the same.
Payment in thirty days.	
What deemed capital stock.	
Property not specifically taxed.	
Trust estates taxed separately.	
Individuals not taxed on stock.	
Corporate stockholders not taxed on stock.	

SEC. 5. *Tax exemptions repealed.*

Tax exemptions repealed.	Whenever in any law or act of incorporation, granted either under the general law or by special act, there is any limitation or exemption of taxation, the same is hereby repealed, and all the property and effects of all such corporations shall be liable to taxation, except property belonging to the State and to municipal corporations, and property held for the benefit of churches, religious societies, charitable, educational, literary or benevolent institutions or orders, and also cemeteries: <i>Provided</i> , that no property whatever held or used for investment, speculation or rent shall be exempt, unless said rent shall be used exclusively for charitable or benevolent purposes or the interest upon the bonded indebtedness of said religious, charitable or benevolent institution.
Exceptions.	
Proviso.	

INHERITANCE TAX.

SCHEDULE AA.

SEC. 6. *Rate of inheritance tax.*

Inheritance tax.	From and after the passage of this act all real and personal property of whatever kind and nature which shall pass by will or by the
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intestate laws of this State, from any person who may die seized or possessed of the same while a resident of this State, whether the person or persons dying seized thereof be domiciled within or out of the State, or if the decedent was not a resident of this State at the time of his death, such property or any part thereof within this State, or any interest therein, or income therefrom, which shall be transferred by deed, grant, sale or gift made in contemplation of the death of the grantor, bargainor, donor or assignor, or intended to take effect in possession or enjoyment after such death, to any person or persons, or to bodies corporate or politic, in trust or otherwise, or by reason whereof any person or body corporate or politic shall become beneficially entitled, in possession or expectancy, to any property or the income thereof, shall be and hereby is made subject to a tax for the benefit of the State as follows, that is to say: Where the whole amount of said legacy or distributive share of personal property shall exceed in value two thousand dollars the tax shall be:

Applicable to personal property only.

Maximum legacy taxed.
Legacies between \$2,000 and \$3,000 value.

First. Where the person or persons entitled to any beneficial interest in such property shall be the lineal issue or lineal ancestor, brother or sister of the person who died possessed of such property aforesaid, or where the person to whom such property shall be devised or bequeathed stood in the relation of child to the person who died possessed of such property aforesaid, at the rate of seventy-five cents for each and every hundred dollars of the clear value of such interest in such property; and this clause shall apply to all cases where the taxes have not been paid by the executor, or administrator, or other representative of the deceased person. The clerk of the superior court shall determine whether any person to whom property is so devised or bequeathed stands in the relation of child to the decedent.

Legatees, lineal issue, etc.

Legatee in relation to child.
Rate 75 cents on each \$100.

Clerk superior court to determine.

Second. Where the person or persons entitled to any beneficial interest in such property shall be the 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 \$1.50, when.

Third. Where the person or persons entitled to any beneficial interest in such property shall be the brother or sister of the father or mother, or a 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 \$3.00, when.

Fourth. Where the person or persons entitled to any beneficial interest in such property shall be the brother or sister of the grandfather or grandmother, or a descendant of the brother or sister of the grandfather or grandmother of the person who dies possessed, as aforesaid, at the rate of four dollars for each and every hundred dollars of the clear value of such interest.

Rate \$4.00, when.

Fifth. Where the person or persons entitled to any beneficial interest in such property shall be in any other degree of collateral con-

Rate \$5.00, when.

Proviso: husband, wife, religious purposes, etc., exempt.	sanguinity than is hereinbefore stated, or shall be a stranger in blood to the person who died possessed, as aforesaid, or shall be a body politic or corporate, where the whole amount of said legacy or distributive share of personal property shall exceed two thousand dollars and shall not exceed five thousand dollars the tax shall be at the rate of five dollars for each and every hundred dollars of the clear value of such interest: <i>Provided</i> , 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.
Rate between \$5,000 to \$10,000.	Where the amount or value of said property shall exceed the sum of five thousand dollars, but shall not exceed the sum or value of ten thousand dollars, the rates of tax above set forth shall be multiplied by one and one-half; and where the amount or value of said property shall exceed the sum of ten thousand dollars, but shall not exceed the sum of twenty-five thousand dollars, such rates of tax shall be multiplied by two; and where the amount or value of said property shall exceed the sum of twenty-five thousand dollars, but shall not exceed the sum of fifty thousand dollars, such rates of tax shall be multiplied by two and one-half; and where the amount or value of said property shall exceed the sum of fifty thousand dollars, such rates of tax shall be multiplied by three, but this graduated increase of rate shall only apply to the provisions of subdivision five of this section.
Rate between \$10,000 to \$25,000.	
Rate between \$25,000 to \$50,000.	
Rate where value exceeds \$50,000.	

SEC. 7. *When all heirs, legatees, etc., are discharged from liability.*

How liability for tax discharged.

All heirs, legatees, devisees, administrators, executors and trustees shall only be discharged from liability for the amount of such taxes, the settlement of which they may be charged with, by paying the same for the use aforesaid, as hereinafter provided.

Penalty for non-payment in two years.

SEC. 8. That if said tax is not paid at the end of two years after the death of decedent six per cent. per annum shall be charged thereon until same is paid.

SEC. 9. *Executor, etc., shall deduct tax.*

Executor, etc., to deduct tax, when.

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 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

When tax to be collected on appraised value.

Sale of specific legacy.

or administrator shall be distributed as is or may be directed by law, and every sum of money retained by any executor or administrator, Executor to pay over tax collected. 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.

SEC. 10. *Legacy for life, etc., tax to be retained upon the whole amount.*

If the legacy subject to said tax be given to any person for life, Tax on legacy for life, etc., how deducted or apportioned. 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 Court to apportion. 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.

SEC. 11. *Legacy charged upon real estate, heir or devisee to deduct and pay to executor, etc.*

Whenever such legacy shall be charged upon or payable out of Where legacy charged on land. real estate, the heir or devisee of such real estate, before paying the same to such legatee, shall deduct therefrom at the rates aforesaid, and pay the amount so deducted to the executor or administrator, and the same shall remain a charge upon such real estate until paid; and in default thereof the same shall be enforced by the decree of the court in the same manner as the payment of such legacy may How tax enforced. 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 Tax lien on personal property. 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. 12. *Executor or administrator to take duplicate receipts from the clerk of the court.*

It shall be the duty of any executor or administrator, on the payment of said tax, to take duplicate receipts from the clerk of the court, one of which shall be forwarded forthwith to the Auditor of the State, whose duty it shall be to charge the clerk receiving the money with the amount, and seal with the seal of his office and countersign the receipt and transmit it to the executor or administrator, whereupon it shall be a proper voucher in the settlement of the estate, but in no event shall an executor or administrator be entitled to a credit in his account by the clerk unless the receipt is so sealed and countersigned by the Auditor of the State. Clerk of court to make duplicate tax receipts. Duties of State Auditor. Tax receipt, when a voucher. When executor, etc., entitled to credit.

SEC. 13 Foreign executor or administrator transferring stock shall pay the tax on such transfer.

Transfer of stocks, etc., by foreign executor.

Tax on same, how paid.

Liability of corporation.

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. 14. Proportion of tax to be repaid upon certain conditions.

Return of tax on refunded legacy.

Whenever debts shall be proven against the estate of a decedent, after the distribution of legacies from which the inheritance tax has been deducted in compliance with this act, and the legatee is required to refund any portion of the legacy, a proportion of the said tax shall be repaid to him by the executor or administrator if the said tax has not been paid into the State treasury, or shall be refunded by the State Treasurer if it has been so paid in.

SEC. 15. Appraiser to be appointed by the clerk, etc.

Clerk of court to appoint appraiser.

Duties of appraiser.

Valuation of legacies, etc.

Right of appeal.

Compensation of appraiser, expenses.

Approval of State Auditor.

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 conscientious appraisal 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 appraisal 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 appraisal, 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.

SEC. 16. Misdemeanor for appraiser to take fee or reward from executor or administrator.

Malfeasance of appraiser a misdemeanor, penalty.

It shall be a misdemeanor for any appraiser appointed by the clerk to make any appraisal in behalf of the State to take any

fee or reward from any executor or administrator, legatee, next of kin or heir of any decedent, and for any such offense 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.

SEC. 17. *Clerk to enter returns made by appraisers, etc.*

It shall be the duty of the clerk of the court to enter in a book Record of appraisers' returns. 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 Duties of clerk of court. 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 Monthly report to State Auditor. and the clear valuation thereof, subject to the foregoing tax, and the amount of the tax, which statement shall be entered by the Auditor in a book to be kept by him for that purpose. And whenever any such tax shall have remained due and unpaid for one year it shall be lawful for the clerk of the court to apply to the court by bill or petition to enforce the payment of the same; whereupon said court Clerk to enforce payment, when and how. 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. 18. *Court may order executor, etc., to file account, etc.*

If the clerk of the court shall discover that said tax has not been paid according to law the court shall be authorized to cite the executors or administrators of the decedent, whose estate is subject to the tax, to file an account, or to issue a citation to the executors, administrators, legatees or heirs, citing them to appear on a day certain Duties of clerk of court when tax unpaid. and show cause why the said tax should not be paid, and when personal service cannot be had, notice shall be given for four weeks, Citation. once a week, in at least one newspaper published in said county; Publication of notice. 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 Solicitor to sue for recovery. the duty of the solicitor of the district in which the said delinquent resides to sue for the recovery and amount of such tax, and for such services he shall be allowed a fee, to be fixed by the judge, not to exceed five per cent. of the amount recovered. The Auditor of State is authorized and empowered, in settlement of accounts of any clerk, to allow him costs of advertising and other reasonable fees Allowance of fees and expenses. and expenses incurred in the collection of said tax.

SEC. 19. *Clerk to be agent of the State for collection of said tax.*

The clerks of the courts of the several counties of this State shall be the agents of the State for the collection of the said tax; and for services rendered in collecting and paying over the same the said agents shall be allowed to retain for their own use such percentage as may be allowed by the Auditor, not exceeding three per centum on all taxes paid and accounted for.

SEC. 20. *Clerk to be liable on his official bond.*

The said clerks of the courts shall be liable on their official bonds to the State for the faithful performance of the duties hereby imposed, and for the regular accounting and paying over of the amounts to be collected and received.

SEC. 21. *Clerk to make returns and payment to the State Treasurer.*

Clerk of court to pay over monthly. It shall be the duty of the clerk of the court of each county to make returns and payment to the State Treasurer of the taxes under this act which he shall have received, stating for what estate paid, on the first Monday of each month; and for all taxes collected by him and not paid over to the State Treasurer within ten days after Penalty for failure, said monthly return of the same he shall pay interest at the rate of twelve per centum per annum until paid.

INCOME TAX.

SEC. 22. *Tax-payer to show his income on list.*

Certain incomes to be listed. The tax-payer shall list his income for the year ending June first from any and all sources in excess of one thousand dollars.

SEC. 23. *What question blank shall contain in regard to income.*

Questions. The blank for listing taxes shall contain the following question :
Sources of income. "Was your gross income from salaries, fees, trade, profession and property not taxed, any or all of them, for the year ending June Excess over \$1,000. first, in excess of one thousand dollars?"

If the tax-payer answers this question in the affirmative, he shall be furnished by the list-taker with a blank in the following form, to-wit:

"To the Corporation Commission of the State of North Carolina:

"I hereby certify that my income from salaries, fees, trade, profession and property not taxed, any or all of them, for the year ending June first in excess of one thousand dollars, was \$....."

"..... being duly sworn, says that the foregoing certificate is true to the best of his knowledge and belief.

....."
"Subscribed and sworn to before me, this day of..... 19.."

Said tax-payer shall fill out, sign and swear to said certificate before the tax-lister or other officer authorized by law to administer oaths, and forward the same to the Corporation Commission of the State not later than July 1st of that year, and said Corporation Commission shall certify the amount of the tax due upon the income so reported to the chairman of the board of county commissioners of the county in which said tax-payer resides, and the same shall be paid to the sheriff of said county, together with other taxes for that year; and it shall be unlawful for any person to print or publish in any manner whatever any income, tax return or any part thereof, of the amount or source of income appearing in any such return, or the taxes due thereunder, and any person offending against the provisions of this section shall be guilty of a misdemeanor and be punished by a fine not exceeding fifty dollars, or be imprisoned not more than thirty days for each offense.

At the time such tax-payer states to the list-taker that he is liable for a tax upon his income, as herein provided, said list-taker shall note the same on a list to be kept by him for that purpose, and on or before July 5th next he shall return such list to the chairman of the board of commissioners of that county, and said chairman shall within five days thereafter furnish to said Corporation Commission a copy of such list, and the names of any other persons in his county not appearing thereon, who in his opinion may be liable for an income tax hereunder, and said Corporation Commission may take such steps as he may deem necessary to require any such person whose name is so added to make proper return of his said income.

SEC. 24. *Rate of income tax.*

On all gross incomes as provided in the preceding section hereof a tax shall be levied as follows:

On the excess over the amount legally exempted, one per cent. Income tax rate.
 The above tax shall not be levied upon the income derived from prop- Exemptions.
 erty already taxed, nor upon income less than one thousand dol- Sources of income.
 lars. The incomes subject to the above tax are those derived from property not taxed; from salaries, fees and commissions, 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.

SEC. 25. No city, town, township or county shall levy any inheri- No county or
municipal tax.
 tance or income tax.

SCHEDULE B.

SEC. 26. *Defining taxes under this schedule.*

Taxes in this schedule shall be imposed as license tax for the License tax.
 privilege of carrying on the business or doing the act named, and
 nothing in this act contained shall be construed to relieve any per- Not in lieu of other
taxes.

Term and expiration of licenses.

License personal, not transferable. No abatement allowed.

State's quota collected in county.

son 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. Such license thus obtained shall be a personal privilege, and shall not be transferable, nor any abatement in the tax allowed, and unless otherwise provided in the section levying the tax, the tax levied for the use and benefit of the State shall be collected in each county in which the business is conducted.

SEC. 27. *Theaters.*

Theaters.

Graduated tax.

License.

Distribution of tax.

No further tax on performances.

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, one hundred and fifty 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. 28. *Traveling theatrical companies.*

Performances in unlicensed halls.

Owner of hall responsible.

Artists exhibiting their own work.

On every traveling theatrical company giving exhibitions or performances in any hall, tent or other place 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, tent or other place shall be responsible for the tax; but artists exhibiting paintings or statuary, work of their own hands, shall only pay two dollars.

SEC. 29. *Circuses, menageries, etc.*

Circuses, show menageries.

Graduated tax.

On every exhibition of a circus or show with a menagerie, to which the price of admission, including a reserved seat, exceeds seventy-five cents, for each day or part of a day, two hundred dollars. On every exhibition of a circus or show with menagerie, to which the price of admission, including a reserved seat, does not exceed seventy-five cents, but requiring more than fifteen railroad cars for transportation, two hundred dollars for each day or part of a day. When less than fifteen cars are required for transportation, fifty dollars. Circuses charging not exceeding twenty-five cents, not

exceeding twenty-five dollars per day. And on each side-show, whether unattached or part of any show herein enumerated, for which a separate admission is charged, fifty dollars. On every other show given under canvas or otherwise in which animals are exhibited, 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 the amount levied by the State: *Provided*, the same shall not be less than one-half the State tax provided in this section. The county commissioners of any county may refuse to allow any circuses, shows, menageries or entertainments mentioned in this section to exhibit in their county, provided notice is given the sheriff of the county not to issue such license.

Side-show.
Other shows under canvas.
County tax.
Proviso.
County commissioners may refuse license.

SEC. 30. *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: *Provided*, that when operas, star courses or theatrical troupes are employed, such as usually appear in licensed halls or theaters, then the tax shall be the same as that imposed on traveling theatrical companies performing in unlicensed halls: *Provided further*, that no tax shall be charged for any exhibitions or entertainments for the sole benefit of religious, charitable or educational objects, and given in halls used exclusively for such objects.

Entertainments not taxed.
Proviso.
Entertainments for sole benefit of religious, charitable or educational objects.

SEC. 31. *Attorneys, physicians and dentists.*

On each and every practicing lawyer, practicing physician, dentist, oculist, photographer, optician, osteopath or any person practicing any professed art of healing for fee or reward, the sum of five dollars: *Provided*, that no city, town or county shall levy any additional license tax on lawyers, physicians, dentists.

Attorney, physician, dentist, oculist, photographer, optician, osteopath, etc.
Proviso.

SEC. 32. *Real estate and rent collecting agents.*

Every individual or firm, or his or their agents, who make a business of collecting rents, or in acting as agent in buying and selling real estate of any and every description for compensation, shall pay an annual license tax of ten dollars: *Provided*, no city, town or county shall levy any additional tax on persons who draw deeds and contracts for compensation.

Real estate agents, rent collectors.
Proviso: persons who draw deeds and contracts exempt from municipal taxation.

SEC. 33. *Coal-dealers.*

On every individual, firm or association of persons engaged in and conducting the business of selling coal at wholesale or retail, an annual license tax of ten dollars.

Coal dealers.

SEC. 34. *Undertakers, collecting agents, etc.*

Undertakers, collecting agencies, second-hand clothes dealers.

Graduated tax.

Proviso.

An annual license tax of twenty-five dollars shall be collected from the following: For collecting accounts, bills, notes or money from one person in favor of another, as a regular organized collecting agency, and every dealer in second-hand clothing, and undertakers, shall pay a tax of twenty-five dollars in cities and towns of over fifteen thousand inhabitants; in cities and towns of more than ten thousand and less than fifteen thousand, fifteen dollars; in cities and towns of more than five thousand and less than ten thousand, ten dollars; in cities, towns or villages less than five thousand, five dollars: *Provided*, that this act shall not apply to the cabinet-maker who makes coffins to order.

SEC. 35. *Horse-dealers.*

Horse-dealers.

State Treasurer to issue license.

No county or municipal tax.

Penalty.

Certain livery-stable keepers classed as horse-dealers.

Proviso: persons in stock of their own raising exempt.

On all persons, firms or corporations who buy and sell horses or mules as a business or profit, an annual license tax of twenty-five dollars. The license for conducting the said business shall be issued by the State Treasurer. And the sheriffs shall furnish the Treasurer a complete list of all such persons, firms or corporations doing business in their county. No county, city or town shall levy or collect any tax under this section. Any person required to take out license under this section, who shall sell or attempt to sell any horses or mules without having obtained license, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined fifty dollars or imprisoned not exceeding thirty days, the fine to be paid into the State treasury as other taxes. All persons, firms or corporations, operating under a livery-stable license, who buy horses or mules to sell, shall be classed as horse-dealers, and in addition to their livery-stable tax, shall be required to pay the tax under this section: *Provided*, this section shall not apply to persons dealing solely in horses or mules of their own raising.

SEC. 36. *Peddlers of clocks, stoves and ranges.*

Peddlers of clocks, stoves or ranges.

License.

No county or municipal tax.

On every itinerant person or company peddling clocks, stoves or ranges, twenty-five dollars per annum for each county in which he or they may peddle the same. The license to be issued by the sheriff of the county, who shall collect said tax and pay the same to the State Treasurer. No other tax shall be levied by any town or county.

SEC. 37. *Bicycle dealers.*

Bicycle dealers.

Graduated tax.

On every individual or firm, or his or their agents, engaged in the business of buying and selling bicycles or bicycle supplies and fixtures, unless such business is conducted in connection with some other business paying a license tax, an annual license tax as follows: In cities or towns of twelve thousand inhabitants or over, ten dollars; in cities and towns of less than twelve thousand

inhabitants, five dollars: *Provided*, that nothing in this section *Proviso.* shall apply to any individual or firm conducting the exclusive business of repairing bicycles.

SEC. 38. *Merchandise brokers.*

On every commission merchant, broker or dealer buying or Merchandise bro-
selling goods or merchandise on commission, ten dollars per an-
num. kers, commission
merchants.

SEC. 39. *Ship-brokers.*

On every person engaged in the business of managing the affairs Ship-brokers.
occurring between the owners of vessels and the shippers or con-
signees of the freight which they carry, usually known as "ship-
brokers," an annual license tax of twenty dollars.

SEC. 40. *Pawnbrokers.*

No person shall, without a license authorized by law, engage Pawnbrokers.
in the business of lending money or other things for profit for
or on account of specific articles of personal property deposited
with the lender in pledge. Any person who shall in any manner
lend or advance money as aforesaid on the pledge and possession
of such personal property shall be held to be a pawnbroker. After Business regulated.
such person shall have forfeited his right to redeem the property
the pawnbroker may cause said property to be sold at public auc-
tion. The expenses attending the sale shall be paid out of the
proceeds of sale, and if any surplus arise from the sale after
satisfying the money advanced, with the interest and costs which
have accrued, such surplus shall be paid over to the person de-
positing the property as aforesaid. Any person acting as pawn-
broker without a license shall pay a fine of not less than fifty nor
more than five hundred dollars. A pawnbroker shall pay for the
privilege of transacting business an annual license tax of one
hundred dollars. This section shall apply to all persons, firms or
corporations conducting a business of lending money and holding
the same by chattel mortgage, pledge or otherwise, and who
charge more than the legal rate of interest: *Provided*, this sec- *Proviso.*
tion shall not be so construed as to relieve any person from the
penalties incurred under the laws against usury in this State.

SEC. 41. *Livery-stables.*

On every person, firm or corporation who keeps horses or mules Livery-stables.
to hire or let, with or without vehicle, fifty cents for each six
months for every horse or mule kept for that purpose. Such per-
son shall, on the first day of January and July of each year, fur-
nish 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.

Classed as horse-dealers. License to be exhibited.	Every person, firm or corporation operating under a livery-stable license, who buys horses or mules to sell, shall be classed as a horse-dealer, and shall pay an additional tax of twenty-five dollars, and shall exhibit license from State Treasurer on all occasions whenever required.
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SEC. 42. *Sewing-machines.*

Sewing-machine business. License from State Treasurer. Name of class of machine to be furnished State Treasurer. Certified copies of license. Employment of agents. No county or municipal tax. Non-compliance with this section misdemeanor. Penalty. Certain officers to prosecute. Certain merchants excepted. This section to be printed in license. Proviso, second-hand machines.	Every manufacturer of sewing-machines, and every person or persons or corporations engaged in the business of selling the same in this State, shall, before selling or offering for sale any such 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. Any applicant for a license shall furnish the State Treasurer with the names of every class or style of machine offered for sale, with written application for a 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 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: <i>Provided</i> , 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.
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SEC. 43. *Feather renovators.*

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

SEC. 44. *Peddlers.*

Any person who shall carry from place to place any goods, wares or merchandise, medicines or drugs and offers to sell or barter the same, or actually sells or barter the same, shall be deemed to be a peddler and shall pay a license tax as follows: Each peddler on foot, twenty-five dollars for each county; each peddler with horse, ox or mule, with or without vehicle, or with a vehicle propelled by any other power, fifty dollars for every county. Each and every peddler of medicines or drugs, whether on foot or with horse, mule or ox, with or without a vehicle, or with a vehicle propelled by any other power, one hundred dollars for each county. Every itinerant salesman who shall expose for sale, either on the street or in a house, rented temporarily for that purpose, goods, wares or merchandise, shall pay a tax of one hundred dollars in each county in which he shall carry on such business, whether as principal or as agent for any other person. Every person mentioned in this section shall apply in advance to the board of county commissioners of the county in which he proposes to peddle or sell for a license, and the board of county commissioners may, in their discretion, issue the license upon the payment of the tax to the sheriff, which shall expire at the end of twelve months from its date. This section shall not apply to those who sell or offer for sale, books, periodicals, printed music, ice, fuel, fish, vegetables, fruits, or any articles of the farm or dairy, or articles of their own individual manufacture except medicines or drugs. The board of county commissioners shall have power, at their discretion, to exempt from tax under this section any poor and infirm person and Confederate soldier, and such license shall be good in any county in the State. Any person carrying a wagon, cart or buggy or traveling on foot for the purpose of exhibiting or delivering any wares or merchandise shall be considered a peddler: *Provided*, that this section shall not apply to persons or their agents engaged in exchanging woolen goods for wool: *Provided further*, that this section shall not apply to drummers selling by wholesale.

Peddlers—different kinds and tax. Peddlers of medicine and drugs.

Itinerant salesmen.

License, how obtained, expiration.

Exceptions.

County commissioners may exempt, when.

Such license good, where. Definition.

Proviso, exceptions.

SEC. 45. *Mercantile agencies.*

On every mercantile agency or association having an office in this State which has for its object the rating of the commercial status of persons, firms or corporations, the sum of two hundred dollars, to be paid by the principal office in the State to the State

Mercantile agencies.

No county or municipal tax. Representing unlicensed agency a misdemeanor,

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. 46. *Gypsies or fortune-tellers.*

Gypsies, fortune-tellers.

Every company of gypsies, or strolling bands of persons living in wagons or tents, or otherwise, who trade horses or receive reward for pretending to tell fortunes, one hundred and fifty dollars in each county in which they offer to trade horses or practice any of their craft, recoverable out of any property belonging to any of the company; but nothing herein contained shall be so construed as to exempt them from indictment or penalties imposed by law.

How collected.

Not exempt from indictment.

SEC. 47. *Lightning-rod agents.*

Lightning-rod agents.

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

SEC. 48. *Hotels.*

Hotels—graduated tax.

On each hotel charging for transient custom more than one dollar and less than two dollars per day, an annual tax of twenty-five cents for each and every room; hotels charging over two dollars per day, 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.

SEC. 49. *Cotton compresses.*

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 on each and every compress.

SEC. 50. *Billiard and pool tables and bowling alleys.*

Billiard tables, pool tables, bowling alleys, alleys of other kinds.

On each billiard or pool table, bowling alley or alley of like kind kept for public use, if in connection with any place where liquor is sold or allowed to be drunk, an annual license tax of fifty dollars, whether kept under the same roof or otherwise; and on all other billiard or pool tables, bowling alleys or alleys of like kind kept for public use, an annual license tax of twenty-five dollars.

SEC. 51. *Gift enterprises; prize photographs.*

Gift enterprises, itinerant dealers in prize photographs, other prizes.

On any gift enterprise, or any person or establishment offering any article for sale, and proposing to present purchasers with any gift or prize as an inducement to purchase, twenty dollars;

on every itinerant dealer in prize photographs, or prizes of any kind, one hundred dollars in each county in which the business is conducted. The taxes in this section shall be paid to the sheriff or tax collector of the county, but shall not be construed as giving license or relieving such persons or establishments from any penalties incurred by violation of the law: *Provided*, that this 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.

Violation of law
not authorized.

Proviso, exception.

SEC. 52. *Slot machines.*

Upon every slot machine operated in this State wherein is kept any article to be purchased by depositing therein any coin or thing of value, and for which may be had any article of merchandise whatsoever, the sum of two dollars and fifty cents for every machine for each county where set up or operated. Upon every such machine wherein may be seen any picture or any music may be heard by depositing in the machine any coin or thing of value, and each weighing machine and every machine for making stencils by the use of contrivances operated by slot, wherein money or other thing of value is to be deposited, the sum of two dollars and fifty cents for each machine in each county where set up or operated: *Provided*, that this section shall apply only to such slot machines where the return is in all cases fixed or certain: *Provided further*, that no specific license tax shall be levied or collected on merchandise machines delivering merchandise of the market value of the coin deposited and used as an automatic clerk, and kept by dealers in their store-houses and paying taxes as a merchant: *Provided further*, that any person using, running or operating a slot machine of any description for other purpose than above set forth, or machine exhibiting nude or obscene pictures, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two hundred nor more than five hundred dollars, or imprisoned not less than three months nor more than one year, or both, at the discretion of the court.

Slot machines—slot
machines with
fixed returns only.

Proviso: returns to
be fixed and
certain.

Proviso: using slot
machines of other
kinds or machines
exhibiting nude or
obscene pictures a
misdemeanor.

Penalty.

SEC. 53. *Bagatelle tables, etc.*

On each bagatelle table, merry-go-round, hobby-horses, switch-back railways, shooting galleries, or place for any other game or play, with or without a name (unless used for private amusement or exercise alone), whether kept in connection with or separate from any place where liquor is sold, twenty dollars in each county where the business is carried on.

Bagatelle tables,
merry-go-rounds,
hobby-horses,
switch-back rail-
ways, etc.

SEC. 54. *Stock-brokers.*

Every dealer in stocks, bonds or other securities shall pay for the privilege of transacting business an annual license tax of

Stock-brokers.

No county or
municipal tax.

fifty dollars. No county, city or town shall levy or collect any tax under this section.

SEC. 55. *State banks, private bankers, etc.*

State banks, sav-
ings banks, private
bankers.

Every State bank, savings bank, banking association or private banker shall pay annually to the State Treasurer, for the privilege of transacting business, the sum of one dollar for every thousand dollars employed as capital. No county, city or town shall collect any tax under this section.

No county or
municipal tax.

SEC. 56. *Packing houses.*

Meat packing
houses.

Upon every meat packing house doing business in this State, one hundred dollars for each county in which said business is carried on.

SEC. 57. *Breweries and agencies of breweries.*

Breweries, agencies
of breweries,
bottling establish-
ments.

On all breweries, a tax of two hundred dollars; on all agencies of breweries for bottling, selling or distributing beer, ale, or porter, or other malt liquors, in bottles, kegs, casks, or in other measure, a tax of fifty dollars for each place of business in each county where they carry on business.

SEC. 58. *Persons, firms or corporations selling certain oils.*

Dealers in oils,
benzine, naphtha,
gasoline, license
from State
Treasurer.

Each person, firm or corporation selling illuminating oil, lubricating oil, benzine, naphtha or gasoline in this State shall pay an annual license tax to the State Treasurer, on or before the first day of July in each year, and receive from him a license to do business in this State for the ensuing twelve months, according to the following schedule:

Graduated tax.

Where the gross sales in this State of the applicant for license for the twelve months preceding the date of application exceeds \$5,000, and does not exceed \$50,000, twenty-five dollars; where such gross sales exceed \$50,000 and do not exceed \$100,000, fifty dollars; where such gross sales exceed \$100,000, one hundred

Tax on gross sales.

dollars; and shall also pay upon the gross amount of sales made during the preceding year in this State, if in excess of \$5,000, at

Rate,

the rate of fifty cents on each one hundred dollars. The said amount of sales shall be returned to the State Treasurer by the general manager of said oil company, if a corporation, and if a natural person, by him, and duly sworn upon forms to be prepared by the State Treasurer for that purpose. Any person, firm

Sworn returns to
State Treasurer.

Penalty for doing
business without
license.

or corporation subject to this license tax and doing business in this State without having taken out said license shall be liable to a penalty of one thousand dollars, and in addition thereto to double the tax imposed under this section; and the State Treasurer is authorized to bring any suit for the collection of the same in the Superior Court of Wake County. No county or municipality shall impose any tax under this section. And the person, firm or

Suit by State
Treasurer.

No county or
municipal tax.

corporation taking out said license and paying the tax upon the gross sales as aforesaid shall not be liable for any other tax except the *ad valorem* tax upon the property situate and being in this State.

SEC. 59. *Dealers in futures.*

Upon every individual or firm, or his or their agents engaged in the business of selling or buying any one or more of the following articles or commodities, to-wit: farm products, sugar, coffee, and salt and meat, railroad stocks and bonds, and stocks and bonds of other kinds for future purchase, sale or delivery, commonly called "futures," whether said business is done through regularly organized stock and cotton exchanges, or boards of trade, an annual license tax as follows: In villages or towns of less than five thousand inhabitants, two hundred dollars; in towns of more than five and less than ten thousand inhabitants, three hundred dollars; in towns of more than ten and less than fifteen thousand inhabitants, five hundred dollars; in towns in excess of fifteen thousand inhabitants, seven 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 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: *Provided further*, that nothing in this section shall be construed into making such business lawful, or to exempt such person, corporation or other associations of persons as principal or agent from the penalties prescribed in section two hundred and twenty-one of the Public Laws of North Carolina, one thousand eight hundred and eighty-nine, and any other act amendatory thereto, nor to validate any contract entered into in violation of the provisions thereof.

Graduated tax.

Proviso: exceptions.

Proviso: business not legalized.

Contracts not validated.

SEC. 60. *Liquor dealers.*

Every person, firm, company or association, incorporation or otherwise, selling spirituous, vinous or malt liquors, or medicated bitters, shall pay a license tax semi-annually in advance on the first days of January and July as follows: First, for selling in quantities of less than five gallons, one hundred dollars for each six months; second, for selling in quantities of five gallons or more, two hundred dollars for each six months, or for rectifying, two hundred dollars for each six months; third, for selling malt

Liquor dealers.

Retailers, wholesalers, rectifiers, dealers in malt liquors exclusively.

Rectifiers not to pay tax as wholesale dealers.
Delivery of sealed packages to common carriers.

Wines.

Brandy.

County tax.

Proviso.

liquors exclusively, fifty dollars for each six months. When any person, firm, company or corporation shall pay the tax for rectifying, the wholesale liquor dealer's license tax shall not be required from such person, firm, company or corporation, and every such wholesale liquor dealer may deliver sealed packages of one gallon or more to common carriers without additional tax. The license taken out under this section shall not authorize the sale of any greater or less quantity than is specified in said license. Nothing in this section shall prevent any person selling wines of his own manufacture at the place of manufacture or within one hundred yards thereof, in quantities of not less than one gallon, nor brandy manufactured from fruit or grapes and sold in original packages of not less than five gallons. Each county shall levy a like tax for county purposes: *Provided, however*, no license shall be issued under this section where the sale of liquors is prohibited by law.

SEC. 61. *Dealers in rice beer, medicated bitters, etc.*

Rice beer, medicated bitters, champagne cider, schiedam schnapps, etc.

Failure to obtain license a misdemeanor.

Penalty.

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, 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.

SEC. 62. *Druggists selling liquors.*

Druggists dealing in liquors.

Drinking on premises.

Proviso.

Druggists dealing in spirituous, vinous or malt liquors, or medicated bitters, shall, on or before the first day in June of each year, obtain a license upon the payment of twenty-five dollars to the sheriff or tax collector. But any druggist who allows liquor to be drunk within his place of business, or sells liquors except upon the prescription of a practicing physician, as allowed by law, shall be subject to all the taxes levied upon dealers in liquors, and shall be guilty of a misdemeanor: *Provided*, that nothing in this section shall have the effect of modifying or repealing, in whole or in part, chapter two hundred and fifteen, Public Laws of one thousand eight hundred and eighty-seven, or chapter three hundred and seventy-five, Public Laws of one thousand eight hundred and eighty-nine.

SEC. 63. *Grain distilleries.*

Distilleries.

On the first days of January and July of each and every year there shall be paid in advance by every person, firm or corpora-

tion operating a grain distillery a semi-annual license tax as follows: When the daily capacity of such distillery is three and less than six bushels, a tax of fifty dollars; when six and less than twelve bushels daily capacity, a tax of one hundred dollars; when twelve and less than twenty-four bushels daily capacity, a tax of one hundred and fifty dollars; when twenty-four and less than forty-eight bushels daily capacity, a tax of two hundred and fifty dollars; when forty-eight bushels daily capacity or more, a tax of four hundred dollars. When any distillery pays the tax provided for in this section, it shall not be subject to a wholesale dealer's license on the liquor made at such distillery as required by section sixty of this act: *Provided, however*, that said distillery does not buy and sell whiskey made at any other distillery. Each county shall levy a like tax for county purposes: *Provided, however*, no distillery shall be operated under this section where the same is prohibited by law: *Provided further*, that when a manufacturer of whiskey rectifies his product and sells by the wholesale there shall be a tax paid on the business of manufacturing and the rectifying business.

Graduated tax.

Distiller not subject to wholesale dealer's license.

Proviso.

SEC. 64. *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

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 thirty 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.

Town or city may levy same tax as State.

Liquor taxes, how apportioned and applied.

dispensing of liquors shall hereafter be permitted or chartered in any county where the granting of liquor license is prohibited by law. This shall be in lieu of all other liquor taxes, except that any town or city may collect a like amount.

SEC. 65. *State tax for liquor license—how applied.*

That one-half of the taxes levied by the State for liquor license under the preceding sections shall be paid into the State treasury, and the other half shall be paid to the treasurer of the county board of education for the benefit of the school fund of the county in which the same is collected; and that one-half of the taxes levied by the county for liquor license under the preceding sections shall be paid into the county treasury for county purposes, and the other half shall be paid to the county board of education for the benefit of the school fund of the county in which the same is collected.

SEC. 66. *Dispensaries.*

Dispensaries—three per cent on gross receipts.

On each dispensary there shall be paid an annual license tax of three per centum of the gross receipts of such dispensary, the same to be paid direct to the State Treasurer by the managing officers of such dispensary within ten days after the first days of January and July of each year. No county, city or town shall levy any additional tax under this section.

No county or municipal tax.

SEC. 67. *How liquor license may be procured.*

How liquor or distiller's license procured.

Every person, firm or corporation wishing to sell liquors under section sixty, and every person, firm or corporation desiring to conduct or operate a grain distillery under section sixty-three, shall first advertise his intention of making such application by publishing a notice of such intention in some newspaper published in the county in which the business is proposed to be conducted, and if there be no newspaper published in said county, then by posting a written notice of such intention at the front door of the county court-house for thirty days next preceding the day on which said application shall be presented to the board of county commissioners, and no board of county commissioners shall consider such application until it shall have been first proven to their satisfaction that the notice required by this section has been so published or posted. It shall be lawful for any person who may consider himself aggrieved by the granting of such license to contest the same before the board of county commissioners. Every such application to the board of county commissioners for an order to the sheriff to issue a license shall be in writing, signed by the applicant and accompanied by the affidavit of six freeholders who are tax payers and residents of the town or city 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,

Thirty days' notice.

Parties aggrieved may appear.

Application and affidavit.

or to conduct and operate a grain distillery; 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 or distiller's 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 for the sale of liquor, except in territory where the sale of liquor is prohibited by law, or for the manufacture of liquor except in territory where the manufacture 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 State regulating the sale or manufacture 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, firm or corporation holding a license under this section has violated the laws of this State regulating the sale or manufacture 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, firm or corporation 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, or conduct and operate a grain distillery under the provisions of this act, shall post up in some public place in their place of business the license issued to them. The license shall be printed in such form as the Treasurer of the State may prescribe and furnished by the register of deeds. Any person failing to post up the license as provided in this section shall be considered as doing business without license. Any person, firm or corporation taking out license as provided in this section on any date after the first of July shall pay the whole amount of tax for the six months ending the thirty-first day of December, or the thirtieth day of June, as the case may be, after the date of license. No license shall be issued to any applicant under this section who is not a *bona fide* citizen of the United States and a legal voter of North Carolina: *Provided*, that the notices required to be given in this section shall not be required of applicants to sell spirituous, vinous or malt liquors or conduct and operate a grain distillery in incorporated towns or cities where license has already been granted by the authorities of such

Board of commissioners may grant.

Exception.

Commissioners may refuse.

When municipal authorities to grant license first. Revocation of license.

Procedure.

License to be conspicuously posted.

Penalty.

Qualifications of license.

Proviso: when notices not required.

Election, when commissioners shall grant.

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, the county commissioners shall grant an order to the sheriff to issue license, subject to all the provisions of this section.

SEC. 68. *Insurance companies.*

Companies subject to tax and amounts.

Life.

Fire.

Accident.

Marine.

Surety.

Plate-glass.

Boiler.

Domestic companies.

Fraternal orders.

Guaranty companies.

Tax on gross receipts.

Proviso: companies investing in certain securities.

Rate reduced.

No tax on capital stock.

No county or municipal tax. Insurance Commissioner to collect and pay to State Treasurer.

The officer authorized to collect the tax on insurance, bond and investment companies, associations or orders, shall collect and pay into the State treasury charges, fees and taxes as follows: For each license issued to a life insurance company or association, two hundred and fifty dollars; for each license issued to a fire insurance company or association, or to any company or association of companies operating a separate or distinct plant of agencies, two hundred dollars; for each license issued to an accident insurance company or association, two hundred dollars; for each license issued to a marine insurance company or association, two hundred dollars; for each license issued to a surety insurance company or association, one hundred dollars; for each license issued to a plate-glass insurance company or association, one hundred dollars; for each license issued to a boiler insurance company or association, one hundred dollars; for each license issued to a domestic mutual insurance company, fifty dollars; for license issued to a domestic mutual insurance company, operating in not more than two counties, ten dollars; for a license issued to a fraternal order, twenty-five dollars; for license issued to a bond, investment, dividend, guarantee, registry, title guarantee or debenture company, one hundred dollars; for each license issued to all other insurance companies or associations, one hundred dollars. All of said companies shall pay a tax of two and one-half per centum upon the amount of their gross receipts in this State: *Provided*, that if any general agent shall file with the Insurance Commissioner a sworn statement showing that at least one-fourth of the entire assets of his company, when his company has assets, are invested in, and are maintained in any or all of the following securities or property, viz.: bonds of this State, or of any county, city or town of this State, or any property situate in this State and taxable therein, then the tax shall be one per centum upon the gross receipts aforesaid, and the license fee shall be one-half that named above, and if the amount so invested shall be three-fourths of the total assets, the tax shall be one-fourth of one per centum and the license fee one-fourth of that named above. Companies paying the taxes levied in this section shall not be liable for tax on their capital stock, and no county or corporation shall be allowed to impose any additional tax, license or fee. The license fees and taxes imposed in this section shall be paid to the Insurance Commissioner, and by him paid into the State treasury, as provided by law.

SEC. 69. *Dealers in pistols, etc.*

Every merchant, store-keeper or dealer who shall keep in stock, Dealers in pistols and pistol cartridges, sell or offer for sale any pistol, or metallic pistol or rifle cartridges, shall pay an annual tax of twenty dollars; and every such dealer who shall keep in stock any bowie-knife, dirk, dagger, Dealers in bowie-knives, dirks, etc. slung-shot, loaded cane or brass, iron or metallic knuckles, shall pay an annual license tax of one hundred dollars; and every merchant, store-keeper or dealer selling or offering for sale fire-crackers or other fire-works shall pay an annual license tax of Dealers in fire-works. five dollars.

SEC. 70. *Pianos and organs.*

Every person, firm or corporation selling pianos or organs in Pianos and organs, this State shall pay an annual license tax to the Treasurer of license tax to State Treasurer. twenty-five dollars, and the Treasurer shall issue a license to said person, firm or corporation to sell pianos or organs, or both, until July first next thereafter. In addition to the license tax above required, every person, firm or corporation selling pianos or Tax on gross sales. organs, or both, shall pay a tax of forty cents on every hundred dollars received from the sale of pianos or organs, which tax shall be paid to the Treasurer before securing an annual license on July first in each year. Any person, firm or corporation selling pianos or organs without having paid the license tax required by this section shall pay a penalty of two hundred dollars, to be recovered by the Treasurer in a civil action in the Superior Court of Wake County, and shall also pay double the license and sales taxes required by this section for the year then current. When a person, firm or corporation makes application for the license required by this section, the Treasurer shall require a sworn statement showing the amount of sales of pianos and organs made by the applicant in this State for the year preceding the first day of July then last past. The Treasurer may require an itemized state- Itemized statement. ment, and may require the production of books and papers, and may make such investigation as he may deem proper; and after making said investigation the Treasurer shall find what the amount was received from said sales for said year, and shall collect tax upon said amount at the rate aforesaid. If the applicant be a natural person he shall sign the application and statement of sales and swear to the correctness of the latter. If the application be made by a firm, one of the partners shall verify the application. If it be made by a corporation the verification to the statement shall be made by one of the managing officers. Any person, firm or corporation making a false statement for the purpose of defrauding the State out of taxes due under this section shall be guilty of a misdemeanor, and shall be liable to a penalty Making fraudulent statement a misdemeanor. of one thousand dollars, to be recovered by the Treasurer in civil action to be instituted in the Superior Court of Wake County. Penalty.

Duplicate license. Any person, firm or corporation taking out license under this section may employ an unlimited number of agents and secure a duplicate copy of said license for each agent by paying a fee of one dollar to the Treasurer, and the county in which the applicant does business may charge a tax of five dollars. No person, firm or corporation licensed under this section shall be required to pay any other license or privilege tax. And no county, city or town shall have the right to impose any license or privilege tax. No person, firm or corporation paying a tax upon gross sales under this section shall be required to pay a tax on the said sales under or by virtue of any other section of this act.

Fee for same.

County tax.

No further county or municipal tax.

SEC. 71. *Cigarette dealers and manufacturers of cigarettes.*

Manufacturers' tax. On every manufacturer of cigarettes the following tax: Where the annual output of cigarettes by such manufacturer is less than two hundred and fifty millions, two hundred and fifty dollars; where such annual output exceeds two hundred and fifty millions, but does not exceed five hundred millions, five hundred dollars; where such output exceeds five hundred millions, one thousand dollars: *Provided*, that no county, city, town or township shall levy or collect any tax, assessment, license or fee from or on such manufacturer except the *ad valorem* tax. And every person retailing cigarettes shall pay a license tax of five dollars per annum. No county, city or town shall levy any tax under this section.

Proviso: no municipal tax to be levied except *ad valorem*.

Tax on retailers \$5.

SEC. 72. *Public ferries, bridges, etc.*

Ferries and bridges. On every ferry or bridge, one per centum of gross receipts; and any person or company operating any such ferry or bridge shall make returns on oath of such receipts to the register of deeds of the county in which such public ferry or bridge is located within ten days after the first days of January and July of each year, and at the same time pay to the sheriff the tax herein imposed.

Tax on gross receipts.

Returns under oath.

SEC. 73. *Purchase tax; liquor dealers.*

Liquor dealers—purchase tax. Every person who shall buy for the purpose of selling spirituous, vinous or malt liquors shall, in addition to the *ad valorem* tax on his stock and the license tax levied in sections sixty and sixty-two, pay as a license tax two per centum on the total amount of his purchases, in or out of the State, for cash or credit, whether such person shall purchase as principal or agent or through a commission merchant. Every person mentioned in this section shall, within ten days after the first days of January and July in each year, deliver to the clerk of the board of county commissioners a sworn statement of the total amount of his purchases for the preceding six months, ending on the thirty-first day of December and on the thirtieth day of June.

Sworn statement.

SEC. 74. *Emigrant agents.*

On every emigrant agent or person engaged in procuring labor- Emigrant agents.
 ers for employment out of this State an annual license tax of one
 hundred dollars for the State and one hundred dollars for the
 county for each county in which such agent or person does busi-
 ness, the same to be collected by the sheriff. Any one engaging
 in this business without first paying said tax shall be guilty of a
 misdemeanor and fined not less than two hundred dollars or im- Penalty.
 prisoned, in the discretion of the court.

SEC. 75. *Itinerant oculists.*

Upon every itinerant oculist an annual license tax of five dol- Itinerant oculists,
 lars for each county in which he may practice, and five dollars itinerant op-
 additional for each county in which he may sell or offer to sell ticians, dealers in
 spectacles or eye-glasses; and upon every itinerant optician or spectacles.
 dealer in spectacles or eye-glasses an annual license tax of ten
 dollars for each county in which he may offer to do business.

SEC. 76. *Trading stamps.*

An annual State tax upon the business of issuing, selling or
 delivering trading stamps or checks, receipts, certificates, tokens Trading stamps or
 or other similar devices to persons engaged in trade or business, similar devices.
 with the understanding or agreement, expressed or implied, that
 the same shall be presented or given by the latter to their patrons
 as a discount, bonus or premium, or as an inducement to secure
 trade or patronage, and that the corporation, firm or association
 or person selling or delivering the same will give to the person pre-
 senting or possessing the same, money or other thing of value, or
 any concession or preference in any way on account of the posses-
 sion or presentation thereof, is hereby assessed against and im-
 posed upon each corporation, firm, association or person engaged
 in such business of one hundred dollars. That nothing in this act
 shall be construed to apply to a manufacturer or to a merchant Manufacturers and
 who sells the goods of such manufacturer from offering to present merchants offering
 to the purchaser or customer a gift of a certain value as an induce- definite induce-
 ment to purchase such goods. ments excepted.

SCHEDULE C.

SEC. 77. *Defining taxes embraced in this schedule.*

The taxes embraced in this schedule shall be listed and paid as Definition.
 specially herein provided, and shall be for the privilege of carry-
 ing on the business or doing the act named, and shall be subject to
 other regulations mentioned in section twenty-six, under Sched-
 ule B.

SEC. 78. *Privilege tax on railroads.*

Railroads. Every steam railroad company and every person operating a steam railroad in this State shall, on or before the thirtieth day of July in each year, make and return to the State Auditor, in such form and upon such blanks as shall be furnished by him, a true statement of the gross earnings of their respective roads for the preceding year ending the thirtieth day of August, of the number of miles of road operated by each such company or person and the number of miles in the State, and the gross earnings per mile per annum during such year; which statement shall be verified by the oath of the secretary and treasurer of such companies, or of the person so operating such railroad, and the State Auditor shall certify said amount to the State Treasurer.

Returns to State Auditor.

Gross earnings.

Number of miles.

Sworn statement.

State Auditor to certify to State Treasurer.

SEC. 79. *Rate of taxation.*

Railroads, tax rate, gross earnings.

Graduated tax.

The annual license tax for operating such railroads within the State shall be as follows: When gross earnings per mile are one thousand dollars or less per year, a tax of two dollars per mile; when gross earnings per mile exceed one thousand dollars per year, but do not exceed two thousand dollars, a tax of three dollars per mile; when gross earnings per mile exceed two thousand dollars per year, but do not exceed three thousand, a tax of four dollars per mile; when gross earnings per mile are in excess of three thousand dollars per year, a tax of five dollars per mile. The tax imposed by this section shall be paid to the State Treasurer at the time of making the report provided in section seventy-eight. No county, city or town shall be allowed to collect any tax under this section.

To be paid to State Treasurer.

No county or municipal tax.

SEC. 80. *Express companies.*

Express companies, tax on gross receipts in this State.

Quarterly reports to treasurer.

Provido: no county or municipal license tax.

That each express company doing business in this State shall pay to said State an annual tax of two and one-half per cent. upon its gross revenues derived from business done wholly within this State—that is to say, upon business originating and terminating in said State; and that the said express company shall make to the Treasurer of said State a quarterly report, under oath, showing the amount of said business done by such express company in said State for the quarter next preceding such report: *Provided*, no county, city or town shall be allowed to impose an additional tax, license or fee provided in this section, except the *ad valorem* tax.

SEC. 81. *Telegraph companies.*

Every company, firm or person operating within this State the apparatus necessary to communicate by telegraph shall pay for the privilege of engaging in the business of transmitting telegraphic messages or communications between points, both of

Tax on business in State.

which are within this State, two and one-half per centum of the gross earnings of the said company, firm or person, received or due, though not received, from business done entirely between points within this State. The tax herein imposed shall be an annual tax, payable in quarterly installments as hereinafter provided. Every such company, firm or person shall return, under oath, to the Treasurer of the State, within forty days after the first day of January, April, July and October of each year, the amount of the gross receipts of the company derived from business done between points within the State, and to pay to the Treasurer the tax herein imposed at the time of making such return. In the case of default of such return the said company, firm or person shall pay a penalty of one thousand dollars. The tax herein imposed shall be paid directly to the Treasurer within forty days after the first day of January, April, July and October of each year, and upon failure to pay the amount thus due, or to pay any penalty incurred for failure to make the return herein provided for, the Treasurer shall institute an action to enforce the collection of the same in the county of Wake or in any other county in which such telegraph company does business, adding thereto twenty-five per centum of the tax or of the penalty due: *Provided*, no county, city or town shall be allowed to impose an additional tax, license or fee provided in this section, except the *ad valorem* tax.

Quarterly reports
to treasurer.

Penalty for failure
to make return.

Tax payable
quarterly.

Treasurer to bring
actions.

No county or
municipal license
tax.

SEC. 82. *Telephone companies.*

On every telephone company doing business in this State an annual tax of two and one-half per cent. on the gross receipts of such telephone company within the State, reckoning for the purpose of ascertaining the amount of such gross receipts the proportion of the interstate business done within the State, which is properly credited to North Carolina: *Provided*, that if any such company shall file with the Board of State Tax Commissioners a statement signed and sworn to by its principal officer in this State, showing that at least one-quarter of the entire assets of his company, when his company has assets, are invested in and are maintained in any or all of the following securities or property, viz., bonds of this State or of any county, city or town of this State, or any property situate in this State and taxable therein, then the tax shall be one and one-half per cent.; and if the amount so invested shall be one-half of its total assets, the tax shall be one per cent.; and if the amount so invested shall be three-fourths of its total assets, the tax shall be one-half of one per cent. The superintendent, general manager or other chief officer of every such company shall make return, under oath, to the Treasurer of the State, within ten days after the first day of January, April, July and October of each year, of the amount of the gross receipts of the company for the quarter ending on the

Telephone compa-
nies, tax on gross
receipts.

Interstate
business.
Provide: tax
reduced by certain
investments.

Returns under
oath to State
Treasurer.

Duty of Sheriff.
Penalty for
default.

No county or
municipal tax.

first day of the month immediately preceding, and pay to the Treasurer the tax here imposed at the time of making such return. It shall be the duty of each sheriff to report to the Treasurer any such company doing business in his county. In case of default of such return and payment of tax, the company shall pay a penalty of one thousand dollars, to be collected by such sheriff as the Treasurer of the State shall designate, by distress or otherwise: *Provided further*, no county, city or town shall be allowed to impose an additional tax, license or fee provided in this section, except the *ad valorem* tax.

SEC. 83. *Tax on corporations.*

Corporations.

Graduated tax.

Penalty.

Foreign corpora-
tions, penalty.

No county or
municipal tax.
Proviso.

Corporations not
embraced.

On each and every corporation organized under the laws of this State or doing business in this State, an annual franchise tax in proportion to the amount of its capital stock, according to the following graduated scale, to-wit: On corporations having a capital stock paid in or subscribed of twenty-five thousand dollars or less, five dollars; over twenty-five thousand dollars and not exceeding fifty thousand dollars, ten dollars; over fifty thousand dollars and not exceeding one hundred thousand dollars, twenty-five dollars; over one hundred thousand dollars and not exceeding two hundred and fifty thousand dollars, fifty dollars; over two hundred and fifty thousand dollars and not exceeding five hundred thousand dollars, one hundred dollars; over five hundred thousand dollars and not exceeding one million dollars, two hundred dollars; over one million dollars, five hundred dollars. In addition to the penalties otherwise provided in this act the failure for three consecutive years to pay the franchise tax imposed by this section shall cause a forfeiture of the charter of such defaulting corporation, and its charter in that event shall be and the same is hereby repealed. If such defaulting corporation is a foreign corporation its permission to do business in this State shall be revoked. No county, city or town shall have the power to levy any franchise tax under this section: *Provided*, that the payment of the tax imposed by this section shall not exempt any corporation from the payment of the license taxes levied under Schedule B of this act: *Provided further*, that the tax provided for under this section shall be payable to the State Treasurer: *Provided further*, that this section shall not apply to railroads, banks, building and loan associations, insurance companies, telegraph companies, express companies and telephone companies.

SEC. 84. *On each marriage license one dollar.*

Marriage licenses.

Duty of register of
deeds and sheriff.

The tax on marriage license shall be one dollar, and shall be paid to the register of deeds. It shall be the duty of the register of deeds to render, annually, to the sheriff, on the first Monday in December, sworn statements in detail of taxes received by him

under this section, and at the same time pay him the money thus received, and thereupon the sheriff shall file the statements of the register of deeds with the clerk of the superior court. The said marriage license tax shall be paid to the State Treasurer by the sheriff of the county in which the same is collected when he sets for the other State taxes. The counties may levy the same tax upon marriage licenses as is levied by the State.

Sheriff to pay to State Treasurer.
County tax.

SEC. 85. *Tax on seal affixed by officers.*

Whenever the seal of State, of the Treasury Department or other public officer required by law to keep a seal (not including clerks of the courts, other county officers and notaries public) shall be affixed to any paper the tax shall be as follows, to be paid by the party applying for the same: For the Great Seal of the State on any commission, one dollar, except magistrates' commissions, which shall be without fee; on warrants of extradition for fugitives from justice from other States, a reciprocal seal tax and fee shall be charged, *i. e.*, the same fee and seal tax must be collected from the State making requisition which is charged this State for like service; all fees and seal taxes of whatever kind collected by the private secretary of the Governor shall be paid into the Treasury quarterly; for the seal of the State Department fifty cents, to be collected by the Secretary of State and paid by him into the Treasury; for the seal of the State Treasurer, to be collected by him and accounted for as other public money, fifty cents. Said officers shall keep an account of the number of times their seals may be used, and shall deliver to the proper officer a sworn statement thereof. Whenever a scroll is used in the absence of a seal by any of the said officers the said tax shall be on the scroll. Seals affixed for the use of any county or the State or used on the commissions of officers of the militia, justices of the peace or any other public officer not having a salary, or under the pension law, or upon any process of court, shall be exempt from taxation. The officers collecting the said taxes and fees may retain as compensation five per centum, except in case of sheriffs, whose compensation shall be allowed by the Auditor. Any person receiving taxes under this section and willfully refusing or neglecting to pay the same as required shall be guilty of a misdemeanor, and upon conviction shall be fined not more than five hundred dollars or imprisoned, at the discretion of the court.

Official seals.
Exceptions.
By whom paid.
Great Seal of State.
Private Secretary of Governor to collect and pay to State Treasurer.
Seal of State Department.
Seal of Treasury Department.
Account to be kept, sworn statement.
Scroll seal.
Seals not taxed.
Officers' compensation.
Non-compliance a misdemeanor.
Penalty.

SEC. 86. *Licenses to be countersigned and recorded by the register of deeds.*

All licenses issued in accordance with this act, except those issued by the State Treasurer, shall not be valid until they shall be exhibited to and countersigned by the register of deeds, by

Licenses to be countersigned.

Compensation to
register of deeds.

whom a permanent record of all such licenses shall be kept. The register of deeds shall be entitled to a fee of fifteen cents for each license recorded by him, to be paid by the person applying for the license.

SEC. 87. *Fines for benefit of school fund.*

Fines, penalties
and forfeitures.

Payment in thirty
days.

For benefit of
county school fund.

When docketed,
how remitted.

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.

SEC. 88. *Misappropriation of taxes deemed embezzlement.*

Officers violating
preceding section
or misappropriat-
ing public funds,
embezzlement.
Penalty.

Any officer, including justices of the peace, violating the preceding section or appropriating to his own use any State, county, school, city or town taxes shall be guilty of embezzlement, and upon conviction shall be punished by imprisonment in the State's Prison for not less than six months nor more than five years, at the discretion of the court.

SEC. 89. *Duty of sheriff in case of violations of the provisions of this act.*

Duties of sheriffs.

Diligent inquiry.

Failure to pay
license tax a mis-
demeanor.

Penalty.

Sheriff to swear
out warrant.

Trial.

Proviso: action
dismissed,
when.

That it shall be and is hereby made the duty of the sheriff of each county in the State to make diligent inquiry as to whether or not all license taxes provided for under Schedules B and C of this act shall have been paid, and any person, firm or corporation liable for such license tax who fails or refuses to pay such tax when demanded by the sheriff shall be guilty of a misdemeanor and punished by fine or imprisonment, at the discretion of the court; and it shall be the duty of the sheriff, upon the failure of any such person, firm or corporation to pay such license tax on demand, to swear out a warrant before some justice of the peace in said county, and if on the hearing of said matter the justice shall find that there is probable cause for believing that such person, persons or corporation is guilty of a violation of this act, he shall cause such person, persons or corporation to enter into bond for appearance at the next term of the superior court of said county to answer the charge: *Provided, however,* that if said person, persons or corporation shall pay to the sheriff the full amount of such license tax and all costs and expenses due said sheriff and the justice of the peace before the cause is heard before said justice, then said justice may dismiss the action. And upon failure of any person, persons or corporation to pay any of

the license taxes imposed by this act when due, the sheriff shall have power to levy upon any personal or real estate owned by such person, persons or corporation as provided in other cases where taxes are collected by distraint: *Provided further*, that the sheriff shall not be liable for false arrest or wrongfully levying upon any property under this section unless it shall appear that the sheriff did so maliciously. It shall be the duty of the sheriff to furnish to the judge of the superior court, at each term of court, the names of all persons in his county doing business enumerated in these schedules, specifying those who have paid the tax and those who have failed to pay, and the judge shall thereupon deliver the same to the grand jury and charge them as to their duty thereupon.

Sheriff may levy on property.

Proviso: Sheriff not liable for false arrest or wrongful levy unless malicious.

Lists delivered to judge.

Judge to deliver lists to grand jury and charge them as to duty.

SEC. 90. *Unless prohibited, county may levy same license tax as State.*

In case where a specific license tax is levied for the privilege of carrying on any business, trade or profession, the county may levy the same tax, and no more: *Provided*, no provision to the contrary is made in the section levying the specific license tax.

County may levy same tax as State.

Proviso.

SEC. 91. *Appropriation for Auditor and Treasurer.*

A sum not to exceed twenty-five hundred dollars is hereby appropriated out of any moneys not otherwise appropriated, to be expended by the Treasurer of the State as he may deem best and necessary to secure the prompt and proper collection of taxes and the protection of the Treasury. And a like amount of twenty-five hundred dollars, or so much thereof as may be necessary, is hereby appropriated to be used by the Auditor of State for the proper enforcement of the Machinery Act.

Appropriation for Treasurer, use of same.

Appropriation for Auditor, use of same.

SEC. 92. *License to be exhibited on demand.*

It shall be the duty of every person liable to any license tax under this act to exhibit his license, upon demand of any sheriff, constable, deputy sheriff or justice of the peace of any county in which he may offer to do business or practice the trade or profession for which license is required, and upon failure to do so every such person may be arrested and held to answer the charge; and if after arrest he shall produce his license he shall be discharged upon payment of cost.

Licenses to be exhibited on demand.

Penalty for failure, arrest, discharge.

SEC. 93. It shall be unlawful for any person to carry on or practice any itinerant trade, business or profession for which a license is required under this chapter without having in his actual possession at the time of so carrying on or practicing said trade, business or profession said license or duplicate thereof.

License to be in actual possession.

Neither the State Treasurer nor sheriff shall have authority to issue a duplicate of any license unless expressly authorized to do

Duplicates not issued when not expressly allowed.

so by this chapter. But each person, firm or corporation shall be required to take out a separate license for each agent. Any person violating the provisions of this act shall be guilty of a misdemeanor.

SEC. 94. *Subjects of taxation revised in this act not otherwise taxable.*

Conflicting laws repealed.
 Proviso: taxes which are or should have been listed, etc.

All laws imposing taxes, the subjects of which are revised in this act, are hereby repealed: *Provided*, that this repeal shall not extend to the provisions of any law so far as they relate to the taxes listed, or which ought to or would have been listed, or which may be due previous to the ratification of this act: *Provided further*, that this section shall not be construed to repeal any law otherwise empowering towns or cities to impose taxes.

Proviso: powers of cities and towns.

SEC. 95. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this 6th day of March, A. D. 1905.

CHAPTER 589.

AN ACT TO AMEND SECTION 9 OF CHAPTER 420 OF THE PUBLIC LAWS OF 1903, RELATING TO PUBLIC ROADS OF CABARRUS COUNTY.

The General Assembly of North Carolina do enact:

Public roads discontinued.

SECTION 1. That section nine of chapter four hundred and twenty of the Public Laws of one thousand nine hundred and three be amended by inserting between the lines four and five the following: "and if in the judgment of said superintendent any public road in the county shall be no longer necessary to public travel he shall recommend to said board of commissioners that said public road be discontinued, and if the board of commissioners approve of said recommendation they shall order that said public road be discontinued, and the same shall be discontinued."

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. 1905.

CHAPTER 590.

AN ACT TO AMEND AN ACT TO PROVIDE FOR THE ASSESSMENT OF PROPERTY AND THE COLLECTION OF TAXES.

The General Assembly of North Carolina do enact:

That chapter two hundred and fifty-one of the Public Laws of one thousand nine hundred and three be amended so as hereafter to read as follows: ^{Amendment of former act.}

ARTICLE I.

BOARD OF STATE TAX COMMISSIONERS.

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

In addition to the duties imposed upon the Board of Corporation Commissioners by the act creating said board, they are hereby created a Board of State Tax Commissioners, with powers and duties prescribed under this act. ^{Corporation Commission created a Board of State Tax Commissioners.}

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

Said board may employ such clerks as in their judgment they may deem necessary to put into proper execution the provisions of this act. The persons so elected shall hold office during the pleasure of said board, and a record of all the proceedings of said board shall be kept, which record, with all other papers or proceedings of said board, shall be a part of the record of the Board of Corporation Commissioners, and of which the clerk of said Board of Corporation Commissioners shall be the lawful custodian, and who, when the board is not in session, shall also have oversight of the clerical force and have performed such duties as are directed by the board. The sum of fifteen hundred dollars, or so much thereof as may be necessary, is hereby appropriated for the payment of the salaries of said office force and additional work to said board. ^{Board may employ clerks, etc.}
^{Term of office.}
^{Records to be kept.}
^{Duties of Clerk of Corporation Commission.}
^{Appropriation for salaries of clerks, etc.}

SEC. 3. *Members of board to take oath of office; compensation of members of board.*

The members of said board shall take and subscribe the constitutional oath of office, to be filed with the Secretary of State. The members of said board shall receive an annual salary of five hundred dollars in addition to their salary as Corporation Commissioners, and shall devote their whole time to the discharge of the duties of their office, and they shall also receive their necessary expenses in the performance of their duties, both to be audited and allowed by the State Auditor and paid monthly by the State Treasurer out of the general fund. ^{Members of board to take oath of office.}
^{Compensation.}
^{Shall devote whole time to discharge of official duties.}
^{To be paid necessary expenses.}

Place of meeting, etc. SEC. 4. *Place of meeting of board; shall have access to books, papers, etc., with power to subpœna and examine witnesses.*

Shall have access to books, papers, etc., in any State department. Regular session of said board shall be held at the office of said board in the city of Raleigh. The said board, and the members thereof, shall have access to all books, papers, documents, statements and accounts on file or of record in any of the departments of State, subject to the rules and regulations of the respective departments relative to the care of the public records. It shall have like access to

Like access to books, papers, etc., in counties, etc. all books, papers, documents, statements and accounts on file or of record in counties, townships and municipalities. Said board shall

Witnesses, how subpoenaed. 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

Compelling attendance. courts of record in this State, and the attendance of witnesses may be compelled by attachment to be issued by any superior court upon proper showing that such witness has been properly subpoenaed and has refused to obey such subpoena. The person serving

Service of subpoenas; compensation. such subpoena shall receive the same compensation now allowed to sheriffs and other officers for serving subpoenas. Said board shall

Examination of witnesses. have power to examine witnesses under oath, said oath to be administered by any member of said board, or by the secretary thereof.

Examination of books, papers, etc. Said board shall have the right to examine books, papers or accounts of any corporation, firm or individual owning property liable to assessment for taxes, general or specific, under the laws of this State, and any officer or stockholder of any such corporation, any member of any such firm, or any person or persons who shall refuse to permit such inspection or neglect or fail to appear before said board in response to its subpoena, or testify, as provided for in this section, shall be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding one thousand dollars, or by imprisonment in the State's Prison for a period not exceeding two years, or both such fine and imprisonment, in the discretion of the court.

Penalty.

SEC. 5. *Time for holding regular meetings; chairman may call special meetings.*

Time for holding regular 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

Chairman may call special meetings. duties devolving upon said board. The chairman may call special sessions of the board whenever and wherever in the State he may deem it advisable so to do, and shall call such special sessions upon the written request of two members.

SEC. 6. *Duties of the board.*

It shall be the duty of the board:

- (1) To have and exercise general supervision over the tax-listers and assessing officers of this State, and to take such measures as will secure the enforcement of the provisions of this act, to the end that all the properties of this State liable to assessment for taxation shall be placed upon the assessment rolls and assessed at their true value in money.

Duties of board.
1. General supervision over tax-listers and assessing officers.
- (2) To confer with and advise assessing officers as to their duties under this act, and to institute proper proceedings to enforce the penalties and liabilities provided by law for public officers, officers of corporations and individuals failing to comply with this act; to prefer charges to the Governor against assessing and taxation officers who violate the law or fail in the performance of their duties in reference to assessments and taxation; and in the execution of these powers the said board may call upon the Attorney-General or any prosecuting attorney in the State to assist said board.

2. To advise assessing officers as to their duties, etc. To enforce penalties, etc. To prefer charges, etc.
Assistance of Attorney-General, etc.
- (3) To receive 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.

3. To receive and investigate complaints. To correct irregularities.
- (4) To see that each county in the State be visited by at least one member of the board as often as is necessary, 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 change may be made.

4. Each county to be visited annually. Securing of information. Enforcement of law.
- (5) To require from any register of deeds, clerks of courts, mayors and clerks of towns, or any other officer in this State, on forms prescribed by said Board of State Tax Commissioners, such annual or other reports as shall enable said board to ascertain the assessed valuations of all property listed for taxation throughout the State under this act; the amount of taxes assessed, collected and returned delinquent, and such other matter as the board may require, to the end that it may have complete and statistical information as to the practical operation of this act. That every such officer mentioned in this section who shall willfully neglect or refuse to furnish any report required by the commission, for the purposes of this act, or who shall willfully and unlawfully hinder, delay, or obstruct said commission in the discharge of its duties, forfeit and pay one hundred dollars for each offense, to be recovered in an action in the name of the State. A delay of ten days to make and furnish such report shall raise the presumption that the same was willful.

5. To require reports, etc., from officials. Contents of reports.
Certain misconduct by officials a misdemeanor.
- (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

Penalty.
6. To investigate laws of other States. To make recommendations to General Assembly.

can be ascertained by correspondence with officers thereof, and, with the aid of information thus obtained, together with experience and observation of our own laws, to recommend to the Legislature at each regular session thereof, such amendments, changes or modifications of our revenue laws as seem proper and necessary to remedy injustice and irregularities in taxation, and to facilitate the assessment and collection of public revenues.

7. To report to Legislature amount of taxes collected for all purposes. Report, what to contain, etc.

(7) To further report to the Legislature at each regular session thereof, or at such other times as the Legislature may direct, the whole amount of taxes collected in the State for all purposes, classified as to State, county, township and municipal purposes, with the sources thereof; the amount lost; the cause of the loss; the proceedings of said board, and such other matters of information concerning the public revenues as it may deem of public interest.

SEC. 7. *Board to make annual report to the Governor.*

To make annual report to Governor on or before November 1st. Contents of report.

The Board of State Tax Commissioners shall, on or before the first day of November of each year, make an annual report to the Governor of the State, setting forth the workings of said commission during the preceding year, and containing the findings and recommendations of said commission in relation to all matters of taxation. The State Auditor shall cause two thousand copies of said report to be printed on or before the first day of December succeeding the making of said report. Five hundred copies of said report shall be placed at the disposal of the State Librarian for distribution and exchange, and a copy of said report shall be forwarded by said Tax Commission to each member of the General Assembly as soon as printed.

State Auditor to print.

Distribution.

Inspection of tax lists.

SEC. 8. After the various tax lists required to be made under this act shall have been passed upon by the county board of equalization, the said several tax lists shall be subject to inspection by the said Board of State Tax Commissioners, or by any member thereof; and in case it shall appear or be made to appear to said board that property subject to taxation has been omitted from said list, 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, 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 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

Duties in case of improper assessment, etc.

List-taker to appear. Time and place.

Notice.

Publication.

Notice by mail.

property or whose assessments are to be considered, at least five days prior to said hearing. A copy of said order 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 assessing or listing officer upon whom said notice shall have been served, shall appear also with said tax list. The said board or any member thereof, as the case may be, shall then and there hear and determine as to the proper assessments of all property and persons mentioned in said notice, and persons affected or liable to be affected by the review of said assessments thus provided for, may appear and be heard at said hearing. In case said board, or the member thereof who shall act in said review, shall determine that the assessments so reviewed are not assessed according to law, he or they shall, in a column provided for that purpose, place opposite said property the true and lawful assessment of the same. As to the property not on the tax list, the said board or members thereof acting in said review, shall place the same upon said tax list by proper description, and shall place thereafter in the proper column the true cash value of the same. In case of review under this section, the said board or the member thereof acting in said review, shall certify under his 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.

Copy of order, on whom served.

Board or member thereof to appear.

Review of assessments.

Duties and powers.

Re-assessment.

Unlisted property to be listed and assessed.

Officially certified.

Compensation of tax officer.

Payment of same.

Action final.

SEC. 9. Board may order general review of tax list.

In case it shall appear or be made to appear to said board that any tax list in the State is so grossly irregular and unlawfully assessed that adequate compliance with the law can not be secured except by a general review of said tax list, said board may 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

When board may order general review of tax list.

Time and place.

Assessor to appear.

Place.

Notice.

Publication of notice.	the time and place that said assessor is required to appear with said list, together with a statement that said list will be subjected to general review, and that all persons interested therein may be heard at said time, shall be published in a newspaper published at the county-seat of said county, if there be one; if not, in some newspaper printed in said county, if there be any, at least seven days before the time at which said assessor is required to appear. A copy
Service of order on tax officer.	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
Board or member thereof to appear.	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
To act with chairman board of county commissioners. Review of tax list.	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 assessment of property therein, and he or they shall have power to determine in accordance with law the amount at which said assessment shall be placed, and to change the same so that said
To list omitted property.	assessments may comply with the law. Also to place upon said list property omitted therefrom in the same manner as provided in the
Procedure.	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
Compensation of tax officer.	provided in the last preceding section, and the tax officer shall receive the same compensation as provided in said section.
Unassessed property to be ordered placed on tax lists.	SEC. 10. If it shall appear to said board at any time that any property liable to taxation has not been assessed for any previous year as hereinbefore provided, the said board shall report the same
Valuation.	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
To be certified to board of county commissioners.	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
Rate of taxation.	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
Proviso: limit as to going into effect of this act.	against the person or property, and be collected as other taxes: <i>Provided, however,</i> that this provision shall not be deemed to relate back
Proviso: change of ownership.	prior to the going into effect of this act: <i>Provided further,</i> 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.

ARTICLE II.

SEC. 11. *Commissioners shall have power to exempt; sheriff to garnishee if taxes are not paid in sixty days; form of attachment.*

The board of commissioners of the several counties shall have power to exempt any person from the payment of poll tax on account of poverty and infirmity; and when any such person has been once exempted he shall not be required to renew his application unless the commissioners shall revoke the exemption. When such exemption shall have been made, the clerk of the commissioners shall furnish the person with a certificate of such action, and the person to whom it was issued shall be required to list his poll, but upon exhibition of such certificate the list-taker shall annually enter in the column intended for the poll the word "Exempt," and the poll shall not be charged in computing the list. If any poll tax or other tax shall not be paid within sixty days after the same shall be demandable, it shall be the duty of the sheriff, if he can find no property of the person liable sufficient to satisfy the same, to attach any debt or other property incapable of manual delivery, due or belonging to the person liable, or that may become due before the expiration of the calendar year, and the person owing such debt or having such property in possession, shall be liable for said tax. Any corporation, firm or person who shall on demand or request made, refuse to give to the tax collector of any county, city or town a list giving the names of all persons employed by them who are liable for tax, shall be guilty of a misdemeanor. For the purpose of carrying into effect the provisions of this section, the following form shall be used as an attachment, viz.: To A. B. Take notice that this is to attach any debt that is now due or may become due to C. D., a delinquent in his poll (or property) tax for the year of nineteen hundred and, and you are hereby summoned to appear before E. F., an acting Justice of the Peace for County, and disclose any indebtedness which is or may be due said 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.

Board of county commissioners may exempt from payment of poll tax.

Person exempted not required to renew application.

Certificate of exemption.

Poll tax, failure to pay.

When sheriff to attach.

Failure to furnish list of employees a misdemeanor.

Form of attachment for debt due delinquent.

For serving notice the sheriff shall receive twenty-five cents. and Fees. 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 session held in the month of April, one thousand nine hundred and three, and every fourth year thereafter, appoint three discreet freeholders County commissioners to appoint board of list-takers, when.

Duties of board of list-takers and assessors.

Meeting.

Chairman and secretary.

Duties of secretary.

Assessment in force for four years, unless altered.

in each township each of whom shall have been a resident and a freeholder in said township for not less than twelve months, who shall be known as the board of list-takers and assessors, and who shall list and assess the real and personal property in said township for taxation. The board of list-takers and assessors shall ascertain the true value in money of all personal property and every tract or parcel of land or other real estate with the improvements thereon, and assess the same in accordance with said valuation. Said board of list-takers and assessors shall meet at some place in their respective townships on or before the first Monday in May and elect one of their members chairman and one of their members secretary. The person elected secretary of the board shall be list-taker and shall receive the lists of all persons subject to taxation. He shall perform all the clerical work required of the board of list-takers and assessors. The board is hereby authorized and empowered to administer oaths in all cases necessary to obtain full and correct information concerning any taxable real and personal property in their respective townships so as to secure a proper assessment of said property. The assessment when made shall be in force for four years, or until altered as provided by this act by reason of structure improved, erected or destroyed.

SEC. 13. *Real property to be assessed at its true value in money.*

Real property to be valued from actual view or on best information, according to its true value in money.

What to be considered.

Real property shall be valued by the assessors either from actual view or from the best information that the assessors can practically obtain, according to its true value in money. In determining the value the assessors shall consider, as to each piece, its advantage or disadvantage of location, quality of soil, quantity of standing timber, water privileges, mines, minerals, quarries, or other valuable deposits known to be available therein and their value.

SEC. 14. *All articles of personal property to be assessed at their true value in money.*

Assessment of personal property according to its true value in money.

Concealment of property reported to county commissioners for necessary action.

All articles of personal property shall, as far as practicable, be valued by the assessors, according to their true value in money; and after arriving at the total valuation of all articles of personal property which they shall be able to discover as belonging to any person, if they have sufficient evidence upon which to form a belief that such person has other personal property consisting of money, credits, debts due or to become due, or any other thing of value liable to taxation, they shall report the fact to the board of county commissioners, who shall have power to take such action as may be necessary to get said property on the tax list.

SEC. 14½. *Defining "market" value or "true value."*

Purpose of tax laws.

The intent and purpose of the tax laws of this State is to have all property and subjects of taxation fairly assessed at their true value in money in such manner as such property and subjects are

usually sold, but not by forced sale thereof, and the words "market value" or "true value," whenever in the tax laws, shall be held and deemed to mean what the property and subjects would bring at cost sale when sold in such manner as such property and subjects are usually sold.

SEC. 15. *Board of Assessors shall advertise in five places.*

Each township board of list-takers and assessors shall advertise in five or more public places in the township immediately after their appointment, notifying all tax-payers to return to the list-taker all the real and personal property which each tax-payer shall own on the first day of June, requiring said returns to be made to the list-takers during the month of June under the pains and penalties imposed by law, and naming the places and times at which they will be present to receive tax lists: *Provided*, in cities and towns of five thousand inhabitants or more, the said board of list-takers and assessors may proceed from and after the first Monday in May to assess real estate and personal property, but the actual listing thereof shall not begin until the first day of June, and said list-takers or assessors shall receive for their services such compensation as may be allowed them by the board of county commissioners.

"Market value" and "true value" defined.

Board of township assessors and list-takers to advertise.

Returns to be made.

Proviso: when assessment to begin in certain cities.

SEC. 16. *Tax Commissioners to prepare instructions for assessors and listers.*

It shall be the duty of the tax commissioners, at least thirty days previous to the date fixed for listing taxes, to prepare a pamphlet for the instruction of tax assessors. Said pamphlet shall, in as plain terms as possible, explain the proper working of the tax laws of the State, and shall call particular attention to any points in the administration of the laws which have seemed to be overlooked or neglected. They shall advise the assessors of the practical working of the laws, and explain any points which seem to be intricate and upon which assessors may differ. Copies of 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.

Board of tax commissioners to prepare pamphlet of instructions for use of assessors, etc. What to contain.

To advise assessors.

Copies sent to register of deeds for distribution.

SEC. 17. *Oath of tax-listers and assessors.*

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

List-takers and assessors to make complete returns under oath to county commissioners second Monday in July.

"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

Form of affidavit.

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 taxx-payers concerned."

Oath before entering upon duties.

Before entering upon the discharge of the duties of their office they shall also take and subscribe the following oath before the chairman of the board of county commissioners for their respective counties, or some officer qualified to administer oaths:

Form of oath.

"I,, list-taker (or assessor) of Township, of County, do solemnly swear (or affirm) that I will discharge the duties devolving upon me as list-taker (or assessor) according to the laws in force governing said office. So help me, God."

SEC. 18. *Board of Equalization.*

Board of equalization, how constituted.

The board of county commissioners and the chairman of the board of list-takers and assessors of the several townships and wards of cities and towns shall constitute a board of equalization for the county, and shall meet on the second Monday in July. The chairman of the board of county commissioners shall be chairman of the board of equalization, and shall lay before the board of equalization the returns of the list-takers and the assessors. Said board shall equalize the valuation so that each tract or lot or article of personal property shall be entered on the tax list at its true value in money, and for this purpose they shall observe the following rules: (1) They shall raise the valuation of such tracts or lots of property or articles of personal property, including stocks, bonds and shares in all incorporated companies, except such as are specifically exempt by law, as in their opinion have been returned below their true value, to such price or sum as they may believe to be the true value thereof. (2) They shall reduce the valuation of such tracts and lots or articles of personal property as in their opinion have been returned above their true value as compared with the average valuation of real and personal property, including stocks, bonds and shares of all incorporated companies of such county. In regard to real property they shall have due regard to the relative situation, quality of soil, improvements, natural and artificial advantages possessed by each tract or lot.

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

Board to equalize valuation.

Duties and procedure.

SEC. 19. *Compensation of list-takers and assessors.*

Compensation of list-takers and assessors.

The board of county commissioners shall allow each list-taker and assessor such compensation as said board shall deem just and proper for each day actually engaged in the performance of his duties. Said board of county commissioners shall also allow each member of the board of equalization such per diem for the number of days actually engaged in the performance of his duties as the said board of commissioners shall deem just and proper, and in addition thereto mileage at the rate of five cents for each mile

Per diem of board of equalization.

Mileage.

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. 20. *List-takers and assessors to make out their accounts; when entitled to compensation.*

List-takers and assessors shall make out their accounts in detail, giving the date of each day when they shall have been employed, which account they shall verify under oath. They shall not be entitled to compensation until they shall have filed lists, schedules, statements and books appertaining to the assessment of property for such year in the office of the clerk of the commissioners, the books to be accurately made up. The list-takers and assessors shall not be entitled to pay unless they have performed the labor and made return in strict compliance with the law. The county commissioners shall be the judges of the number of days actually necessary for taking the list, and may regulate the same when a greater number of days are charged for than they deem necessary.

Accounts of list-takers and assessors. Not entitled to compensation until all lists, etc., have been made and filed.

Strict compliance with law required.

SEC. 21. The said board of county commissioners shall, annually, at their session in the month of April, except in the year when there shall be an assessment of property, appoint one competent person in each township to list the lands therein at the valuation previously assessed on the same and all personal property in said township: *Provided*, said board of county commissioners may appoint a list-taker for the purposes mentioned in this section for each ward in any city or town in their respective counties. Said board of commissioners shall allow the list-takers such compensation for their services as the board may deem just and proper, and the same shall be paid by the county treasurer.

Township list-takers.

Ward list-takers in cities and towns.

Compensation.

Every such list-taker shall correct any parcel of real property 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 note increased or diminished value of structures.

SEC. 22. *Township list-takers.*

Each township list-taker appointed under the authority of this act shall advertise in five or more public places within the township immediately after his appointment, notifying all tax-payers to return to him all real and personal property which each tax-payer shall own on the first 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.

Township list-takers. Advertisement.

SEC. 23. *How to list property.*

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, invest-

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.

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

Certain exemptions where ward resides outside of city or town.

Evasion of taxation.

ments 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: *Provided further*, that when personal property is held in trust for another by any person, firm or corporation in this State, whether as guardian, trustee or otherwise, and the *cestui que trust* is a resident of the State, then the same shall be listed for taxation in the county and township where the *cestui que trust* lived on the first day of June; and if the *cestui que trust* lived in a county in the State other than the county of the trustee, guardian or other person so holding said property, then the property so held in trust may be listed for taxation by forwarding a list thereof, verified by oath, to the register of deeds of the county wherein the *cestui que trust* lived on the first day of June, and such register shall enter the same on the tax lists of the township in which the *cestui que trust* lived; and banks listing their stock held in trust shall give the county in which the *cestui que trust* lives, and shall forward to the register of deeds of that county the names of *cestui que trust* living therein, with the number of shares held by each and their taxable value, to the end that they may be entered for school, county and municipal taxation. The guardian shall be exempt from municipal taxation on the personal property of his ward when the ward resides outside of the corporate limits of the city or town. Any person who, to evade the payment of taxes, surrenders or exchanges certificates of deposit in any bank in this State or elsewhere for non-tax-paying securities, or surrenders any taxable property for non-taxable property, and after the date of listing property has passed takes said certificates or other taxable property back and gives up said non-tax-paying securities or property,

shall be guilty of a misdemeanor, and upon conviction shall be fined not less than fifty nor more than two hundred dollars, one-half of which shall go to the informer, or imprisonment not less than one month nor more than six months, or both.

Misdemeanor,
penalty.

SEC. 24. *Who may list through agents.*

The list shall be given by the person charged during the month of June, as herein prescribed: *Provided*, that agents for the purpose of listing property may be appointed by females or non-residents of the township where the property is situate, or by persons physically unable to attend and file their list at any time during the month of June. The property of a corporation shall be given in by the president, cashier, treasurer or other person appointed for that purpose.

Owners to list
property in June.
Who may list by
agent.

Property of cor-
porations, by
whom given in.

SEC. 25. *Where to list real estate, timber, mineral and quarry lands.*

All real property subject to taxation shall be listed in the township in which said property is situated on the first day of June. When the fee of the soil of any tract, parcel or lot of land is in any person or persons, natural or artificial, and the right to any minerals, quarry or timber therein is in another or others, the same shall be valued and listed agreeable to such ownership in separate entries specifying the interest listed, and shall be taxed to the parties owning the different interests respectively. In listing mineral, quarry or timber interests the owner thereof shall describe the same in his list, together with the separate value of each separate tract or parcel of land in or on which the same shall be situated or located, and the list-taker shall be particular to enter the same on the tax list according to the returns. An owner of separate timber interests shall list the same, whether the timber shall be attached to or detached from the soil.

Real property,
where listed.

Fee of soil, etc.,
and mineral,
quarry or timber
rights to be listed
separately, when.

Mineral, etc., in-
terests to be shown
on list.

SEC. 26. *Where polls and personal property shall be listed.*

All taxable polls and all personal property shall be listed in the township in which the person so charged resides on the first day of June, subject to the following exceptions:

All polls and per-
sonal property to
be listed in town-
ship where owner
resides on first day
of June.
Exceptions.

(1) Such shares of stock as are directed to be listed otherwise by this act.

(2) All goods and chattels situated in some township, town or city other than where the owner resides shall be listed in the township, town or city where situated, and not elsewhere, if the owner or person having control thereof hires or occupies a store, mill, dock-yard, piling ground, place for sale of property, shop, office, mine, farm, place of storage, manufactory or warehouse therein for use in connection with such goods and chattels: *Pro-
vided*, that all farm products while owned by the raiser or pro-

Goods and chat-
tels where situated
if stored in such
place.

Proviso: farm
products listed
where raised.

Goods stored outside of State where owner resides.

ducer shall be listed where raised, and that all manufactured goods consigned or stored out of the State shall be listed where the owner resides.

Residence of person defined.

The residence of a person who has two or more places in which he occasionally dwells shall be that in which he dwells for the longest period of time during the year preceding the first day of June. The place where the principal office in this State is situated shall be deemed the residence of the corporation, but if there be no principal office in the State, then such property shall be listed and taxed at any place in the State where the corporation transacts business.

Residence of corporation.

Partnership property listed in name of firm.

For purposes of assessing property and collecting taxes, a copartnership shall be treated as an individual, and property shall be listed in the name of the firm. A copartnership shall be deemed to reside in the township, town or city where its business is principally carried on. Each partner shall be liable for the whole tax. And any tax-payer who fails to list any personal property or poll liable to taxation in this State shall be guilty of a misdemeanor.

Residence of partnership.

Partners jointly and severally liable.
Failure to list property or poll a misdemeanor.

SEC. 27. *Debts owing by tax-payer may be deducted.*

Tax-payer to furnish statement of property owned and his income subject to taxation.

At the time and place appointed by the list-taker, the tax-payer in person, except as otherwise provided, shall attend and file with the list-taker, on a blank to be prepared and furnished by the State Auditor, a statement of all the property of every kind and description owned by the tax-payer, and also a statement of his income subject to taxation under the laws of this State. All *bona fide* indebtedness owing by any person may be deducted by the tax-lister from the amount of said person's credits; and insurance companies may deduct from solvent credits due to them an amount equal to their re-insurance reserve.

Bona fide indebtedness may be deducted from solvent credits. Insurance companies may deduct re-insurance reserve from solvent credits.

SEC. 28. *Penalty for not listing personal property.*

Penalty for making false statement as to property for purpose of evading payment of proper taxes.

Any person, firm or corporation in this State owning or holding personal property of any nature or description, individually, or as agent, trustee, guardian, administrator, executor, assignee or receiver, which property is subject to assessment, who shall intentionally make a false statement to the assessor of his assessment district, or the board of equalization thereof, for the purpose of avoiding the payment of the just and proportionate taxes thereon, shall forfeit the sum of ten dollars for every hundred dollars or major fraction thereof so withheld from the knowledge of such assessor or board of equalization. It is hereby made a duty of the sheriff of any county, upon complaint made to him by any tax-payer of the assessment district in which it is alleged that property has been so withheld from the knowledge of the assessor or board of equalization or not included in the said statement, to investigate the case forthwith and bring an action in the superior

Forfeiture.

Duty of sheriffs to investigate such cases when reported and bring action on same.

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. Forfeiture payable to county treasurer.

SEC. 29. *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 educational 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 payer listing property. Failure to administer oath a misdemeanor. Penalty.

SEC. 30. *Oath of tax-payer.*

The tax-payer shall swear to the truth of the statement rendered by him, which oath shall be in the following form, to-wit: "I,, do solemnly swear (or affirm) that the list furnished by me contains a true and accurate list of all of my property and income, and that the amount claimed to be deducted from said list is a true statement of such debts as to the best of my knowledge and belief I am entitled to have deducted from said list. So help me, God." Tax-payer's oath. Form.

SEC. 31. *Property held in trust listed separately.*

Property held in trust, or as agent, guardian, executor or executrix, administrator or administratrix, or in the right of a *feme covert*, shall be returned on a separate list. The sheriff or other tax collector in any county shall be liable to suit on his official bond for failure to report any false return of property mentioned in this section which he may discover or which may be otherwise discovered and made known to him, and it shall be his duty to report such fraud to the grand jury of his county. Trust property, etc., listed separately. Sheriff or tax collector liable for failure to report false returns.

SEC. 32. *What shall be specified on tax list.*

The list-taker shall state all the property of the tax-payer, and also the age of the party, if a male, with reference to his liability to a poll tax. The list shall also contain, as of the first day of June: (1) The quantity of land owned in the township, and the land shall be described by name, if it has one, otherwise in such a way that it may be identified. (2) The number of horses, mules, 2. Live stock. Tax-list, what to contain. 1. Quantity of land, etc.

3. Farming utensils, tools, etc. jacks and jennies in one column; goats, cattle, hogs and sheep in another column. (3) Farming utensils, tools of mechanics, household and kitchen furniture, provisions, fire-arms, libraries and scientific instruments, specifying the articles separately. (4) Money on hand. (5) The amount of credits, including accrued interest uncollected owing to the party, whether by a person in or out of the State, whether owing by mortgage, bond, note, bill of exchange, certificate, check, open account, or due and payable, whether owing by any State or government, county, city, town or township, individual, company or corporation. The value of cotton, tobacco or other property in the hands of commission merchants or agents in or out of the State shall be deemed credits within the meaning of this act. If any credit be not regarded as entirely solvent it should be given in at its current or market value, and the party may deduct from the amount of his credits owing to him the amount of collectable debts owing by him as principal debtor. (6) Any certificate of deposit in any bank, whether in or out of the State. (7) Money investments, stocks and bonds, and shares of stock in incorporated companies which 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 manufactured, turpentine, rosin, tar, brandy, whiskey, musical instruments, bicycles, goods, wares and merchandise of all kinds, plated and silver ware, and the watches and jewelry possessed by the party of any minor or child. (9) The income of the party for the twelve months next preceding the first day of June in the current year, if over one thousand dollars. (10) If the party be a non-resident of the county and owns land therein the list shall state his address and may name an agent in the county to whom notice may be given respecting his taxes. (11) If any person shall, with a view to evade the payment of taxes, fail or refuse to give in to the assessor or tax-lister any bonds, notes, claims or other evidences of debt which are subject to assessment and taxation under this act, the same shall not be recoverable by action at law or suit in equity before any of the courts of this State until they have been listed and the tax paid thereon.
4. Money on hand.
5. Solvent credits, etc., debts of doubtful solvency, deduction of indebtedness.
6. Certificates of deposit in banks.
7. Money investments, stocks, bonds, etc.
8. All other personal property.
9. Income.
10. Address and agent of non-resident.
11. Evasion of taxes.
- Penalty: property made non-recoverable in the courts until, etc.

SEC. 33. *Bank taxation.*

State taxes on shares paid to treasurer.

When.

Procedure on failure to pay.

The taxes imposed for State purposes upon the shares of stock in any bank, banking association or savings institution (whether State or National) in this State shall be paid by the cashier of such bank, banking association or savings institution directly to the State Treasurer within thirty days after the first day of July of each year, and upon failure to pay the State Treasurer as aforesaid he shall institute an action against the bank, banking association or savings institution to enforce the same in the county of

Wake or in the county in which the bank, banking association or savings institution is located, which action shall be prosecuted in the name of the State of North Carolina on the relation of the Treasurer of the State, and which shall be tried at the return term of the court: *Provided*, the complaint is filed ten days before the first day of such term, and shall have precedence over all other actions. The board of commissioners of the county in which such banks, banking associations or savings institutions are located shall assess against the value of shares of residents in that county the tax imposed for school and county purposes, which shall be paid to the sheriff of that county, and shall assess against the value of shares held by non-residents of this State in such bank, banking association or savings institutions located in that county the said tax imposed for school, county and municipal purposes, which shall be paid to the sheriff of that county by the said bank. The value of such shares shall be determined as is hereinafter in this section provided. Every bank, banking association or savings institution (whether State or National) shall list its real estate in the county, city or town in which such real estate is located, for the purposes of State, county and municipal taxation. Every such bank, banking association or savings institution shall, during the month of June, list annually with the State Auditor, in the name and for its shareholders, all the shares of its capital stock, whether held by residents or non-residents, at its market value on the first day of June, or if it have no market value, then at its actual value on that day, from which market or actual value shall be deducted the assessed value of the real and personal property which such bank, banking association or savings institution shall have listed for taxation in the county or counties wherein such real and personal estate is located. The actual value of such shares, where such shares have no market value, shall be ascertained by adding together the capital stock, surplus and undivided profits and deducting therefrom the amount of real and personal property owned by said institution on which it pays tax and dividing the net amount by the number of shares in said institution. Insolvent debts due said institution may be deducted from the items of undivided profits or surplus, if itemized and sworn to, and forwarded to the Auditor by the cashier of such institution. If the Auditor shall have reason to believe that the market or actual value as given in is not its true value, he shall ascertain such true value by such examination and investigation as to him seems proper, and change the value as given in to such amount as he ascertains the true value to be, which action on the part of the Auditor may be reviewed by the Superior Court by an action brought against the State Auditor in his official capacity by the party aggrieved. But no action shall lie until all taxes admitted by such aggrieved party to be due shall have been paid or tendered. In listing the shares for State taxation, such bank, bank-

County commissioners shall assess for county and school purposes.

Real estate, where listed.

Shares of capital stock to be listed with State Auditor.

Valuation.

Deduction of value of property.

Actual value, how ascertained.

Insolvent debts.

Auditor may investigate.

Action of Auditor may be reviewed.

Auditor to be furnished names, addresses, etc., of shareholders.

Banks to furnish each county with lists of shareholders.

Auditor to certify to each county, shares of stock and valuation.

County and municipal authorities thereupon to list shares of stock.

Proviso.

Resident shareholders, where to list.

Non-resident shareholders, where to list.

When to be listed.

Tax officials to enforce law.

ing association or savings institution shall file with the Auditor of the State a statement showing the name and residence of each shareholder, the number of shares held by each and the taxable value of such shares as fixed by the provisions of this act, which statement shall be in writing and subscribed and sworn to by the president, cashier or some other officer of the bank. For the purpose of aiding the county commissioners and other municipal officers in enforcing the law as to the listing of bank shares by the individual shareholders, for the purpose of county, school and municipal taxation, it shall be the duty of every bank or banking association or savings institution (whether State or National) to furnish to the board of county commissioners of each county wherein any of its shareholders reside a statement showing the names of all its shareholders resident in such county, with the number of shares owned by each and the taxable value of such shares, ascertained from the statement hereinbefore required to be made by such bank, banking association or savings institution to the Auditor of the State. It shall also be the duty of the State Auditor to certify to the board of county commissioners of each county wherein any of said shareholders reside a statement showing the names of all the shareholders resident in such county, with the number of shares owned by each, and the value of such shares as ascertained by the statement hereinbefore required to be made by such bank, banking association or savings institution to the Auditor of the State. And it shall thereupon be the duty of the chairman and clerk of the said board of county commissioners to list said shares of stock, with the assessed value thereon, for the purposes of county, school or municipal taxation; and the tax-lister for the city or town shall compute the municipal taxes thereon: *Provided*, that no city or town shall assess any bank stock at a valuation different from that affixed by the Auditor. The residents of this State who are shareholders in any bank, banking association or savings institution (whether State or National) shall list their respective shares in the county, city or town, precinct or village where they reside, for the purposes of county, school or municipal taxation. The shares of non-residents of this State who are shareholders in any bank, banking association or savings institution (whether State or National) located in this State shall be listed in the county, city, town, precinct or village in which such bank, banking association or savings institution is located, for the purposes of county, school and municipal taxation. All shares, whether owned by residents or non-residents, shall be listed at the time prescribed for listing taxes. The county commissioners, list-takers and other county and municipal officers shall have the same power to enforce the listing of shares of stock in any such bank, banking association or savings institution, whether held by residents or non-residents, as they have for enforcing the listing of other personal property. The taxation of

shares in any such bank, banking association or savings institution shall not be at a greater rate than as assessed upon other moneyed capital in the hands of individual citizens of this State, whether such taxation is for State, county, school or municipal purposes.

SEC. 34. *Reports from corporations.*

Hereafter, except in the case of such corporations as are specially mentioned by name of other sections of this or the Revenue Act, and required to make statements in other forms, it shall be the duty of the president, chairman or treasurer of every corporation having capital stock, every joint stock association or limited partnership whatsoever, now or hereafter organized or incorporated by or under any law of this State, to make a report, in writing, to the Auditor on or before the first day of July of each year, stating specifically:

First. Total authorized capital stock.

Second. Total authorized number of shares.

Third. Number of shares of stock issued.

Fourth. Par value of each share.

Fifth. Amount paid into the treasury on each share.

Sixth. Amount of capital stock paid in.

Seventh. Amount of capital on which dividend was declared.

Eighth. Date of each dividend during said year ending with the first day of June.

Ninth. Amount of each dividend during the year ending with the first Monday in said month.

Tenth. Highest price of sales of stock between the first and fifteenth days of May.

Twelfth. Highest price of sales of stock during the year aforesaid.

Thirteenth. Average price of sales of stock during the year.

And in said report one of the following-named officers of such corporation, limited partnership or joint stock association, namely, the president, chairman, secretary or treasurer, after being duly sworn or affirmed to do and perform the same with fidelity and according to the best of his knowledge and belief, shall estimate and appraise the capital stock of said company at its actual value in cash on the first day of June, after deducting therefrom the assessed value of all real and personal estate upon which the corporation pays tax, as indicated or measured by the amount of profit made, either declared in dividends or carried into surplus or sinking fund, and when the same shall have been so truly estimated and appraised they shall forthwith forward to the Auditor a certificate thereof, accompanied by a copy of their said oath or affirmation, signed by them and attested by a magistrate or other person duly qualified to administer the same: *Provided*, that if the Auditor and State Treasurer, or either of them, is not satisfied

Equality of valuation.

Officer of corporation, joint stock association, or limited partnership, to make annual report to Auditor.

Contents of report.

Certain officers to value stock under oath.

Method of valuation.

Report to Auditor.

Proviso: Auditor and Treasurer may re-value.

with the appraisement and valuation so made and returned, they are hereby authorized and empowered to make a valuation thereof based upon the facts contained in the report herein required or upon any information within their possession, and to settle an account on the valuation so made by them for taxes, penalties and interest due the State thereon, of which such settlement immediate	
Notice to corporation.	notice shall be given to said corporation by said Auditor and State Treasurer, with the right to the company dissatisfied with any
Right of appeal.	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 superior court a record of said settlement, with the exceptions of the company thereto, and all decisions thereon and all papers and evidences considered in making said decision. The said cause shall be placed on the civil issue docket of said superior court and shall have precedence of all other civil actions and shall be tried under the same rules and regulations as are prescribed for the trial of other civil causes. The cause shall be entitled State of North Carolina on the relation of Auditor and State Treasurer against such company. Either party may appeal to the Supreme Court from the judgment of the superior court under the same rules and regulations as are prescribed by law for other appeals, except that the State of North Carolina, if it shall appeal, shall not be required to give an undertaking or make any deposit to secure the costs of such appeal; and the Supreme Court may advance the cause on their docket so as to give the same a speedy hearing. And in the event of the neglect or refusal of the officers of any corporation, company, joint stock association or limited partnership, for a period of sixty days, to make the report and appraisement to the Auditor as herein provided, it shall be the duty of the Auditor and State Treasurer to estimate a valuation of the capital stock of such defaulting corporation, company, joint stock association or limited partnership and settle an account for taxes, penalty and interest thereon, from which settlement an appeal may be made to the superior court of the county in which the corporation has
Exception to be filed.	
Hearing on same by Auditor and Treasurer.	
Appeal, notice.	
Procedure.	
Title of cause.	
No undertaking required of State on appeal. Cause may be advanced on docket.	
Auditor to value when no report made.	
Right of appeal.	

its principal place of business. Corporations, limited partnerships or joint stock associations liable to tax on capital stock shall not be required to make any report or pay any further State tax on the mortgages, bonds, other securities and credits owned by them in their own right. The Corporation Commission, the Treasurer and the Auditor are forbidden to divulge or make public any report of a corporation required to be made to them or either of them by this section. The Auditor shall prepare and keep a record book upon which he shall enter a corporate list of all the corporations and banks which he has assessed for taxation, and said record shall show the assessed valuation placed upon same by him.

No further State tax on certain property.

Treasurer and Auditor not to divulge contents of reports.

Auditor to keep record showing assessed value.

SEC. 35. *Tax on building and loan associations.*

The secretary of each building and loan association organized and conducting business in this State shall list for taxation with the State Auditor on the first Monday in June of each year the shares of stock of such association at their actual value as shown by the books of said association. He shall deduct from such valuation the actual value of the shares upon which said association has made loans and which have been pledged to such association as security therefor. But it is expressly provided that the secretary of each association shall show in detail, or by series on the tax list, the actual value of all shares, and also the actual value of shares upon which loans have been made and which have been pledged to the association as security therefor. The secretary of such association shall pay to the State Treasurer by the first day of July of each year the State tax, and to the sheriff or tax collector of such county in which such association is located the county and school tax by the fifteenth day of September of each year. No other tax or assessment shall be charged or levied on said association or the shares therein.

Listing of stock in building and loan associations.

Deductions allowed.

Taxes, when and to whom paid.

SEC. 36. *No exemptions as to foreign corporations.*

Nothing in this act shall be construed to exempt from taxation at its real value any property situate in this State belonging to any foreign corporation.

Property of foreign corporations liable to tax.

SEC. 37. *State Auditor to make certificate to Register of Deeds.*

The State Auditor shall, on or before August fifteenth, certify to the register of deeds of the county in which such corporation, joint stock association, limited partnership or company whatsoever has its principal office or place of business the total value of the stock of such corporation, joint stock association, limited partnership or company whatsoever as assessed for State taxation. The corporation, joint stock association, limited partnership or company whatsoever shall pay the county, township, town or city taxes upon the valuation so certified by the State Auditor.

Certificate of Auditor to register of deeds. To what counties made. Contents.

Corporation, etc., to pay taxes on certified valuation.

SEC. 38. *Penalty for failure to furnish reports.*

Penalty for neglect or refusal to furnish Auditor with report, etc.

If the said officers of any such limited partnership, joint stock association or corporation shall neglect or refuse to furnish the Auditor, on or before the thirty-first day of July of each and every year, with the report and appraisement of capital stock as aforesaid, as required by the thirty-fourth section of this act, they shall be subject to a fine of fifty dollars, and it shall be the duty of the

Penalty 5 per cent.

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

How collected.

Failure for three years to comply with section 34 a misdemeanor.

officers of any such limited partnership, joint stock association or corporation, or any of them, shall intentionally fail to comply with the thirty-fourth section of this act for three successive years, he or they shall be deemed guilty of a misdemeanor, and on conviction thereof shall be sentenced to pay a fine of five hundred dollars and undergo imprisonment not exceeding one year, or both, or either, at the discretion of the court.

Penalty.

SEC. 39. *Foreign building and loan associations.*

Foreign building and loan associations to list stock through agent, etc.

All foreign building and loan associations doing business in this State shall list for taxation with the State Auditor, through its agent, its stock held by citizens of this State in the county, city or town where the owners of said stock reside. In listing said stock for taxation the withdrawal value as fixed by the by-laws

Stock, how valued for taxation.

of each company shall be furnished the list-taker, and the stock shall be valued for taxation as other money investments of citizens of this State. Any association or officer of said association doing business in this State who shall fail or refuse to so list shares owned by citizens of this State for taxation shall be barred

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.

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.

Penalty.

SEC. 40. *Telegraph companies.*

Telegraph company, what constitutes.

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, telegraph messages, shall be deemed and held to be a telegraph company, and every such telegraph company shall, annually, between the first day of June and the twentieth day of June, make out and

deliver to the Board of Corporation Commissioners of this State a statement, verified by oath of the officer or agent of such company making such statement, with reference to the thirty-first day of May next preceding, showing: First. The total capital stock of such association, company, copartnership or corporation. Second. The number of shares of capital stock issued and outstanding and the par value of each share. Third. Its principal place of business. Fourth. The market value of said shares of stock on the thirty-first day of May next preceding, and if such shares have no market value then the actual value thereof. Fifth. The real estate, structures, machinery, fixtures and appliances owned by said association, company, copartnership or corporation, and subject to local taxation within the State, and the location and assessed value thereof in each county where the same is assessed for local taxation. Sixth. The specific real estate, together with the permanent improvements thereon, owned by such association, company, copartnership or corporation, situated outside the State of North Carolina and not directly used in the conduct of the business, with a specific description of each such piece, where located, the purpose for which the same is used, and the sum at which the same is assessed for taxation in the locality where situated. Seventh. All mortgages upon the whole or any part of its property, together with the dates and amounts thereof. Eighth. (a) The total length of the lines of said association or company; (b) the total length of such of their lines as is outside of the State of North Carolina; (c) length of the lines within each of the counties and townships within the State of North Carolina.

SEC. 41. *Telephone companies.*

Every telephone company doing business in this State, whether incorporated under the laws of this State or any other State, or of any foreign nation, shall, annually, between the first day of June and the twentieth day of June, make out and deliver to the Corporation Commission of this State a statement verified by the oath of the officer or agent of such company making such statement, with reference to the thirty-first day of May next preceding, showing:

First. The total capital stock of such association, company, copartnership or corporation invested in the operation of such telephone business.

Second. The number of shares of capital stock issued and outstanding and the par or face value of each share.

Third. Its principal place of business.

Fourth. The market value of said shares of stock on the thirty-first day of May next preceding, and if such shares have no market value, then the actual value thereof.

Annual statement to Corporation Commission.
How verified.
Contents of report:
1. Total capital stock.
2. Number and par value of shares.
3. Principal place of business.
4. Value of shares.

5. Property in State.

6. Property outside of State.

7. Mortgages.

8. Length of lines.

Telephone companies.
All telephone companies doing business in State to make annual statement to Auditor.
Statement to be verified.
What to show.

1. Total capital stock.

2. Number of shares of stock issued and outstanding and par value.

3. Principal place of business.

4. Market value of stock on May 31st preceding.

5. Real estate, structures, machinery, etc., owned by company in the State. Location and assessed value in county where assessed.
6. Property outside of State.

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.

7. Mortgages.

Seventh. All mortgages upon the whole or any of its property, together with the dates and amounts thereof.

8. Length of lines.

Eighth. (a) The total length of the lines of said association or company; (b) the total length of so much of their lines as is outside the State of North Carolina; (c) the length of the lines within each of the counties and townships within the State of North Carolina.

SEC. 42. *Express companies.*

Express companies, what considered.

Every joint stock association, company, copartnership or corporation, incorporated or acting under the laws of this State or any other State or any foreign nation, engaged in carrying to, from, through, in or across this State, or any part thereof, money, packages, gold, silver, plate, merchandise, freight or other articles, under any contract, expressed or implied, with any railroad company or the managers, lessees, agents or receivers thereof: *Provided*, such joint stock association, company, copartnership or corporation is not a railroad company, shall be deemed and held to be an express company within the meaning of this act, and every such express company shall, annually, between the first day of June and the twentieth day of June, make out and deliver to the Corporation Commission of this State a statement verified by the oath of the officer or agent of such association, company, copartnership or corporation making such statement, with reference to the thirty-first day of May next preceding, showing:

Proviso.

Annual report to corporation commission.

How verified.

Contents of report.
1. Total capital stock.

2. Number and par value of shares.

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.

3. Principal place of business.
4. Value of shares or capital.

Third. Its principal place of business.

Fourth. The market value of said shares of stock on the thirty-first day of May next preceding; and if such shares have no market value then the actual value thereof; and in case no shares of

stock have been issued, state the market value, or the actual value in case there is no market value, of the capital thereof, and the manner in which the same is divided.

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. 5. Property in the State.

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 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. 6. Property outside of State.

Seventh. All mortgages upon the whole or any part of its property, together with the dates and amounts thereof. 7. Mortgages.

Eighth. (a) Total length of the line or routes over which such association, company, copartnership or corporation transports such merchandise, freight or express matter; (b) the total length of such lines or routes as are outside the State of North Carolina; (c) the length of such lines or routes within each of the counties or townships within the State of North Carolina. 8. Length of lines.

SEC. 43. *Sleeping-car companies.*

Every joint stock association, company, copartnership or corporation incorporated or acting under the laws of this or any other State, or of any foreign nation, and conveying to, from, through, in or across this State, or any part thereof, passengers or travelers 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: Sleeping-car companies. Definition.

First. The total capital stock of such sleeping-car company invested in its sleeping-car business. Annual report to corporation commission. How verified.

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. What to contain. 1. Total capital stock.

Third. Under the laws of what State it is incorporated.

Fourth. Its principal place of business. 2. Number and par value of shares. 3. Under what laws incorporated. 4. Principal place of business.

5. Names and addresses of officers. Fifth. The names and post-office addresses of its president and secretary.
6. Value of shares. 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.
7. Property in the State. 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.
8. Mortgages. Eighth. All mortgages upon the whole or any part of its property and the amounts thereof devoted to its sleeping-car business.
9. Length of lines. Ninth. (a) The total length of the main lines of railroad over which cars are run; (b) the total length of so much of the main line of the railroad over which the said cars are run outside of the State of North Carolina; (c) the length of the lines of railroad over which said cars are run within the State of North Carolina: *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-eight of this act the clerk of the
- Proviso. Commission shall thereupon notify, by registered letter, the officer attesting such report of the amount assessed against it, and such
- Assessment by corporation commission. sleeping-car company shall have thirty days within which to appear and make objections, if any it shall have, to said assessment.
- Notice to company. If no objections be made within said thirty days the amount shall be credited to the State Treasurer, who shall thereupon send by registered letter to the officer attesting such report a bill for the
- Thirty days to file objections. State taxes upon said assessment, and such sleeping-car company shall have thirty days within which to pay said taxes. And the clerk of the Corporation Commission shall certify to the county
- Amount certified to State Treasurer. commissioners of the several counties through which such cars are used the value of the property of such sleeping-car company within such county in the proportion that the number of miles of railroad over which such cars are used in said county bears to the number of miles of railroad over which such cars are used within the State, together with the name and post-office address of the officer attesting such report of such sleeping-car company, with the information that tax bills, when assessed, are to be sent him by mail, and such value so certified shall be assessed and taxed the same as other property within said county. And when the assessment shall have been made in such county the sheriff or county tax collector shall send to the address given by the clerk of the Corporation Commission to the county commissioners by
- State taxes. Payment in 30 days.
- Amount apportioned among counties.
- County taxes.
- Manner of collection.

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.

Payment in 60 days.

Penalty for failure.

SEC. 44. *Refrigerator and freight car companies.*

Every firm, person or corporation owning refrigerator or freight cars operated over or leased to any railroad company in this State or operating in this State shall be taxed in the same manner as hereinbefore provided for the taxation of sleeping-car companies, and the collection of the tax thereon shall be followed in assessing and collecting the tax on the refrigerator and freight cars taxed under this section: *Provided*, if it appear that the owner does not lease the cars to any railroad company or make any contract to furnish it with cars, but they are furnished to be run indiscriminately over any lines on which shippers or railroad companies may desire to send them, and the owner receives compensation from each road over which the cars run, the Board of Corporation Commissioners shall ascertain and assess the value of the average number of cars which are in use within the State as a part of the necessary equipment of any railroad company for the year ending May the thirty-first next preceding, and the tax shall be computed upon this assessment.

Refrigerator and freight car companies.

Taxed in same manner as sleeping-car companies.

Proviso.

Manner of assessment in certain cases.

SEC. 45. Every street, railway company, water-works company, electric light and power company, gas company, ferry company, bridge company, canal company and other corporations exercising the right of eminent domain shall, annually, between the first and the twentieth of June, make out and deliver to the Board of Corporation Commissioners of this State a statement, verified by the oath of the officer or agent of such company making such statement, with reference to the thirty-first day of May next preceding, showing:

Street railway, water-works, electric, gas, ferry, bridge, canal companies and other corporations having right of eminent domain.

Annual statement to Corporation Commission.
How verified.

What to show.
1. Total capital stock.

(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.

2. Number and par value of shares.

(3) Its principal place of business.

3. Principal place of business.

(4) The market value of said shares of stock on the thirty-first day of May next preceding, and if such shares have no market value, then the actual value thereof.

4. Value of shares.

(5) The real estate, structures, machinery, fixtures and appliances owned by said association, company, copartnership or corporation and subject to local taxation within the State, and the

5. Property in the State.

location and assessed value thereof in each county where the same is assessed for local taxation.

6. Property outside of State.

(6) The specific real estate, together with the permanent improvements thereon, owned by such association, company, copartnership or corporation situate outside of the State of North Carolina and not directly used in the conduct of the business, with a specific description of each such piece, where located, the purpose for which the same is used, and the sum at which the same is assessed for taxation in the locality where situate.

7. Mortgages.

(7) All mortgages upon the whole or any part of its property, together with the dates and amounts thereof.

8. Length of lines.

(8) (a) The total length of the lines of said association or company; (b) the total length of so much of their lines as is outside of the State of North Carolina; (c) the length of the lines within each of the counties and townships within the State of North Carolina.

SEC. 46. *Board of Corporation Commissioners may require additional information.*

Board of corporation commissioners to examine statements.

May require further information.

Penalty for failure to furnish statement.

Suit for same.

Payment of same into State Treasury.

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 Commission, and such penalty, when collected, shall be paid into the general fund of the State.

SEC. 47. *Corporation Commissioners shall examine statements.*

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.

The Corporation Commissioners shall thereupon value and assess the property of each association, company, copartnership or corporation in the manner hereinafter set forth, after examining such statements and after ascertaining the value of such properties therefrom, and upon such other information as they may have or obtain. For that purpose they may require the agents or officers of said association, company, copartnership or corporation to appear before them with such books, papers and statements as they may require, or they may require additional statements to be made

to them, and may compel the attendance of witnesses in case they shall deem it necessary to enable them to ascertain the true cash value of such property.

May compel attendance of witnesses.

SEC. 48. *Manner of assessment.*

Said Corporation Commission shall first ascertain the true cash value of the entire property owned by the said association, company, copartnership or corporation from said statements or otherwise for that purpose, taking the aggregate value of all the shares of capital stock, in case shares have a market value, and in case they have none, taking the actual value thereof or of the capital of said association, company, copartnership or corporation in whatever manner the same is divided, in case no shares of capital stock have been issued: *Provided, however,* that in case the whole or any portion of the property of such association, company, copartnership or corporation shall be encumbered by a mortgage or mortgages such board shall ascertain the true cash value of such property by adding to the market value of the aggregate shares of stock or to the value of the capital; in case there should be no such shares, the aggregate amounts of such mortgage or mortgages, and the result shall be deemed and treated as the true cash value of the property of such association, company, copartnership or corporation. Such Board of Corporation Commissioners shall, for the purpose of ascertaining the true cash value of the property within the State of North Carolina, next ascertain from such statements, or otherwise, the assessed value for taxation in the localities where the same is situated, of the several pieces of real estate situated within the State of North Carolina and not specifically used in the general business of such associations, companies, copartnerships or corporations, which said assessed value for taxation shall be by said board deducted from the gross value of the property as above ascertained. Said State Board of Corporation Commissioners shall next ascertain and assess the true cash value of the property of the associations, companies, copartnerships or corporations within the State of North Carolina by taking as a guide, as far as practicable, the proportion of the whole aggregate value of said associations, companies, copartnerships or corporations as above ascertained, after deducting the assessed value of such real estate without the State which the length of lines of said associations, companies, copartnerships or corporations, in the case of telegraph and telephone companies within the State of North Carolina, bears to the total length thereof, and in the case of express companies and sleeping-car companies the proportion shall be the proportion of the whole aggregate value, after such deduction, which the length of the lines or routes within the State of North Carolina bears to the whole length of the lines or routes of such associations, compa-

Commissioners to ascertain true cash value of all properties to be assessed. How ascertained.

Proviso: in case of mortgage incumbrances.

How cash value of property located in State to be ascertained.

Proportionate value, how ascertained.

What to be
assessed by the
commission.

Corporation com-
mission to assess
property of tele-
graph and tele-
phone companies
for local taxation.
Commission to
certify assessment.

nies, 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. The Corporation Commission shall also assess the value for taxation of all real estate, structures, machinery and appliances of telegraph and telephone companies within the State subject to local taxation, and this assessment shall be certified by the Commission to the localities in which such property is situated. From the entire value of the property within the State so ascertained there shall be deducted by the Commissioners the assessed value for taxation of all real estate, structures, machinery and appliances within the State and subject to local taxation in the counties as hereinbefore described in sections 40, 41, 42, 43, 44 and 45 of this act, and the residue of such value so ascertained, after deducting therefrom the assessed value of such local properties, shall be by said board assessed to said association.

SEC. 49. *Value per mile.*

Value per mile.

How ascertained.

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

SEC. 50. *Total value for each county.*

Total value for
each county.
How ascertained.

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.

Said Corporation Commission shall thereupon, for the purpose of determining what amount shall be assessed by it to said association, company, copartnership or association in each county in the State, through, across and into or over which the line of said association, company, copartnership or corporation extends, multiply the value per mile, as above contained, by the number of miles in each of such counties as reported in said statements or as otherwise ascertained, and the result thereof shall be by the clerk of said board certified to the chairman of the board of county commissioners, respectively, of the several counties through, into, over or across which the lines or routes of said association, company, copartnership or corporation extends. All taxes due the State from any corporation taxed under the preceding sections, except the tax paid for school purposes, shall be paid by the treasurer of each company direct to the State Treasurer.

SEC. 51. *Companies failing to pay tax.*

On failure to pay
tax, solicitors may
prosecute suits.

In case any such association, company, copartnership or corporation as named in this act shall fail or refuse to pay any taxes

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

Title of actions.

Penalty.

Where suit may be brought.

Consolidation of suits by Attorney-General.

Taxes collected to be credited to proper counties.

Penalty credited to general State fund.

County treasurers to properly credit and account.

Proviso.

SEC. 52. *Railroads.*

The commissioners selected from time to time under the authority to establish the North Carolina Corporation Commission shall constitute a board of appraisers and assessors for railroad, canal and steamboat companies and other companies exercising the right of eminent domain.

Corporation commissioners to be a board of appraisers and assessors for railroad and other companies exercising the right of eminent domain.

SEC. 53. *Railroads.*

The president, secretary, superintendent or other principal accounting officers within this State of every railroad, telegraph,

Return of principal accounting officers of certain companies to the commissioners.

telephone, street railway company, whether incorporated by the laws of this State or not, shall at such dates as real estate is required to be assessed for taxation return to the said Commission for assessment and taxation, verified by the oath or affirmation of the officer making the return, all the following described property belonging to such corporation within this State, viz., the number of miles of such railroad lines in each county in this State and the total number of miles in the State, including the road-bed, right of way and superstructures thereon, main and side tracks, depot buildings and depot grounds, section and tool houses, rolling stock and personal property necessary for the construction, repairs or successful operation of such railroad lines, including also, if desired by the North Carolina Corporation Commission, Pullman or sleeping cars or refrigerator cars owned by them or operated over their lines: *Provided, however,* that all machine and repair shops, general office buildings, store-houses and also real and personal property outside of said right of way and depot grounds, as aforesaid, of and belonging to any such railroad companies, shall be listed for purposes of taxation by the principal officers or agents of such companies with the list-takers of the county where the real and personal property may be situated, in the manner provided by law for the listing and valuation of real and personal property, a list of such property shall be filed by such company with the Corporation Commission. It shall be the duty of the register of deeds, if required so to do by the said Commission, to certify and send to the said Commission a statement giving a description of the property mentioned in the foregoing proviso and showing the assessed valuation thereof. The register of deeds shall also certify to the Commission the local rate of taxation for county purposes as soon as the same shall be determined, and such other information obtained in the course of the performance of the duties of their office as the said Commission shall require of them, and the mayor of each city or town shall cause to be sent to the said Commission the local rate of taxation for municipal purposes.

Proviso: certain property to be listed where located.

List of same to be furnished corporation commission.

Certain officers to report tax rates to corporation commission.

SEC. 54. *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 Corporation Commission, which shall contain a correct detailed inventory of all the rolling stock belonging to such company and which shall distinctly set forth the number of locomotives of all classes, passenger cars of all classes, sleeping cars and dining cars, express cars, horse cars, cattle cars, coal cars, platform cars, wrecking

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.

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 one thousand nine hundred and fifty-nine of The Code. Such schedule shall be made in conformity to such instructions and forms as may be prescribed by the Commission and with reference to amounts and values on the first day of June of the year of which the return is made.

1. Capital stock and number of shares.
2. Capital stock paid up.
3. Value of shares.
4. Length of lines.
5. Assessed value of tangible property in the State.
6. Other information.

Instructions and forms to be observed.

SEC. 55. *Tangible and intangible property assessed separately.*

(a) At such dates as real estate is required to be assessed for taxation, the said Commission shall first determine the value of the tangible property of each division or branch of such railroad, of rolling stock, and all other physical or tangible property. This value shall be determined by a due consideration of the actual cost of replacing 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.

- (a) Value of tangible property of each division or branch road to be first determined.

How value determined.

(b) They shall then assess the value of the franchise, which shall be determined by due consideration of the gross earnings as compared with the operating expenses; and particularly by consideration of the value placed upon the whole property by the public (the value of the physical property being deducted), as evidenced by the market value of all capital stock, certificates of indebtedness, bonds or any other securities, the value of which is based upon the earning capacity of the property.

- (b) Value of franchises next assessed. How determined.

(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 thereof, and the Corporation Commission shall certify on or before the fifteenth day of August to the chairman of the county commissioners and the mayor of each city or incorporated town the amount apportioned to his county, city or town, and the said Commission shall make and forward a like certificate to the Auditor of the State. All taxes due the State from any railroad company, except the tax imposed for school purposes, shall be paid by the treasurer of each company directly to the State Treasurer within thirty days after the first day of July of each year; and upon failure to pay the State Treasurer as aforesaid,

- (c) Aggregate value of tangible property and franchises to constitute true value.
How apportioned.
Corporation to certify apportionment to counties and municipalities.

State taxes (except for school) payable to State Treasurer.

Time of payment.
Suit and penalty upon failure to pay.

School and county taxes. 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.

SEC. 56. *Railroads.*

How assessed when part of road is in this State and part in another State.

Corporation to give hearing.

Written arguments and communications.

When any railroad has part of its road in this State and part thereof in any other State, the said Commission shall ascertain the value of railroad track, rolling stock, and all other property liable to assessment by the Corporation Commission, of such company, as provided in the next preceding section, and divide it in the proportion to the length of such main line of road in this State bears to the whole length of such main line of road, and determine the value in this State accordingly. On or after the first Monday in July the said Commission shall give a hearing to all the companies interested touching the valuation and assessment of their property. The said Commission may, if they see fit, require all arguments and communications to be presented in writing.

SEC. 57. *Railroads.*

Leased railroad property, how taxed.

Foreign companies owning property or operating in State assessed as domestic companies are.

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.

SEC. 58. *Railroads.*

Railroads—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.

The Corporation Commission shall have power to summon and examine witnesses and require that books and papers shall be presented to them for the purpose of obtaining such information as may be necessary to aid in determining the valuation of any railroad company. Any president, secretary, receiver or accounting officer, servant or agent of any railroad or steamboat company having any portion of its property or roadway in this State who shall refuse to attend before the said Commission when required to do so, or refuse to submit to the inspection of said commissioners any books or papers of such railroad company in his possession, custody or control, or shall refuse to answer such questions as may be put to him by said Commission or order,

touching the business or property, moneys and credits, and the value thereof of said railroad company, shall be guilty of a misdemeanor, and on conviction thereof before any court of competent jurisdiction, shall be confined in the jail of the county not exceeding thirty days, and shall be fined in any sum not exceeding five hundred dollars and costs; and any president, secretary, accounting officer, servant or agent aforesaid, so refusing as aforesaid, shall be deemed guilty of contempt of such Commission, and may be confined, by order of said Commission, in the jail of the proper county until he shall comply with such order and pay the cost of his imprisonment.

Penalty on conviction.

Contempt.

Punishment.

SEC. 59. *Canal and steamboat companies.*

The property of all canal and steamboat companies in this State shall be assessed for taxation as above provided for railroads. In case any officer fails to return the property as provided in this section, the Commission shall ascertain the length of such property in this State, and shall assess the same in proportion to length at the highest rate at which property of that kind is assessed by them.

Property of canal and steamboat companies to be assessed as provided for railroads.

Officers failing to make returns, commission to make assessment.

SEC. 60. *Private banks and bankers.*

Every bank (not incorporated), banker, broker or stock jobber, shall, at the time fixed by this chapter for listing personal property, make out and furnish the assessor a sworn statement showing: (1) The amount of property on hand and in transit; (2) the amount of funds in the hands of other banks, bankers or brokers and subject to draft; (3) the amount of checks or other cash items, the amount thereof not being included in either of the preceding items; (4) the amount of bills receivable, discounted or purchased, and other credits due or to become due, including interest receivable and accrued, but not due, and interest due and unpaid; (5) the amount of bonds and stocks of every kind. State and county warrants, and other municipal securities and shares of capital stock or joint stock of other companies or corporations held as an investment or anyway 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

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 other accounts.

9. Bonds, etc., exempt from taxation.

Various items. How listed for taxation.

chapter. The aggregate amount of the seventh and eighth items shall be deducted from the aggregate amount of the fourth item of said statement, and the amount of the remainder, if any, shall be listed as credit. The aggregate amount of the ninth item shall be deducted by the tax lister from the aggregate amount of the fifth item of such statement, and the remainder shall be listed as bonds or stocks.

SEC. 61. *Stock-brokers and private bankers.*

No person, bank or corporation to act as a stock-broker without license. Who deemed to be stock-brokers.

Rights of stock-brokers.

When stock-brokers deemed private bankers.

To pay tax as private bankers in addition to broker's tax.

Penalty for violation of this section.

No person, bank or corporation shall, without a license authorized by law, act as a stock-broker or private banker. Any person, bank or corporation that deals in coin, foreign or domestic exchange, government stock, or other certificates of debt or shares in any corporation or chartered company, bank notes, or other notes used as a currency, or to sell the same or any of them on commission or for other compensation, or who negotiate loans upon real estate securities, shall be deemed to be a stock-broker. A stock-broker shall have the right to buy and sell for profit or to sell on commission the coin, exchange, stocks, certificates of debt, shares in chartered companies, bank notes, and notes used as currency as aforesaid, and may sell either privately or by auction, and also negotiate loans on real estate securities. Any person, bank or corporation engaged in the business of receiving money on deposit, or in lending or advancing money, or in negotiating loans on any class of securities, or in discounting, buying or selling negotiable or other paper or credits, commonly known as stock-brokers, whether in an office kept for the purpose or elsewhere, shall be deemed to be a private banker, and in the latter case the tax shall be paid for the additional privilege of private banking. Any person, bank or corporation violating this section shall pay a fine of not less than one hundred dollars nor more than five thousand dollars for each offense.

SEC. 62. *Tax-payer refusing to answer guilty of a misdemeanor; list-taker and chairman board commissioners may examine witnesses.*

Tax-payer refusing to answer questions, or refusing to sign, file and swear to return, guilty of a misdemeanor. Penalty.

Prosecution.

Completion of list.

Production of papers and examination of witnesses.

If any person liable to be charged with taxes shall willfully refuse to answer any questions respecting his property, or refuse to file, sign and swear to his returns, he shall be guilty of a misdemeanor, and on conviction liable to be punished by a fine not exceeding fifty dollars or imprisoned not exceeding thirty days, or both, and it shall be the duty of the assessors or list-taker to have the offender prosecuted, and the list-taker shall complete the list from the best information he can obtain. Every list-taker and chairman of the board of county commissioners shall have power to send for persons and papers, and to examine witnesses and administer oaths.

SEC. 63. *What property exempt.*

The following real estate and no other shall be exempt from Property exempt: taxation, State and local:

(1) Real estate, directly or indirectly owned by the United States, or this State, however held, and real estate lawfully owned and held by counties, cities, towns or school districts, used wholly and exclusively for public and school purposes, and all property used exclusively for educational purposes.

1. Property belonging to United States, this State, counties, cities, towns, school districts, educational purposes.

(2) 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.

2. Grave-yards, etc. Exception for speculation.

(3) Buildings with the land they actually occupy, lawfully owned and held by churches or religious bodies and wholly and exclusively used for religious worship or for the residence of the minister to any such church or religious body, together with the additional adjacent land reasonably necessary for the convenient use of any such buildings. The occasional leasing such buildings for schools, public lectures or concerts, or the leasing of such parsonages shall not render them liable to taxation.

3. For religious worship and residence of ministers.

Buildings leased for schools, etc.

(4) Buildings with the land they actually occupy, wholly devoted to educational purposes, belonging to and actually and exclusively occupied and used by churches, public libraries, incorporated colleges, academies, industrial schools, seminaries or other corporate institutions of learning, together with such additional adjacent land owned by said churches, libraries and educational institutions, as may be reasonably necessary for the convenient use of such buildings respectively; and also the buildings thereon used as residences by the officers or instructors of such educational institutions.

4. Buildings and lands devoted to educational purposes.

(5) Real estate belonging to actually and exclusively occupied and used by Young Men's Christian Associations and other similar religious associations, orphan or other asylums, reformatories, hospitals and nunneries, which are not conducted for profit but purely and completely as charities.

5. Owned and occupied by religious associations, asylums, etc.

(6) Buildings with the land they actually occupy belonging to any benevolent or charitable association and used exclusively for lodge purposes or meeting rooms by such association, together with such additional adjacent land as may be necessary for the convenient use of the buildings for such purposes. And also the proceeds and profits arising from rents, leases, etc., or rooms in said building, whether occupied for lodge and meeting purposes or not, when such rents, proceeds and profits are used for charitable and benevolent purposes.

6. Buildings belonging to benevolent or charitable associations.

(7) The property of Indians who are not citizens, except lands held by them by purchase.

7. Property of Indians.

The following personal property, and no other, shall be exempt from taxation, State and local:

Following personal property.

✓ 1. Owned by U. S., this State, counties, cities, towns, etc.

(1) Property directly or indirectly owned by the State, however held; by the United States, or this State, however held; and property lawfully owned and held by the counties, cities, towns or school districts, used wholly and exclusively for county, city, town or public school purposes.

2. Furniture used by religious bodies, ministers, etc.

(2) The furniture and furnishings of buildings lawfully owned and held by churches or religious bodies and wholly and exclusively used for religious worship or for the residence of the ministers of any such church or religious body, or such minister's private libraries.

✓ 3. Furniture belonging to educational purposes, churches, etc., endowment funds.

(3) The furniture, furnishings, books and instruments contained in buildings wholly devoted to educational purposes, belonging to and actually and exclusively used by churches, public libraries, incorporated colleges, academies, industrial schools, seminaries, or other incorporated institutions, which are not corporations having shares of stock or otherwise owned by individuals or other corporations; and also permanent endowment funds held by such libraries or in trust: *Provided*, that such libraries and educational institutions are not conducted for profit of any person or persons, natural or corporate, directly or under any guise or pretense whatsoever.

✓ 4. Personal property belonging to Y. M. C. A., etc.

(4) Personal property, including endowment funds belonging to Young Men's Christian Associations and other similar religious associations, orphan or other asylums, reformatories, hospitals and nunneries, which are not conducted for profit but purely and completely as charities.

✓ 5. Furniture, etc., of benevolent or charitable associations.

(5) The furniture and furnishings of buildings and other property belonging to any benevolent or charitable association and used for lodge purposes and in meeting rooms by said associations, or when such property or the proceeds of same is used for charitable or benevolent purposes.

✓ 6. Wearing apparel, etc.

(6) Wearing apparel, private libraries, kitchen and other household furniture, not exceeding in value twenty-five dollars, and also growing crops.

SEC. 64. *Form for assessing and listing property.*

Auditor to prepare forms for assessing and listing taxes. Forms to be sent to clerk of board of commissioners for delivery to list-taker.

The Auditor of the State shall prepare forms to be used in assessing and listing property for taxation by 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.

Assessors' forms to be furnished every fourth year.

SEC. 65. *Lists shall be completed by the second Monday in July; shall make a return of polls and property not listed.*

The list-taker shall, on or before the second Monday in July in each year, return the tax list to the clerk of the board of county commissioners. He shall also return a list of the taxable polls and property of the township not given in for taxation. The returns so made shall be open to the inspection of all persons interested, and the clerk shall give to any person desiring it a copy of so much thereof as relates to his property on paying a fee of ten cents.

List-takers to return lists to clerk of board by second Monday in July. List of polls not given in for taxation to be returned. Lists to be open to inspection.

SEC. 66. *Oaths of list-takers.*

The list-taker, upon making returns to the board of commissioners of the list and statements, shall take and subscribe an oath to the effect following, which may be administered by the chairman of the board of commissioners or any officer authorized to administer oaths:

List-taker to make oath.

"I,, list-taker of, in county of, do Form. 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 annexed returns: that in no case have I knowingly omitted to receive from any person, of whom by law I was required to receive, a statement of the description and value of real and personal property or of the amount of moneys, credits, investments in bonds, stocks, joint stock companies, or otherwise, which he was required to list, or in any way connived at any violation or evasion of any of the requirements prescribed by law in relation to the listing or valuation of property, moneys, credits, investments in bonds, stocks, joint stock 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 a misdemeanor.

False return a misdemeanor.

SEC. 67. *Assessors to furnish list of exempt property.*

Each assessor shall, when making the assessment roll for his district, enter on the blanks so furnished to him in regular order, Each assessor to make correct return of property then exempt from taxation.

List to be delivered to register of deeds.

Register to transmit duplicate to corporation commission.

in the name of the owner if known, and from the best information he can obtain, a correct description of all real and personal property then exempt from taxation in his town or assessment district, together with a statement of its value, for what purpose used, and the rent, if any, obtained therefor. The list of such exempt property when completed, and on or before the first day of September, shall be delivered by the assessor to the register of deeds, who, on or before the first day of November next thereafter, shall make duplicates thereof and transmit such duplicates to the Corporation Commission and file the original in his office.

SEC. 68. *Equalization of values.*

Board of county commissioners to meet second Monday in July to revise tax lists. Register of deeds to complete lists.

Sittings of board.

To hear all persons objecting.

May summon and examine witnesses and correct lists, etc.

May raise valuations.

May take lists of persons applying to list on or before second Monday in July.

Applicant to pay fee.

How valuation ascertained.

May add 5 per cent. to tax.

The board of commissioners of each county, after notice in one newspaper or by poster put up, shall meet on the second Monday in July and revise the tax list and valuation reported to them. And it shall be the duty of the register of deeds, without additional compensation, to complete the list by computing the tax payable to each person, affixing the same opposite his name. The board of commissioners shall sit for one day at least, and, when necessary, shall sit until the revision is complete, and shall hear all persons objecting to the valuation of their property or the amount of tax charged against them. They shall have power to summon and examine witnesses, and shall correct the lists 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. 69. *Tax-payers may complain to board of commissioners.*

Person complaining of assessment to present claim in writing.

Board to hear evidence.

If any person shall complain before the board of commissioners that his property, either real or personal, has been improperly valued, or that he is charged with an excessive tax, he may be required to present his claim in writing and the board of commissioners shall hear any evidence adduced by him, and shall summon and examine any witnesses necessary for a just decision of the question, holding the assessors or list-takers who made the

valuation. If the board of commissioners shall find that he has cause for complaint they shall direct the clerk to render a true account thereof, and the account thus rendered, certified by the clerk, shall be transmitted to the Auditor, who shall credit the sheriff with the overcharge in his settlement for the year.

Board finding cause for complaint to take account of same and transmit to Auditor, who shall credit sheriff with.

SEC. 70. *Commissioners may give certificate of relief granted.*

If the application for relief be made to the board of commissioners after the sheriff shall have settled the accounts with the State and county, the board of commissioners shall carefully examine the case, and if, in their opinion, the applicant is entitled to relief shall direct the clerk to record on the record book the cause of the complaint, the amount which, in the opinion of the board of commissioners, should be refunded to the applicant. The clerk shall make out a copy of such record, certify the same under the seal of the board of commissioners, and deliver it to the applicant, who shall pay the clerk a fee of twenty-five cents. Such copy shall be transmitted to the Auditor of the State, who, 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.

Complaint to be recorded.

Clerk to make copy for applicant.

Fee for same.

Copy forwarded to Auditor.

Warrant on Treasurer.

SEC. 71. *Sheriff may recover overpayment 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 commissioners, setting forth the nature of such error, give his warrant upon the Treasurer of the State for the amount so paid in excess and the Treasurer shall pay the same.

If sheriff is overcharged in abstract and pays amount overcharged to Treasurer, Auditor on certificate of county commissioners to give warrant on Treasurer for excess so paid.

SEC. 72. *Commissioners to enter property escaping taxation in previous years.*

In all cases where the board of commissioners shall have omitted, or in any future year shall omit to enter upon the duplicate of their county any land or town lots situated within their county subject to taxation, it shall be their duty when they enter the same to duplicate the next succeeding year to add to the taxes of the current year the simple taxes of each and every preceding year in which such land or town lots shall so have escaped taxation, with twenty-five per centum in addition thereto, so far back as the said lands have escaped taxation; and the Corporation Commission shall have like power to list unlisted railroad property. When no assessment has been made for the years in which said property has so escaped taxation, the

County commissioners omitting to enter property in previous years to add such taxes in next duplicate for succeeding year.

Twenty-five per cent, additional to be added for each year that property escapes taxation. Corporation commission to list unlisted railroad property.

Duty of commissioners when no assessment was made in years when property escaped taxation. Duty of commissioners in regard to personal property escaping taxation.

Examination of witnesses and production of papers.

Applicable to municipalities.

board of commissioners shall be authorized to value and assess the same for those years: *Provided*, this shall not apply beyond five years. In all cases where any personal property, chose in action, or any property, except land liable to taxation, shall have been omitted, or shall be omitted in any future year from the tax list by the owner or person required by law to list the same, the board of commissioners shall enter the same on the duplicate of the next succeeding year, and shall add to the taxes of the current year the simple taxes of such preceding year, not exceeding five years, with twenty-five per centum added thereto, in which such personal property as aforesaid shall so have escaped taxation, and the said board of commissioners shall value and assess the personal property aforesaid for those years, and are empowered to examine witnesses and to call for papers to determine the value and to ascertain the persons liable for the tax upon said personal property. The provisions of this section shall extend and apply to all cities, towns and like municipal corporations having the powers under their charters to tax the property aforesaid, and the powers and duties herein imposed upon the board of commissioners of the county shall be exercised and performed by the board of commissioners, or the board of aldermen, as the case may be, of the city or town or other municipal corporation.

SEC. 73. *The Board of Commissioners shall insert omitted property.*

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 willfully fail to list same. Penalty.

Duty of chairman to present.

List-takers 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 commissioners on or before the first Monday in October, and all persons who own property and willfully 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 board of commissioners to present to the grand jury the names of all such persons. The list-taker shall report to the board of commissioners any change he may make to the tax list as to real estate, and the said board shall note such change in a book to be kept for that purpose.

SEC. 74. *Register of Deeds to make out tax duplicates.*

Register of deeds to make two copies of tax lists.

Auditor to furnish form of blanks

The board of county commissioners shall cause the register of deeds to make out two copies of the tax list for each township, as revised and settled by the tax-lister, according to a form to be furnished to them by the Auditor of the State. Such form

shall show in different columns the sum due by each tax-payer to the State and to the county, and also in separate columns the amount of school poll tax levied by the General Assembly and the county commissioners, and the total amount of property school tax levied by the General Assembly and the county commissioners. One of said copies shall remain in the office of the clerk of the board of commissioners; the other shall be delivered to the sheriff or tax collector on or before the first Monday in September in each year, and he shall receipt for the same. The clerk shall endorse on the copies given the sheriff an order to collect the taxes therein mentioned, and such order shall have the force and effect of a judgment and execution against the real and personal property of the person charged with such list. In such list the clerk shall note all appeals from the judgment of the board of commissioners which have been perfected by the giving of a bond. Said order shall be in the following or similar form:

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. Order to sheriff to collect. Effect of a judgment and execution. Appeals to be noted.

State of North Carolina, County.

Office Board of Commissioners County.

Form of order.

To the Sheriff of County:

You are hereby commanded to collect the taxes herein mentioned according to the provisions and requirements of the existing law. In witness whereof, I hereunto set my hand and seal, day of, 19..

....., Clerk Board of Commissioners.

The board of commissioners shall make an order for the payment to the register of deeds of such a sum as may be deemed a proper compensation for the work of computing the taxes and making out the tax list and the necessary copies thereof, including the making of such abstract and returns as he may be required to furnish to the Corporation Commission and Auditor. But the sum allowed for computing the taxes and making out the tax list shall not exceed five (5) cents for each name appearing on the tax list, to be paid by the county treasurer out of the county funds.

Compensation to register of deeds.

Limited to 5 cents per name.

SEC. 75. *Agent paying taxes shall have lien.*

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

Lien in favor of agent paying taxes.

SEC. 76. *Register of deeds shall make report to Auditor.*

The clerk of the board of commissioners shall, on or before the first Monday in November, after the lists are deposited with him by the board of commissioners, return to the Auditor an abstract

Register of deeds to report to Auditor.

Contents of report.	of the same, showing the number of acres of land and their value, and the value of town lots and the number of white and negro polls separately and specify every other subject of taxation and the amount of State and county tax paid on each subject and the amount paid on the whole. At the same time the clerk shall return to the Auditor an abstract of the list of the poor, county and school taxes paid in his county, setting forth separately the tax levied on each poll and on each one hundred dollars value of real and personal property for each purpose, and also the gross amount of taxes of every kind levied for county purposes.
List of poor, county and school tax rate.	
Gross amount.	

SEC. 77. *Penalty for register of deeds failing to make report.*

Register of deeds failing to make returns to Auditor.	If any register of deeds shall make a default of any of the duties prescribed in the preceding section, or shall fail to deliver to the Auditor a copy of the sheriff's return of taxes received under Schedules B and C, of an act to raise revenue, and a copy of the settlement of State tax account between the board of commissioners and the sheriff or tax collector, made, sworn to and subscribed, he shall forfeit and pay to the State one thousand dollars, to be recovered against him and the sureties of his bond in the Superior Court of Wake County, before the clerk thereof, on motion of the State Solicitor, and it shall be the duty of the Auditor to inform the Solicitor of such default and at the same time furnish him with a certified copy of the official bond of said register of deeds. The clerk of the superior court shall transmit to the Auditor on or before the second Monday in October in each year a certified copy of the official bond of the register of deeds and his sureties, under the same penalties for default as are prescribed in this act. The register of deeds shall transmit to the Auditor annually a copy of the bond of the clerk of the superior court.
Penalty.	
Where and how recovered.	
Duty of Auditor on such failure.	
Clerk of superior court to furnish Auditor copy of register's official bond.	
Penalty on default.	
Register to send Auditor copy of clerk's bond.	

SEC. 78. *Property may be divided upon sale.*

Property divided after valuation; parts re-assessed proportionally.	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 board of commissioners for an apportionment of valuation. The board of commissioners shall allow such amendment to the tax duplicate as they may think just, and the person who has in custody the tax duplicates shall amend the same according to the assessment of the board of commissioners on the production of a certified copy of their proceedings ordering the change: <i>Provided</i> , that no amendment made after a tax has become due shall operate to affect that tax.
Commissioners to order amendment.	
Proviso.	

SEC. 79. *Taxes due the 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 sheriff or tax collector), and given the bond required by law, and if upon examination the commissioners are not satisfied with the solvency of the surety to said bonds they may require new bonds to be given. Before receiving the tax duplicate he shall produce the receipts of the State and county, if he was the sheriff or tax collector, for the previous year, to the clerk of the board of commissioners, and in the event the sheriff fails to produce the aforesaid receipts or give the required bond, the board of commissioners shall appoint a tax collector, who shall give bond as required of the sheriff to faithfully collect and pay over the taxes according to law. When the sheriff shall collect by his deputies they shall, before the clerk of the board of commissioners, or before a justice of the peace of the county, take and subscribe an oath faithfully and honestly to account for the same with a sheriff or other person authorized to receive the same. Said oath shall be filed with the register of deeds and kept in the office of the board of commissioners; and for failure of any deputy sheriff to pay over such taxes as he may collect he shall be guilty of a misdemeanor.

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.

Before receiving duplicate, taxes for previous year to be settled.

Tax collector appointed on failure of sheriff. Bond required.

Sheriff's deputies to take oath.

Deputies failing to pay over taxes guilty of misdemeanor.

SEC. 80. *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 this section shall be construed to prevent the collecting officer from levying and selling after the first day of November, but he shall not sell before that day unless he has reason to believe the tax-payer is preparing to leave the county or State. The sheriff or tax collector shall be entitled to fifty cents for each actual levy or sale, and fifteen cents for each advertisement, but in no case shall said

Sheriff shall attend his office during September and November.

To attend townships during October. Notice.

Proviso.

May sell, when.

Fee for levy, sale or advertisement.

Proviso.

Shall not levy or sell under execution in certain counties till after March 15th.

To attend each township in said counties one day in March.

Notice.

No cost or fees to accrue unless by actual levy and advertising.

Sheriff to report to corporation commission subjects of taxation under schedules B and C.

Copy for State Auditor.
Sheriff failing liable to penalty.

sums be collected where no levy or sale or advertisement is made on real or personal property: *Provided*, that the sheriffs of the counties mentioned in chapter one hundred and fifty of the Laws of one thousand eight hundred and eighty-three, as amended by subsequent acts, shall not levy on property or sell the same under execution until after the fifteenth day of March. The sheriffs of said counties, or their regular authorized deputies, shall attend one day during the month of March, before the fifteenth day of said month, at one or more places in each township for the purpose of collecting the taxes which still remain unpaid, of which ten days' notice shall be given by advertisement at three or more public places and in a newspaper, if one be published in the county. No costs shall accrue to or fees be collected by the sheriffs of said counties except in cases of actual levy or advertisement and sale of property as prescribed in this proviso.

SEC. 80½. The sheriff of each county, within ninety days after the ratification of this act and every six months thereafter, and as often as he may be called upon, shall ascertain and furnish to the Corporation Commission, upon blanks to be furnished by said Commission, a complete list of all subjects in his county liable for tax under Schedules B and C of the Revenue Act; which said list shall be duly verified upon the oath of said sheriff, and said Corporation Commission shall deliver a copy of said return to the State Auditor. Any sheriff failing to make the report provided for in this section, within thirty days of the time prescribed, shall forfeit and pay to the State the sum of one hundred dollars to be recovered on suit instituted by the Treasurer of the State.

SEC. 81. *Clerks of cities and towns shall furnish information.*

Clerks of cities and towns to transmit to corporation commission annual statement.

The clerks of each city and town shall annually make out and transmit to the Corporation Commission, on blanks furnished by the said Commission, a statement showing the assessed valuation of all property within his town or city and separately the amount of all taxes levied therein by said town or city, including school district, highway, street and sidewalk taxes for the current year 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.

SEC. 82. *City or county indebtedness shall be reported.*

Register of deeds or city or town clerks to furnish corporation commission statement of county or town indebtedness when called upon.

Each register of deeds, city or town clerk, whenever required by the Corporation Commission, shall furnish a full and complete statement showing the bonded indebtedness and all other indebtedness of his respective county, city or town, the purpose for which the same was incurred and all accrued interest, if any, remaining unpaid.

SEC. 83. *City clerk or assessor failing to carry out provisions of this act.*

Every clerk of any town or city and every assessor who shall fail or neglect to perform any duty required of him by any of the provisions of this act shall, for every such neglect or failure, forfeit not less than twenty nor more than fifty dollars, and every clerk of the court and every register of deeds who shall fail or neglect to perform any duty required of him by this act shall, for every such failure, forfeit not less than twenty-five nor more than one hundred dollars, and it shall be the duty of the Auditor or Corporation Commission to cause every such forfeiture to be prosecuted for.

Penalty for failure of town clerks or assessors to perform duties.
Penalty, how prosecuted for.
Penalty for failure of clerk of court or register to perform duties.
Auditor or corporation commission to prosecute.

SEC. 84. *All taxes received shall be paid to State Treasurer within ten days after the first of following month.*

All city, county or State officers authorized to collect or receive taxes or license fees for the State shall make return of the same on the first of every month to the Auditor, and within ten days thereafter pay the amount mentioned in said return to the State Treasurer, and further it shall be the duty of the State Treasurer to immediately notify the State Auditor of any failure upon the part of any official to account as aforesaid. Any officer violating this section shall be guilty of a misdemeanor.

Monthly payments of State taxes.
Failure, Treasurer to notify Auditor.
Violation of this section a misdemeanor.

SEC. 85. Should there be any doubt in the mind of any sheriff of any county as to which license fee any corporation, firm or individual should pay on account of the business partaking of the nature of more than one subject of taxation such corporation, firm or individual shall be charged the highest license which might be levied. But this discretion shall not be exercised by the sheriff when the businesses carried on are separate and distinct branches, but each shall then be taxed as required by law.

In case of doubt as to license fee, highest to be charged.
Each taxable branch of business to be taxed.

SEC. 86. *Definitions.*

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:

Definition of following words and phrases.

(1) Bank, banker, broker, stock-jobber—whoever has money employed in the business of dealing in coin, notes or bills of exchange, or in any business of dealing or in buying or selling any kind of bills of exchange, checks, drafts, bank notes, promissory notes, bonds, warrants, or other writing obligatory, or stocks of any kind or description whatsoever, or receiving money on deposit.

1. Bank, banker, broker, stock jobber.

(2) Collector or collectors—county and deputy collectors, including sheriffs.

2. Collectors.

3. List-takers and assessors. (3) List-takers and assessors—have all authority conferred upon list-takers in this act.
4. Credits. (4) Credits—every claim or demand for money, labor, interest of valuable things due or to become due, including money on deposit.
5. He. (5) He—male, female, company, corporation, firm, society, singular or plural number.
6. Real property, real estate, land, tract, lot. (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.
7. Shares of stock, shares of capital stock. (7) Shares of stock, shares of capital stock—the shares into which the capital stock of every incorporated company or association may be divided.
8. Tax, taxes. (8) Tax, taxes—any taxes, special assessments or costs, interest or penalty imposed upon property.

SEC. 87. *Mistakes in assessments.*

Mistakes.

Procedure for correction of mistakes in assessments.

If on the assessment roll there be an error in the name of the person assessed, or any taxable property shall not be entered thereon the name may be changed or the property entered on the list by the assessors after the roll has been returned to the clerk of the board of commissioners, or such error may be corrected or the omission supplied by the board of commissioners upon satisfactory evidence of such error or omission at a regular meeting of the board; and the board may make an order requiring the person affected to show cause, at a day to be therein appointed, why the error shall not be corrected or omission supplied, and his name and the property be entered on the tax list. Such order shall be served upon the party or posted upon the property thirty days before the day appointed therein for showing cause. If no cause, or no sufficient cause be shown to the 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 taxes would, if regularly assessed, have become delinquent.

Time limit in which error, etc., may be corrected.

SEC. 88. *Taxes on railroads shall be a lien on property of the same.*

Tax a lien on railroad property.

The taxes upon any and all railroads in this State, including road-bed, right of way, depots, side-tracks, ties and rails, now constructed or hereafter to be constructed, are hereby made a

perpetual lien thereupon, commencing from the first day of June in each current year, against all claims or demands whatsoever of all persons or bodies corporate, except the United States and this State; and the above-described property or any part thereof may be taken and held for payment of all taxes assessed against said railroad company in the several counties in this State.

SEC. 89. *Removing or concealing personal property a misdemeanor.*

If any person whose duty it is to list personal property for taxation shall remove or conceal same, or cause same to be removed or concealed for the purpose of avoiding taxation, or shall fail to list same for taxation, he shall be guilty of a misdemeanor.

Removing or concealing property to avoid taxation and failure to list a misdemeanor.

SEC. 90. *Sheriff to keep the records of settlement of taxes.*

Every sheriff shall keep a record of the taxes collected by him from the clerk of the court, register of deeds and under Schedule B of the Revenue Act. A suitable book for the purpose shall be provided by the State Auditor for recording all forfeitures, arrears from insolvents, double taxes and taxes on unlisted subjects; and on the first Monday in December in each year the sheriff shall deliver, on oath, to the board of commissioners a statement setting forth all sums received to that date not previously accounted for, the date of such receipts, the person from whom received, the amount received from each person, the subjects on which received, and the aggregate amounts, accompanied by an affidavit taken and subscribed before the clerk of the commissioners and attested by him, that the statement is correct, and that no receipts have been omitted; and the register of deeds shall record the same in a book to be kept for that purpose and shall, before the second Monday in December, send an abstract of such statement, with the affidavit, to the Auditor on a blank to be furnished by the Auditor, register the same in a book kept in his office for that purpose, and keep a copy of the same in a conspicuous place in the court-house until the first day of January next ensuing.

Sheriff to keep record of certain taxes collected.
Auditor to provide suitable record book.

Sheriff to deliver to commissioners statement on oath.
Contents.

Contents of affidavit.

Register of deeds to record affidavit and send with abstract to Auditor.

To register and conspicuously display copy.

SEC. 91. The sheriff or other accounting officer shall, on or before the second Monday of January in each year, settle his State tax account with the commissioners of his county and pay the amount for which said sheriff or collector is liable to the Treasurer of the State, in such 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 Audi-

When sheriff to settle State taxes.

Proviso: extension of time.

Commissioners to report to Auditor.
Contents.

Treasurer's account with sheriff.

Sheriff to file duplicate list. What sheriff, in such statement, chargeable with.

Auditor to give sheriff certified statement. Contents.

List to be deposited with clerk of commissioners of county.

Deductions by Auditor from amount due from sheriff.

Compensation of sheriff or tax collector for settlement with State Treasurer.

Failure by collecting officer to make settlement within time prescribed, procedure.

Penalties.

tor, shall open an account against such officer and debit him accordingly. The sheriff or tax collector in making his settlements as aforesaid, shall file with the commissioners a duplicate of the list required in this act. In such settlement the sheriff or other officers shall be charged with the amount of public tax as the same appears by the abstract of the taxables transmitted to the Auditor; also, with all double tax and taxes on unlisted property by him received, and with other tax which he may have collected or for which he is chargeable. The Auditor shall give to each sheriff or tax collector a certified statement embracing the subjects of taxation contained in both lists and the amount of tax on each subject, which the sheriff or tax collector shall deposit with the clerk of the commissioners of his county for public inspection. That the sheriffs and tax collectors shall receive five per cent. on all taxes, licenses and privileges collected by them for State, county, township school district, or other purpose whatsoever, up to the sum of fifty thousand dollars, and upon all such sums so collected by him in excess thereof he shall receive two and one-half per cent. commission. That all laws and clauses of laws, whether general or special, in conflict herewith, are hereby repealed.

SEC. 92. The Auditor in making the settlement of the amount due from the sheriff or tax collector aforesaid, shall deduct from the list returned:

(1) Taxes on personal property certified by the clerk of the commissioners of the county, by order of the commissioners, to be insolvent and uncollectable.

(2) All overpayments made in former settlements by reason of any error in the clerk's abstract of taxables.

(3) Five per centum as commission on the amount collected.

SEC. 93. For his settlement with the State Treasurer the sheriff or tax collector shall be paid three dollars for each day he may be actually necessarily engaged therein with the commissioners at the county-seat, and ten cents per mile by usual route of travel for twice the distance between the court-house and the place designated by the State Treasurer, to be paid by him on the warrant of the Auditor upon certificate of the sheriff or tax collector duly verified before the board of commissioners.

SEC. 94. 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 for commissions or insolvents, but adding thereto one thousand dollars and ten per centum of the amount of taxes with which said sheriff is charged for the amount of taxes supposed not to appear in the list transmitted by the clerk, and furnish him a copy of the official bond of said offi-

cer and his sureties, and if the whole amount be not paid the Treasurer, on motion of the Solicitor in the Superior Court of Wake County, before the clerk thereof, within twenty days after default shall have occurred, shall recover judgment against him and his sureties without other notice than is given by the delinquency of the officer. And to the end that obligations and names may be known, the clerk of the superior court shall, on or before the second Monday in each year, transmit to the Auditor a copy certified under the seal of the court, of the bond of the sheriff and his sureties, upon pain for his default of forfeiting to the State one thousand dollars, which the Auditor shall and is hereby specially charged to collect in like manner and at such times as is provided in this section.

After twenty days' default judgment to be recovered.

Clerk to transmit to Auditor copy of sheriff's bond.

Penalty for failure.

SEC. 95. The sheriff or tax collector shall pay the county taxes to the county treasurer or other lawful officer. He shall at no time retain over three thousand dollars for a longer time than ten days, under a penalty of two per centum per month to the county upon all sums so unlawfully retained, and shall, on oath, render a statement to the board of commissioners at their monthly meeting of the amount in his hands. On or before the first Monday of February in each year the sheriff shall account to the county treasurer or other lawful officer for all taxes due the county for the fiscal year, and on failing to do so he shall pay the county treasurer a penalty of two per centum per month on all sums unpaid, and this shall be continued until final settlement: *Provided*, the board of county commissioners may in their discretion relieve the sheriff or tax collector of said penalty of two per centum per month upon payment in full of the county taxes: *Provided further*, the county commissioners may extend the time of settlement of the sheriff of the county to the first Monday in May.

County taxes to whom paid.

Sheriff not to retain over \$3,000 more than ten days. Penalty.

To render monthly statements.

To annually account for taxes due.

Penalty for failure.

Relief from penalty.

Extension of time for settlement.

SEC. 96. The Treasurer of the State, with the advice and approval of the Attorney-General, is hereby authorized, when in the judgment of these officers it may be best to secure the interest of the State and will not lose any lien held by the State, to grant indulgence to defendants in execution and relinquish penalties upon payment of amount of dues owing to the State; and likewise to bid for in behalf of the State and purchase property of said defendants when deemed necessary to secure the payment of the dues.

Power of State Treasurer and Attorney-General to grant indulgence, relinquish penalties and bid for property.

SEC. 97. The sheriff or tax collector shall be charged with the sums appearing by the tax list as due for the county taxes, and shall be allowed to deduct therefrom, in like manner as is prescribed in this act in regard to his settlement of State taxes all insolvents and uncollectable poll taxes, and also the amount of county tax on the lands bid off by the county, and costs and fees which shall be: For making a deed, fifty cents; for registering, twenty-five cents, and such other necessary sums as were actually

Sheriffs and tax collectors charged with, what.

Costs and fees on deeds to county.

Extension of time for settlement of county taxes. Limit.	paid by the sheriff: <i>Provided</i> , a majority of any board of county commissioners may extend the time for collecting and settlement of 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: <i>Provided further</i> ,
Unlawful to present money not actually derived from taxes.	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
Penalty.	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
Sheriff or collector misusing State or county taxes. Penalty.	county in which the sheriff resides: <i>Provided further</i> , 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.
Commissioners to appoint one or more of their number to be present at settlement, etc.	SEC. 98. The board of county commissioners, at their last regular or other subsequent meeting in each year, shall appoint one or more of their number, not to exceed three, to be present at the accounting and settlements between the sheriff and county treasurer provided for in the preceding section, and also to audit and settle accounts of the county treasurer and all other county officers authorized to receive or disburse county funds. The account so audited shall be reported to the board of county commissioners, and when approved by them shall be filed with the clerk and re-
Report prima facie evidence.	corded on his book, and shall be <i>prima facie</i> evidence of their correctness and impeachable only for fraud or special error: <i>Provided</i> ,
Compensation of committee.	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.
Failure of sheriff to account with treasurer and committee. Penalty.	SEC. 99. 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, it shall be the duty of the chairman of the board of
Action for penalty.	commissioners, to cause an action to be brought in the superior court of the county on the bond of the sheriff against him and his sureties to recover the amount owing by him and the penalty aforesaid. If the sheriff shall fraudulently and corruptly fail to account as aforesaid, he shall be criminally liable thereupon in like manner and with same penalties imposed for such criminal defalcation in section 95 of this act.
Liability on corrupt and fraudulent failure.	

SEC. 100. In each year the county treasurer shall give five days' notice to all the county officers (except the sheriff) authorized to receive or disburse the county funds, to appear at the court-house on a certain day in January, before him and the committee appointed by the board of commissioners, and present an account of all sums received or disbursed for the county, with their vouchers, and any officer failing to attend and account shall be deemed guilty of a misdemeanor. The accounts, when audited, shall be reported to the board of commissioners at their next meeting, and if approved shall be filed with the clerk and recorded in their proceedings, together with their approval, and shall be deemed *prima facie* correct.

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.

Prima facie evidence.

SEC. 101. Whenever in this act a duty is imposed upon the sheriff of a county of which a tax collector has been or may be appointed, it shall be incumbent upon the tax collector to perform said office instead of the sheriff, and such tax collector shall collect all the taxes, have all the emoluments and be subject to all the penalties as provided in case of sheriffs in this act, and it shall be the duty of all persons having tax moneys in hand to account for and settle with said tax collector.

Appointment of tax collector.

Duties of sheriff incumbent on him.

SEC. 102. If any sheriff shall die during the time appointed for collecting taxes, his sureties may collect them, and for that purpose shall have all power and means for collecting the same from the collectors and tax-payers as the sheriff would have had, and shall be subject to all the remedies for collecting and settling of the taxes on their bond or otherwise as might have been had against the sheriff if he had lived.

Power of sureties to collect taxes on death of sheriff.

SEC. 103. The sheriff (and in case of his death the sureties) shall have one year, and no longer, from the day prescribed for his settlement and payment of the State taxes to finish the collection of all taxes, but the extension of time for collection shall not extend the time of his settlement of the taxes.

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

SEC. 104. The Secretary of State shall have printed five thousand copies of this act and the Revenue Act of this session, and distribute the said acts among the officers whose duty it is to execute or carry into effect any portion thereof.

Printing and distribution of Revenue and Machinery acts.

SEC. 105. The Secretary of State shall, in like manner, have printed ten copies of said acts for each member of the General Assembly and forward the same to them.

Copies for members of General Assembly.

SEC. 106. The State Auditor shall prepare and furnish to the board of commissioners of each county a sufficient number of blank forms or lists, with the proper oath added thereto, on which each tax-payer in the State shall make out, under oath, a true statement and return of all his property, with the value thereof, according to the provisions of this act.

Auditor to prepare and furnish commissioners suitable blanks, etc.

SEC. 107. *State Treasurer to sue for taxes.*

State Treasurer to
sue for taxes.

Upon failure to pay to the State Treasurer, within thirty days after the same shall have become due, any tax which by law is made payable direct to the State Treasurer, it shall be his duty to institute an action to enforce the same in the county of Wake or in the county in which the property taxed is located.

Conflicting laws
repealed.
Proviso: rights
heretofore ac-
quired not affected.

SEC. 108. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed: *Provided*, that such repeal shall not in any manner affect any rights heretofore acquired or the collection of any taxes heretofore levied or assessed, or the validity of any sales for taxes heretofore made, or any right heretofore acquired under any law of this State.

SEC. 109. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this 6th day of March, A. D. 1905.

CHAPTER 591.

AN ACT TO AUTHORIZE V. A. MARTIN, TAX COLLECTOR, TO COLLECT THE TAXES WHICH ARE IN ARREARS FOR THE YEAR 1903 IN THE TOWN OF EAST BEND AND IN EAST BEND GRADED SCHOOL DISTRICT IN YADKIN COUNTY.

The General Assembly of North Carolina do enact:

To collect arrears
of taxes.

SECTION 1. That V. A. Martin, tax collector of the town of East Bend, Yadkin County, and tax collector for the Graded School District of East Bend in said county, be and he is hereby authorized and empowered to collect the taxes which are in arrears in the said town of East Bend and in the said East Bend Graded School District for the year one thousand nine hundred and three, under the same laws, rules and regulations as provided for the collection of taxes: *Provided*, that no person shall be compelled to pay any tax under the provisions of this act who shall first make oath before some officer authorized by law to administer oaths that the tax attempted to be collected has been paid, nor shall any guardian or administrator in his representative capacity be required to pay any tax under this act who shall have made a final settlement.

Proviso: persons
not compelled to
pay.

Authority to cease
on 31st December.

SEC. 2. That the authority to collect taxes under this act shall cease on December thirty-one, one thousand nine hundred and five.

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 28th day of February, A. D. 1905.

CHAPTER 592.

AN ACT FOR THE RELIEF OF JAMES D. JUSTICE,
FORMER TAX COLLECTOR OF THE TOWN OF RUTHERFORDTON.*The General Assembly of North Carolina do enact:*

SECTION 1. That James D. Justice, former tax collector for the town of Rutherfordton, be and he is hereby authorized and empowered to collect all taxes which he may have failed to collect and which are due to said town of Rutherfordton for the year of one thousand eight hundred and ninety-eight, and under the same rules and regulations as are now provided by law for the collection of taxes in the said town of Rutherfordton and with the same powers as are now conferred upon tax collectors of said town of Rutherfordton: *Provided*, that no person shall be compelled to pay any tax under the provisions of this act who holds a receipt in full for the year one thousand eight hundred and ninety-eight or who will make an affidavit before any officer authorized to administer oaths that the tax attempted to be collected has been paid, nor shall any executor, administrator or guardian be compelled to pay any tax under the provisions [of this act] after he shall have made a final settlement: *Provided further*, this act shall not authorize the sale of land for taxes which has been conveyed to a purchaser for value and without actual notice of the non-payment of the taxes.

To collect arrears for 1898.

Proviso: persons excused from payment of arrears.

Proviso: sale of land.

SEC. 2. That the power and authority hereby conferred shall cease and terminate on the twenty-first day of December, one thousand nine hundred and five.

Power to cease on 21st December.

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 28th day of February, A. D. 1905.

CHAPTER 593.

AN ACT TO PROVIDE FOR THE BETTER WORKING OF
THE PUBLIC ROADS AND HIGHWAYS IN CURRITUCK
COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter five hundred and eighty-one of the Public Laws of one thousand eight hundred and ninety-nine be amended by striking out all of section twenty-three after the word "by" in the fifth line thereof up to and including "township" in

County election.

line six and inserting in lieu thereof the following: "One-third of the freeholders of the county or one-third of the freeholders of the township."

Limited to Currituck.
Conflicting laws repealed.

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

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

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

In the General Assembly read three times, and ratified this the 28th day of February, A. D. 1905.

CHAPTER 594.

AN ACT FOR THE RELIEF OF THE OVERSEERS OF SCUPPERNONG TOWNSHIP IN WASHINGTON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 2. That chapter two hundred and twenty-nine (229), Public Laws of one thousand eight hundred and ninety-seven (1897), be and is hereby repealed.

Hands to keep roads, arches, drainways and bridges in repair.

SEC. 2. That the overseers in Scuppernong Township, Washington County, shall have power to require the hands in said township who are subject to road duty to keep in repair all public roads in said township, and to keep in good condition all arches and drainways which now belong to be kept up by said hands, or such bridges as by law it can be shown that they may be entitled to keep in repair; that the Gum Swamp runway bridge is specially included in this act.

Gum Swamp runway bridge.

Failure to perform duty a misdemeanor.
Penalty.

SEC. 3. That any failure on the part of any person subject by law to perform road duty shall be deemed guilty of a misdemeanor, and upon conviction shall be fined, in discretion of the court, not to exceed twenty dollars (\$20) or imprisoned thirty (30) days.

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

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

In the General Assembly read three times, and ratified this the 28th day of February, A. D. 1905.

CHAPTER 595.

AN ACT TO PROTECT THE BRIDGES AND THE PUBLIC
HIGHWAYS OF ONSLOW COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. When any of the bridge or the public roads of Onslow County shall be damaged by any person, firm, company or corporation operating any saw-mill, lumber-yard or other works, by reason of hauling logs or other material over said roads or the bridges thereof, which damage the ordinary labor of the road hands is not adequate to repair, the township supervisors or any one of them shall give a written notice to such person, company, firm or corporation or contractor or their agents or employees to repair the same; and if said person, firm, company, corporation or contractor or their agents or employees shall fail to repair said roads or bridges so damaged by them within ten days from receipt of said notice shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars (\$50) or imprisoned not more than thirty (30) days.

Lumber concerns
damaging bridge
or road to repair
same.

Misdemeanor.
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 28th day of February, A. D. 1905.

CHAPTER 596.

AN ACT TO PROVIDE FOR THE BETTER WORKING OF
PUBLIC ROADS AND HIGHWAYS OF PASQUOTANK
COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of County Commissioners of Pasquotank County shall, in order to provide for the proper construction, improvement and maintenance of the public roads of the county, at their regular meetings in June, one thousand nine hundred and five, and at each regular annual meeting thereafter, and it is hereby made their duty to levy a special tax on all property subject to taxation under the State law in said county of not less than five cents nor greater than fifteen cents on the one hundred dollars valuation of property and not less than fifteen cents nor greater than forty-five cents on the poll, the constitutional equation to be observed at all times; said taxes to be collected as all other taxes are, to be kept separate in the tax books of the county, to be set aside as a special road fund to be used in the construction, improvement and maintenance of the public roads of the county, the purchase of such material, implements, teams,

Special road tax
to be levied.

Specific appropriation.

Proviso: permanent improvements.	wagons, camp outfits, quarters or stockades for the use and safe-keeping of the convict force as may be found necessary in the proper carrying out of this work and for the employment of such additional labor as may be deemed necessary: <i>Provided, however,</i> that the moneys raised under this section shall, as far as possible, be used for permanent improvements.
Commissioners to elect superintendent.	SEC. 2. That there shall hereafter be elected by the board of county commissioners at their regular meeting in June, one thousand nine hundred and five, and at their regular meeting in January of each and every year thereafter, a superintendent of roads,
Compensation.	who shall be paid such compensation as may be fixed by the board of county commissioners, and to be paid out of the county road fund, and who, after January, one thousand nine hundred
Term of office.	and six, shall hold office for one year or until his successor has been elected and qualified as provided for in this act: <i>Provided,</i>
Proviso: removal for cause.	that the said superintendent of roads may at any time be removed by the board of county commissioners after having been given ten days' notice and a hearing, when in the opinion of the board there exists good and sufficient cause for such action; and for malfeasance or misconduct in office he may be removed by them without further notice than may be necessary in order to give him a hearing. It shall be the duty of said superintendent of
Duty of superintendent.	roads, subject to the approval of the board of county commissioners, to supervise, direct and have charge of the maintenance and building of all public roads in the county and he shall submit to the board of county commissioners a monthly report concerning the work in progress and the moneys expended, and he
Monthly reports.	shall submit quarterly a report on the conditions of the public roads and bridges and plans for their improvement, and he shall include in this quarterly report an inventory of the tools, imple-
Quarterly reports.	ments, teams and other equipments on hand. Said road superintendent before entering upon the duties of his office shall deposit with the board of county commissioners a good and lawful bond, to be approved by the board of commissioners, for the sum of five hundred dollars (\$500), as a guarantee of the faithful and honest discharge of the duties of his office, which bond shall be duly registered in the office of the register of deeds and filed with the clerk of the superior court of the county. In case of the death or resignation or removal of said road superintendent it shall be the duty of the county commissioners to elect at their first meeting thereafter a road superintendent, who shall hold office at the discretion of the said board of county commissioners or until the regular January meeting of said board and until his successor has been elected and qualified: <i>Provided,</i> that when in the opinion of the board of commissioners the appointment of a road superintendent is inconsistent with the best interests of the county the said board shall not be required to comply with the requirements of section 2 of this act, but may, in lieu thereof, appoint
Bond of superintendent.	
Commissioners to fill vacancy.	
Proviso: township supervisors instead of superintendent.	

directly one supervisor of roads in each township, and each supervisor in the township for which he is appointed shall perform the duties and assume the responsibilities in this act otherwise required of the county road superintendent; he shall be subject to dismission under the same terms as laid down for the road superintendent, and he shall give a good and lawful bond, satisfactory to the board of commissioners, for not less than twice the amount of the road tax in his township for any year under the same conditions as laid down for the said road superintendent, and he shall be paid such remuneration as may be agreed upon by the board of county commissioners.

Bond of supervisors.

Remuneration.

SEC. 3. That the board of county commissioners or the road superintendent, subject to the approval of said board, shall appoint, with power at any time to remove or discontinue, such guards as may be needed to take charge of the convict force, and also one or more persons in each township of the county to be known as township supervisor of roads, who, acting under the road superintendent, shall supervise the road work in the township for which they are appointed or such parts thereof as said superintendent may direct. The said guards and township supervisors shall be paid for such time as they may be required to give to this work such compensation per day, during such time as they are actually employed in working on the public roads, as may be agreed upon by said superintendent and approved by the board of county commissioners, the guards and township supervisors to be paid out of the general county road fund.

Appointment of guards and supervisors.

Pay of guards and supervisors.

SEC. 4. That all able-bodied male persons of the county between the ages of twenty-one and forty-five years, except residents of incorporated cities and towns, shall pay on or before the first day of July, one thousand nine hundred and five, and on or before the first day of April of each year thereafter, to the sheriff of said county the sum of two dollars (\$2), to be levied on the poll and collected by the said sheriff as other taxes.

Road poll tax.

SEC. 5. 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 vagrant acts, all insolvents who shall be imprisoned by any court in said county for non-payment of costs, and all persons sentenced in said county to the State's Prison for a term less than ten years shall, if the county commissioners so request, be worked on the public roads of the county: *Provided*, that the commissioners of the county may arrange with the commissioners of any neighboring county or counties for such an exchange of prisoners during the alternate months or years as will enable 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 judges

Prisoners worked on roads.

Proviso: exchange of prisoners.

Judges to sentence to roads.

of the superior court, or the judges of the criminal court, the justices of the peace and the principal officer of any municipal or any other inferior court, it shall be the duty of the said judge or justice of the peace or said principal officer to assign such persons convicted in his court to said road superintendent or road supervisor for work on the public roads of said county; all such convicts to be fed, clothed and otherwise cared for at the expense of the county: *Provided further*, that in case of serious physical disability certified to by the county physician, persons convicted in said superior, criminal or inferior courts in the county may be sentenced to the penitentiary or county jail.

Convicts at expense of county.

Criminals from other counties.

SEC. 6. That when the commissioners shall have made provisions for the expense of supporting and guarding, while at work on the public roads, a larger number of prisoners than can be supplied from that county, upon the application of the commissioners of said county, the judges of the superior and criminal courts presiding in adjoining counties or any other county or counties in the same or adjoining judicial districts which do not otherwise provide for the working of their own convicts on their own public roads, may sentence such able-bodied male prisoners as are described in section five of this act from such adjoining counties or other counties in the same or adjoining judicial districts to work on the public roads of said county applying for the same, and the cost of transporting, guarding and maintaining such prisoners as may be sent to such county applying for the same shall be paid by the county applying for and receiving them out of the road fund of such county: *Provided*, that any and all such prisoners from such other counties may at any time be returned to the keeper of the common jail of such counties at the expense of the county having received and used them.

Preliminary surveys.

SEC. 7. That the principal roads or highways to be improved or constructed in accordance with the provisions of section one of this act, prior to the inauguration of any such permanent improvements on the road or highway to be so improved or constructed, may be first carefully surveyed and located by an engineer or surveyor trained and experienced in such work, aided by the county road superintendent or road supervisor and such assistants as it may be necessary for him to employ, the same to be paid out of the road funds of the county for services and expenses as may be agreed upon by the county commissioners. All such public roads or highways where changed or hereafter located or relocated shall be given a grade nowhere greater than three feet in one hundred feet, and a width of not less than twenty feet, clear of ditches, trees, logs and other obstructions. All such roads shall be thoroughly drained, and whenever it may be necessary to turn water across the road this shall be done by putting in sewer pipe or other forms of covered drains or culverts: And further, the superintendent of roads shall have charge of all bridges and drains across the road and, when practical, shall put down sewer

Grade.
Width.

Drainage.

pipe or drain tile, except across creeks where bridges, either of iron or wood, shall be built under the direction of the board of county commissioners: *Provided*, that when any drain is cut across any road for the purpose of draining any lands the owner thereof shall cause such sewer pipe or drain tile to be put down, at his own expense, as the road superintendent may direct.

SEC. 8. That for the purpose of carrying out the provisions of this act, the said superintendent and supervisors are hereby authorized to enter upon any uncultivated lands near to or adjoining such roads to cut and carry away timber, except trees of groves on improved lands, planted or left for ornament or shade, to clear lands for a distance not to exceed fifteen feet, in his discretion, on either side of the road, of trees or undergrowth: *Provided*, that said timber or firewood so cut shall remain the property of the owner of the land upon which the same was cut; to dig or cause to be dug and carried away gravel, sand, clay or earth of any kind which may be necessary to construct, improve or repair said road, and to enter on any lands adjoining or lying near the road in order to make such drains or ditches through the same as he may deem necessary for the betterment of the road, doing as little injury to said lands and timber or improvements thereon as the nature of the case and the public good will permit; and the drains and the ditches so made shall be conducted to the nearest ditch, water-course or waste ground, and shall be kept open by the said superintendent or supervisor, and shall not be obstructed by the owner or occupant of such lands or any other person or persons under the penalty of forfeiting a sum of not less than five dollars nor exceeding ten dollars, or imprisonment or work on the public roads of the county for not less than ten nor exceeding twenty days for each and every offense, said penalty to be collected by the said superintendent or supervisors, if in money, and paid over to the county treasurer and applied to the road fund of the county. If the owner of any lands or the agent or agents of such owner having charge of lands from which timber, gravel, sand, clay or earth of any kind were taken as aforesaid shall present an account of the same through the county road superintendent or road supervisor at any regular meeting of the county commissioners within thirty days after taking and carrying away of such timber, gravel, sand, clay or earth of any kind, it shall be the duty of the said commissioners to pay for the same a fair price, and before deciding upon this they may cause to be appointed an impartial jury of three freeholders, one to be selected by the county road superintendent or road supervisor, one by the party claiming damages and the third to be selected by these two, which jury shall report in writing to the board of county commissioners their decision for revision or confirmation: *Provided*, that said land-owner or his agents shall have the right of appeal as provided for in section ten of this act.

Power of entrance on lands.

Proviso: timber property of land-owner.

Power to take material.

Account of damages.

Jury of assessment.

Proviso: appeal.

Superintendent to locate and relocate roads.

Procedure for assessing damages.

Proviso: land-owner non-resident.

Appeal.

Officer failing in duty misdemeanor.

County treasurer treasurer of road fund.

SEC. 9. That subject to the approval of the board of county commissioners the county superintendent of roads or road supervisor is hereby given discretionary power, with the aid of a competent engineer or surveyor, to locate, relocate or change any part of any public road where in his judgment such location, relocation or change will prove advantageous to public travel. That when any person or persons on whose lands the new road or part of the road is to be located claims damages therefor, and within thirty days petitions the board of county commissioners for a jury to assess the damages, the said commissioners, within not less than fifteen nor more than sixty days after the completion of said road, shall order said jury of three disinterested freeholders to be summoned by the sheriff or constable as provided by law, who shall give said land-owners or their local representatives forty-eight hours' notice of the time and place when and where said jury will meet to assess damages; and said jury being duly sworn, in considering the question of damages shall also take into consideration the benefits to travel and to the owners of the land, and if said benefits be considered equal to or greater than the damages sustained the jury shall so declare; and it shall report in writing its findings to the board of county commissioners for confirmation or revision: *Provided*, that if said land-owner be a non-resident of the county and have no legal representative it shall be deemed sufficient service of such notice for said sheriff or constable to forward by United States mail a written notice of the purpose, time and place of such meeting of said jury to the last known post-office address of such land-owner, seven days in advance of such meeting, and also to post a notice of the same for seven days at the court-house door of said county.

SEC. 10. That in case the land-owner, or his local representative, shall be dissatisfied with the findings of the juries provided for in sections eight and nine 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 in his discretion may require said land-owner to give bond when the case is taken by appeal to the superior court.

SEC. 11. That any officer or employee appointed by virtue of this act, or to whom duties are assigned in this act, who shall fail to make complete returns within the time prescribed therein, or who shall otherwise fail to discharge the duties imposed upon him by this act, shall in all cases, whether penalties for such failure are or not prescribed in this act, be guilty of a misdemeanor.

SEC. 12. That the county treasurer shall be and he is hereby appointed treasurer of the road fund of the county and for the

faithful keeping of said money the bond of such treasurer shall be liable, and for his services in receiving and disbursing said funds he shall receive such a commission as the board of county commissioners may agree upon, not to exceed two per centum on all moneys disbursed hereunder. He shall pay the accounts against the road fund of the county when itemized statements of the same have been certified to by the county superintendent or road supervisor and approved by the board of county commissioners.

SEC. 13. The county treasurer shall keep a separate account of the road fund of the county and of his disbursements of the same, and he shall make a written report thereof to the board of county commissioners at their regular meetings on the first Monday in each month; and on the first Monday in July and January of each and every year he shall present to the said board of commissioners a written report, giving a statement of the disbursements from the road fund during the preceding six months, which reports, or the substance thereof, shall be published by said commissioners in at least one newspaper published at the county seat for at least one insertion.

SEC. 14. All road funds or securities in the hands of any officer of any county coming under the provisions of this act, or of any township thereof, on the first Monday of June, one thousand nine hundred and five, shall be promptly turned over to the treasurer of the county and by him credited to the road funds of the county or of the township to which it belongs; and all teams, machinery, implements or other equipments belonging to said county, or any one of the several townships in the same, held by or under the control of any officers or persons in said county or its townships, shall be by said officers or persons turned over to the county commissioners of such county on the first Monday in June, one thousand nine hundred and five, and by them be held and used on the public roads of the county or of the township owning the same: *Provided*, that the board of commissioners in any county may order such road funds, securities, teams, implements or other road equipment accounted for and turned over as required above at any date prior to its regular meeting in June, and officers or persons refusing or neglecting so to do, after having been served with ten days' notice, shall be guilty of a misdemeanor.

SEC. 15. That all moneys raised in the county shall constitute a general fund for the common good of the roads of the county: *Provided*, that two-thirds of the road tax collected in Elizabeth City Township under this act be turned over to the board of aldermen of Elizabeth City for the purpose of improving the streets and bridges of said town.

SEC. 16. That this act shall apply only to Pasquotank County.

SEC. 17. That all laws and parts of laws in conflict with this act are hereby repealed.

Bond liable.

Commission.

Separate accounts
of road fund.

Reports.

Reports to be pub-
lished.Road funds turned
over to treasurer.Materials turned
over to county
commissioners.Proviso: commis-
sioners may order
earlier settlement.

Common road fund.

Proviso: appropria-
tion for streets.Limited to Pasquo-
tank county.
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 28th day of February, A. D. 1905.

CHAPTER 597.

AN ACT TO PROHIBIT FISHING IN THE PONDS OWNED BY W. K. PHILLIPS IN FRANKLIN AND WAKE COUNTIES.

The General Assembly of North Carolina do enact:

Unlawful to fish with nets or shoot fish without written permission.

SECTION 1. That it shall be unlawful for any person to fish with either seines, tram-net, set-net, or any other kind of net, or shoot fish in mill-ponds owned by W. K. Phillips on Moccasin Creek in the counties of Wake and Franklin without a written permission from the owner.

Misdemeanor; penalty.

SEC. 2. Any person so offending shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars nor to exceed twenty-five dollars, or imprisoned not less than ten days and 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 28th day of February, A. D. 1905.

CHAPTER 598.

AN ACT TO AMEND CHAPTER 581 OF THE PUBLIC LAWS OF 1903 FOR THE PURPOSE OF PAYING HALF FEES TO OFFICERS AND WITNESSES IN CASES WHERE NO TRUE BILL IS FOUND.

The General Assembly of North Carolina do enact:

Half fees to officers in counties named.

SECTION 1. That section two of chapter five hundred and eighty-one of the Public Laws of one thousand nine hundred and one be and the same is hereby amended by adding at end of same the following: "Transylvania County, Jackson County, Swain County, Brunswick County, Catawba County, Jones County, Sampson County."

Half fees to justices of the peace.

SEC. 2. That section one of chapter five hundred and eighty-one of the Public Laws of one thousand nine hundred and three shall not apply to the following counties, viz., Brunswick and Catawba,

and said section one of chapter five hundred and eighty-one afore-said is hereby repealed as to said counties.

SEC. 3. That chapter seven hundred and fifteen of the Public Laws of one thousand nine hundred and one and five hundred and eighty-one, Public Laws of one thousand nine hundred and three, as amended, be and the same are hereby re-enacted.

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. 1905.

CHAPTER 599.

AN ACT TO PROHIBIT THE SALE OF SPIRITUOUS, VINOUS OR MALT LIQUORS WITHIN FIVE MILES OF WHITE OAK ACADEMY IN BLADEN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person, firm or corporation to sell or offer for sale or to solicit the sale for any spirituous, vinous or malt liquors, wine or grape juice within five miles of White Oak Academy in White Oak Township, Bladen County. Unlawful to sell, offer for sale, or solicit sale for liquors, wines or grape juice.

SEC. 2. That if any person, firm or corporation or agent of a corporation shall violate the provisions of this act, the person so offending shall be guilty of a misdemeanor and shall be punished by fine or imprisonment, or both, in the discretion of the court. Misdemeanor. Penalty.

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

In the General Assembly read three times, and ratified this the 28th day of February, A. D. 1905.

CHAPTER 600.

AN ACT TO AMEND CHAPTER 28 OF THE PUBLIC LAWS OF 1901.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter twenty-eight of the Public Laws of one thousand nine hundred and one be amended by striking out all of said chapter after the word "September" in line twenty on page one hundred and seventy of said Public Laws of one thousand nine hundred and one, down to and including the word "weeks" in line fifteen on page one hundred and seventy-one of said Public Laws of one thousand nine hundred and one, and insert in lieu thereof the following:

TENTH DISTRICT.

Tenth judicial 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 county.

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; second Monday after the first Monday in September, to continue for two weeks.

Iredell county.

Iredell County.—Fifth Monday before the first Monday in March; eleventh Monday after the first Monday in March; fifth Monday before the first Monday in September; eighth Monday after the first Monday in September, each to continue for two weeks.

Rowan county.

Rowan 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 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 county.

Davidson County.—First Monday before the first Monday in March and the third Monday before the first Monday in September, each to continue for two weeks; seventh Monday after the first Monday in March and tenth Monday after the first Monday in September, each for the trial of civil cases exclusively.

Stanly county.

Stanly County.—First Monday after the first Monday in March and first Monday after the first Monday in September, each for the trial of civil cases exclusively; eighth Monday before the first Monday in September and fifteenth Monday after the first Monday in September, each for the trial of criminal cases exclusively.

Randolph county.

Randolph County.—Second Monday after the first Monday in March; seventh Monday before the first Monday in September and thirteenth Monday after the first Monday in September, each to continue for two weeks.

Davie county.

Davie County.—Fourth Monday after the first Monday in March and fourth Monday after the first Monday in September, each to continue for two weeks.

Yadkin county.

Yadkin County.—Eighth Monday after the first Monday in March; sixth Monday after the first Monday in September, to continue for two weeks.

In force from 1st July.

SEC. 2. That this act shall be in force from and after July first, one thousand nine hundred and five.

Conflicting laws repealed.

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

In the General Assembly read three times, and ratified this 28th day of February, A. D. 1905.

CHAPTER 601.

AN ACT TO PREVENT RIDING OR DRIVING OF ANY BEAST OR VEHICLE ON ANY PUBLIC ROAD IN GUILFORD COUNTY WHERE ANY WORK IS BEING DONE UNTIL SUCH ROAD HAS BEEN OPENED UP FOR PUBLIC USE.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons to ride or drive any beast, bicycle, tricycle, automobile, buggy, carriage, cart, wagon or any other vehicle of any kind whatsoever on any public road or highway in Guilford County where any work is being done for the preparation of macadamizing the same, or if said road or highway has been macadamized, until the superintendent of roads or highways has caused said road or highway to be opened up for public use or by permission of the superintendent: *Provided, however,* the said superintendent shall provide suitable passways along or around said roads or highways for the public to pass back and forth until said roads or highways shall be opened for public use.

Unlawful to use road until opened up for public use.

Proviso: passways to be provided.

SEC. 2. In case no road or highway can be procured around said road or highways or any portion thereof, then and in that case the public shall have the right to pass back and forth along by the side of the macadam part of said roads or highways but not on the crushed rock except for the purpose of crossing same wherever necessary.

If passways cannot be procured.

SEC. 3. Any person or persons violating either the first or second sections of this act shall be guilty of a misdemeanor, and upon conviction before any justice of the peace for Guilford County shall be fined for each offense a sum not exceeding fifty dollars or imprisonment not exceeding thirty days.

Misdemeanor.

Penalty.

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

In the General Assembly read three times, and ratified this the 28th day of February, A. D. 1905.

CHAPTER 602.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF HENDERSON AND YADKIN COUNTIES TO REGULATE THE USE OF PUBLIC BRIDGES IN SAID COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That the Commissioners of Henderson and Yadkin Counties shall have the right to regulate the speed at which horses or other teams or vehicles of any kind may be ridden or driven over all the public bridges in said counties.

Speed over bridges regulated.

Ordinances regulating speed.

SEC. 2. That said commissioners may make ordinances regulating the speed at which horses or other teams or vehicles of any kind may be ridden or driven over the public bridges of said counties.

Misdemeanor.

SEC. 3. That any person violating any of said ordinances shall be guilty of a misdemeanor and fined not exceeding ten dollars or imprisoned not more than ten days for each violation.

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 28th day of February, A. D. 1905.

CHAPTER 603.

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

The General Assembly of North Carolina do enact:

Special tax authorized.

SECTION 1. That the Board of Commissioners of Pitt County be and they are hereby authorized and empowered to levy a special tax not to exceed sixteen and two-thirds (16 $\frac{2}{3}$) cents on the one hundred dollars valuation of real and personal property in said county and fifty (50) cents on each poll in said county, annually for two years, to-wit, the years one thousand nine hundred and five (1905) and one thousand nine hundred and six (1906), to be expended and applied to the payment of the indebtedness and current expenses of said county.

Limit.

SEC. 2. The said special tax shall be levied and collected as other public taxes are levied and collected in said county.

Appropriation.

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

Levied and collected as other taxes.

In the General Assembly read three times, and ratified this the 28th day of February, A. D. 1905.

CHAPTER 604.

AN ACT TO CONFER POLICE POWERS ON DEPUTY SHERIFFS AND CONSTABLES AT EAST DURHAM AND WEST DURHAM IN DURHAM COUNTY, AND TO PROHIBIT PUBLIC DRUNKENNESS AND THE SALE OF CIDER THERE.

The General Assembly of North Carolina do enact:

Deputy sheriff and constable charged with police duties and invested with police powers.

SECTION 1. That it shall be the duty of the deputy sheriff in Durham County appointed by the sheriff of said county, and the constable of Durham Township in said county, and he and they shall have power and authority to suppress all disturbances of the

quiet and good order of and in the territory embraced within a radius of one mile in all directions from the southwest corner of the church building known as Carr Methodist Episcopal Church, South, in the village known as East Durham in said county, and of and in the territory embraced within a radius of one mile in all directions from the southeast corner of the present Presbyterian Church building in the village known as West Durham in said county, and to arrest all offenders against the same and to prevent as far as possible all injury to property within said territory. Said deputy sheriffs and constable shall have power and authority, if resisted in the execution of his or their official duties, to summon a sufficient number of men to aid him or them in enforcing the laws; and if any person so summoned shall refuse to assist, the said deputy sheriffs or constable are hereby required to report the name of such person to the proper authorities, to the end that he may be dealt with as the law directs. Said deputy sheriffs and constable shall have power to enter the enclosure and house of any person within the territory above specified without warrant when he or they have good reason to believe that a felony or infamous crime has been or is about to be committed, for the apprehension of any person so offending, and if necessary to summon a *posse* to aid him or them, and all persons so summoned shall have like authority to enter and arrest. Any person arrested hereunder for any offense shall, as soon as practicable, be taken before some justice of the peace of Durham County, when and where formal complaint shall be lodged against such person as provided by law, to the end that such person may have a speedy trial and be dealt with as the law directs, and in the meantime and until the case is disposed of such person so under arrest may be detained and confined in a guard-house or calaboose provided for that purpose by any of said officers, or in the jail of said county, unless bail is given as provided by law. Such deputy sheriffs and constable shall have the same power and authority within said territory as policemen in incorporated cities and towns of this State have and exercise in said cities and towns, and when on duty within said territory may wear a metallic shield or badge with the word "Police" inscribed thereon.

Territory affected.

Deputy and constable to summon posse.

Power of entrance.

Speedy trial.

Deputy and constable to wear badges.

SEC. 2. That no person shall sell within the territory specified within the preceding section any cider of any kind except such as shall have been made from fruit grown upon his own land or land occupied by him; and any person violating the provision of this section shall be guilty of a misdemeanor and be fined or imprisoned at the discretion of the court.

Sale of cider forbidden.

SEC. 3. That any person found drunk or staggering on the streets, roads, alleys or in any public place within the territory specified in the first section of this act shall be guilty of a misdemeanor and shall be fined not less than two dollars nor more than ten dollars or shall be imprisoned for not more than ten days.

Misdemeanor. Penalty.

Public drunkenness 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 28th day of February, A. D. 1905.

CHAPTER 605.

AN ACT TO DIVIDE THE NET PROCEEDS OF THE DISPENSARIES OF JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

One-half to county school fund.

SECTION 1. That one-half of the net proceeds or profits accruing from the sale of spirituous, vinous or malt liquors by the dispensaries now established in Johnston County, or any that may be hereafter established, shall be paid to the treasurer of said county and by him placed to the credit of the general school fund of said county for the use of the public schools therein.

One-half to town in which dispensary is situate.

SEC. 2. That the remaining one-half of said net profits of each dispensary shall be paid to the treasurers of the respective towns in which said dispensaries are situate and shall be subject to the order of the board of town commissioners and be appropriated by said commissioners to the use and benefit of the town in which said dispensary is located, and to the use and benefit of the schools situate in such district as the dispensary may be located, the same to be divided and expended in the discretion of said town commissioners.

Semi-annual settlements.

SEC. 3. That each and all dispensary managers in Johnston County shall, on the first Mondays in January and July of each year, meet with the county board of education of said county at the county-seat in Smithfield, and with said board adjust a semi-annual settlement with the county treasurer on behalf of the public schools of the county: *Provided*, that the dispensary commissioners may effect settlement with the board of education in lieu of the managers: *And provided further*, that the expenses incurred by this service shall be paid and charged to the expense of the dispensaries.

Proviso: expense of settlement.

Manager to produce registers and books.

SEC. 4. That at the semi-annual meetings provided for in section three of this act it shall be the duty of the managers of all dispensaries to produce the registers and books of record kept by said managers in said dispensaries, said registers and books of record showing date and amount of purchases made, prices paid, amount and date of sale and expenses of operation, to the end that just and satisfactory settlement may be effected between the county board of education and dispensaries: *Provided*, that the registers and books of record shall at all times be opened to the inspection of the county board of education.

Registers and books open for inspection.

SEC. 5. That all dispensary laws in Johnston County shall remain in full force and effect, under the same regulations as they did operate previous to the establishment of this act, except as herein provided. Dispensary laws to remain in force.

SEC. 6. That all laws and clauses of laws and parts of laws in conflict with this act be and the same are hereby repealed. Conflicting laws repealed.

SEC. 7. That this act shall be in force and effect from and after the first day of July, one thousand nine hundred and five. In effect from 1st July, 1905.

In the General Assembly read three times, and ratified this the 28th day of February, A. D. 1905.

CHAPTER 606.

AN ACT TO AMEND CHAPTER 436 OF THE PUBLIC LAWS OF 1901, RELATIVE TO THE PROTECTION OF FISH IN HENDERSON AND YANCEY COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That section four of chapter four hundred and thirty-six of the Public Laws of one thousand nine hundred and one, entitled "An act to protect fish in Henderson and Yancey Counties," shall be amended as follows: Strike out the whole of section four of said act and insert in lieu thereof the following: "That any person violating the provisions of this act shall be guilty of a misdemeanor, and shall upon conviction be punished in the discretion of the court." Punishment at discretion of court.

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

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

In the General Assembly read three times, and ratified this the 28th day of February, A. D. 1905.

CHAPTER 607.

AN ACT TO INCORPORATE JUNALUSKA TURNPIKE COMPANY.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of constructing a turnpike road from Boone to the State line at Zionsville, Watauga County, North Carolina, the formation of a corporation with a capital stock not exceeding ten thousand dollars, to be styled "The Junaluska Turnpike Company," is hereby authorized. Formation authorized.
Capital stock.
Corporate name.

- Books to be opened.** SEC. 2. That it shall be lawful to open books of subscription to the capital stock of said corporation in the town of Boone under the direction of any three of the following persons, namely: E. F. Lovell, W. R. Lovell, Morgan Whitaker, James Walls, W. R. Moody, F. A. Linney and R. Z. Linney.
- Shares.**
When company incorporated. SEC. 3. That the capital stock of said association shall be divided into shares of ten dollars each, and whenever one hundred of such shares shall be subscribed for on the books authorized to be opened for that purpose, the subscribers for the same and their future associates and their successors are hereby declared to be a body politic and incorporate by the name and style of "The Junaluska Turnpike Company," with all the rights, powers and privileges incident or belonging to corporations as set forth or referred to in the chapter of The Code of North Carolina entitled "Corporations," and the amendments thereto.
- Meeting for organization.** SEC. 4. So soon as one hundred shares of the capital stock of said corporation shall be subscribed for it shall be lawful for any three of the persons hereinbefore named to call a general meeting of such subscribers by notifying each one in writing at least two days prior to such meeting, and such subscribers at each meeting shall elect from among themselves a board of directors of not less than five, and the directors to be chosen at such meeting and at the subsequent annual meetings of the stockholders as they may be fixed by the laws of said corporation shall elect one of their number president of said corporation at said meeting or at any subsequent meeting of the stockholders of said corporation. They may adopt all such by-laws as may be considered necessary for the good management of said corporation, and all matters not provided for by such by-laws shall be regulated and done as the board of directors shall from time to time order and direct.
- Directors.**
- President.**
- By-laws.**
- Payments of subscription.** SEC. 5. That the board of directors may require payments of subscriptions to the capital stock of said corporation to be made in such installments as they may think proper; and in case any subscriber shall fail to pay the amount of his subscription after fifteen days' notice given in writing, the directors may sell said share or shares of stock so subscribed for by him at public auction, or so many of them as may be sufficient to pay the amount of his subscription then remaining unpaid, and if a balance shall remain unpaid after applying the proceeds of the sale as aforesaid, the same may be recovered by the corporation from such delinquent subscriber before any court having jurisdiction of the amount so remaining unpaid.
- Delinquent subscriptions.**
- Procedure for condemnation of land.** SEC. 6. That whenever any lands may be required for said turnpike, either for a road-way or for toll-houses or other appurtenances thereto, and an agreement cannot be made with the owner or owners of such land, the company or owners may, in writing, apply to the Clerk of the Superior Court of Watauga County to cause the damage of such owner, if any, to be assessed by three

disinterested referees, one to be chosen by the owner, one by the corporation and one by the clerk of the court. If either party, or both, shall fail to appoint after five days' notice of the application to the clerk, then the clerk shall appoint instead. The referees so appointed, being duly notified by the clerk, shall, being first duly sworn by some person authorized to administer oaths to act impartially, lay off a right of way forty feet in width, or less, as the company may elect; and also if required by the company, shall lay off a suitable site or sites for a toll-house or houses not exceeding one acre of land at each toll-house, and assess the damage, if any, to the owners of the land, taking into consideration any benefits or advantages to accrue to such owner from the making of such road, and return their award in writing within ten days to said clerk; and such award of such referees, or any two of them, when returned, shall become a judgment of the superior court of said county, on which execution may issue as on other judgments of the superior court, if the amount is not paid by said company within ten days after notice of such return. If either party is dissatisfied with the award of the referees they may appeal to the superior court as in other cases of appeal. So soon, however, as an award is returned by a majority of such referees as aforesaid, whether there is an appeal or not, the company may enter upon the lands referred to in such award and use them for erecting such turnpike road or erecting toll-houses, as the case may be.

SEC. 7. That said company shall be authorized to demand, receive and receive from all persons using the road such compensation, no greater than the following fare toll: For four-horse or four-ox team, forty cents each way; two-horse buggy or hack, thirty-five cents; two-horse or two-ox team, twenty-five cents each way; one-horse buggy, twenty-five cents; one-horse wagon, fifteen cents; horse and rider, ten cents; loose horses, five cents each; cattle, five cents each; sheep, three cents each. Any person who shall use any part of said road without paying the fare and toll due and payable for such use and demanded by any officer or agent of said company at the established toll-gate shall be guilty of a misdemeanor, and on conviction before any justice of the peace of the county of Watauga shall pay a fine of not less than two dollars nor more than five dollars, and upon failure to pay such fine, together with the costs of the proceeding against him, shall be imprisoned by the justice of the peace before whom the case shall have been tried not less than five days nor more than ten days. All such fines as may be collected by virtue of the provisions of this section shall be paid over to the county treasurer for benefit of school fund.

SEC. 8. That the board of directors shall have authority to locate said road along any route they may select leading from Boone, North Carolina, by way of Rich Mountain to Zionsville, North Carolina.

Appeal.

Misdemeanor to use road without paying toll.

Penalty.

Fines for use of school fund.

Route.

When tolls to be charged.

SEC. 9. That said company may establish a toll-gate at any place on the road and charge the rates hereinbefore mentioned when said road is completed to the Silver Stone Gap of Rich Mountain, and whatever amount is so collected, after paying the expenses for keeping up the road-bed, shall be used in extending the road towards Zionsville, North Carolina.

Location of toll-gates.

SEC. 10. That said company is hereby authorized to erect toll-gates across said turnpike at such convenient places as the board of directors may select after said turnpike shall have been completed, and at such places may demand, receive and recover the fare or toll authorized in this act.

Dividends.

SEC. 11. That the fare or toll received for the use of said road shall be expended in keeping the toll-houses and in keeping said road in good repair, or so much thereof as may be necessary; and after an amount sufficient to keep said toll-houses and said road in good repair has been expended, the residue, if any, shall be declared a dividend for the benefit of the stockholders.

Misdemeanor to injure or obstruct road.

SEC. 12. Any person who shall in any manner injure or obstruct the road of said company, or any bridge connected therewith, besides being liable for damages in a civil action, shall be guilty of a misdemeanor, and on conviction thereof before any court having jurisdiction shall be fined or imprisoned, or both, in the discretion of the court.

Stockholders not individually liable.

SEC. 13. That the stockholders shall not be individually liable for the debts of the corporation beyond the amount of the stock held by each.

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 28th day of February, A. D. 1905.

CHAPTER 608.

AN ACT TO PROTECT FISH IN YANCEY COUNTY.

WHEREAS, the United States Government has, through its Bureau of Fisheries, incurred great expense in supplying large numbers of valuable fish for various and sundry streams in Yancey County; and whereas, it is desirous to protect said fish: therefore,

The General Assembly of North Carolina do enact:

Unlawful to catch fish until 1908.

SECTION 1. That it shall be unlawful for any person or persons to catch, take or in anywise destroy any fish in any of the streams in Yancey County or any stream which forms the boundary line of said county, from and after the ratification of this act until the first day of January, one thousand nine hundred and eight: *Pro-*

vided, this act shall not prevent any person from fishing with hook and line. Proviso: fishing with hook and line excepted.

SEC. 2. That it shall be unlawful for any person, persons, firm or corporation, lessee or employee of such firm or corporation owning or operating any saw-mill to allow the sawdust of such mill to enter into Big Crabtree Creek or any of its tributaries. Unlawful to allow sawdust to enter Big Crabtree creek.

SEC. 3. That any person, persons, firm or corporation violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined twenty-five dollars. 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 28th day of February, A. D. 1905.

CHAPTER 609.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF VANCE COUNTY TO ISSUE BONDS FOR ROAD PURPOSES.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of constructing and improving public roads in the county of Vance the board of county commissioners of said county are hereby authorized and empowered to issue the bonds of that county from time to time as the same may be needed, to an amount not exceeding twenty thousand dollars in the aggregate, of such denominations, form and tenor, executed and transferable in such manner, payable at such time or times not exceeding twenty-five years from the date thereof, and at such place or places as they may determine, bearing interest at a rate not exceeding five per centum per annum, with semi-annual interest coupons attached, payable at such times and places as may be stated on the face thereof: *Provided, however*, that said bonds shall be numbered consecutively and shall be redeemable at the option of said board of county commissioners, after five years from the date thereof, at the rate of one thousand dollars per year, beginning with number one and continuing in regular order according to number until the whole shall be redeemed. Bond issue authorized.
Amount.
Description.
Proviso: bonds to be numbered.
Redeemable.

SEC. 2. That none of the bonds authorized by this act shall be sold or hypothecated for less than their par value, nor shall the same or their proceeds be used for any other purposes than those provided herein. Not to be sold below par.

SEC. 3. That for the purpose of providing for the payment of said bonds and of the interest thereon, the said board of county commissioners shall annually, at the time of levying other taxes, levy a special tax on all persons and subjects of taxation on which

the said board may be authorized to levy taxes for any other purpose which shall raise a fund sufficient to pay the interest upon the bonds and provide for the payment of the interest thereon at maturity, or in annual installments, as provided in section one of this act, and such fund shall be kept separate from other taxes and applied exclusively to the purposes herein prescribed.

Election to be called.

SEC. 4. That before any of the bonds herein provided for shall be issued, the same shall be approved by the qualified voters of the county of Vance at a special election to be called and held by order of the said board of county commissioners, under the rules and regulations prescribed for the election of members of the General Assembly; those in favor of such bond issue to vote a ballot upon which shall be written or printed "For Bonds." Those opposed thereto shall vote a ballot upon which shall be written or printed "Against Bonds." The result of such election shall be reported to the said board of county commissioners and entered upon their records. If a majority of the votes cast shall be in favor of bonds, then said board of county commissioners shall issue said bonds as herein provided, and the same shall be a legal investment for savings banks, trust companies and other fiduciaries, and shall be exempt from county taxation. If a majority of the votes cast shall be against bonds the said board of county commissioners may again submit the question of the issue of such bonds to the qualified voters of said county at any other time or times, under the same rules and regulations, but at least six months shall elapse between the times of holding such elections.

Form of ballots.

Proceeds used as road funds.

SEC. 5. That the funds arising from the sale of such bonds shall go into the county treasury and be paid out as other road funds for the construction and improvement of the main public roads of the county leading into Henderson. The county treasurer shall have no commissions for receiving the same and shall have one per cent. for disbursing.

Commissions of treasurer.

No interest after maturity.

SEC. 6. That the bonds and coupons herein authorized shall not bear interest after maturity unless payment thereof be refused.

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

In the General Assembly read three times, and ratified this 28th day of February, A. D. 1905.

CHAPTER 610.

AN ACT TO PERMIT THE COUNTY COMMISSIONERS OR HIGHWAY COMMISSIONERS OF GUILFORD COUNTY TO GATHER MATERIAL TO BE USED ON THE PUBLIC ROADS BEYOND THE LIMITS OF SAID COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be lawful for the County Commissioners or the Highway Commissioners for Guilford County to work or cause to be worked beyond the limits of said county all persons convicted of crime and sentenced to work on the public roads or highways of Guilford County, for the purpose of gathering material to be used on the public roads or highways in said county. Convicts may be worked outside of county.

SEC. 2. That the prisoners or convicts so worked beyond the limits of the county shall be under the same rules and regulations as to discipline and escapes as those worked and kept in said Guilford County. Under same rules and regulations.

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 28th day of February, A. D. 1905.

CHAPTER 611.

AN ACT TO PROVIDE FOR THE ELECTION OF A TAX COLLECTOR FOR SALISBURY TOWNSHIP, COUNTY OF ROWAN.

The General Assembly of North Carolina do enact:

SECTION 1. That a tax collector shall be elected for Salisbury Township, county of Rowan, State of North Carolina, at the next regular election for members of the General Assembly and every two years thereafter. The person so elected at the next election and their successors shall hold office for the terms now regulated by law for sheriffs. To be elected.
Term of office.

SEC. 2. That the tax collector for Salisbury Township, Rowan County, elected under section one of this act shall file with the Board of County Commissioners of Rowan County all bonds now filed by the sheriffs for the collection of taxes, said bonds to be approved and conform in all respects to the laws relating to the bonds of sheriffs given for the collection of taxes; and in case any person elected tax collector for Salisbury Township, Rowan County, under this act shall fail to give his bond and file the same as required by this act, then the Board of County Commissioners of Rowan County shall declare the office of tax collector for Salisbury Bond to be given.
Failure to give bond vacates office.

- Rights and powers.** Township, Rowan County, vacant and proceed to fill the same according to the law as it now exists when sheriffs fail to file their tax bonds, and said tax collector for Salisbury Township, Rowan County, is hereby invested with all the rights and powers prescribed by law for the collection of taxes by sheriffs.
- County commissioners to fill vacancy.** SEC. 3. That if for any reason the office of tax collector for Salisbury Township, Rowan County, should become vacant, then and in that event the said board of county commissioners shall elect a tax collector for Salisbury Township, Rowan County, for the said current term. When such tax collector for the said current term shall have filed his bonds and they shall have been approved by the said board of county commissioners he shall enter upon the discharge of the duties of said office and shall continue to discharge the same until his successor shall have been duly elected and qualified. That the tax collector for Salisbury Township, Rowan County, provided for in this act shall only be required to file bonds for the collection of and shall only collect general and special State, county, school bonds and road taxes. All license taxes—that is, privilege tax for carrying on a trade or practicing a profession, etc.—shall be collected by the Sheriff of Rowan County, who shall issue all licenses required for such purposes; and all other taxes other than those enumerated above to be collected by the tax collector of Salisbury Township, Rowan County, shall be collected by the Sheriff of Rowan County, and the said Sheriff of Rowan County shall collect all general, special, State, county, school, road and bonds taxes in the townships of Rowan County other than the Salisbury Township, and the said sheriff shall be subject to all laws that now exist and is hereby invested with all the rights and powers prescribed by law for the collection of taxes by sheriffs, and shall collect the taxes in said townships other than Salisbury Township, Rowan County.
- Term begins on approval of bond.** SEC. 4. That this act shall in no way apply to or affect the present Sheriff of Rowan County, who shall continue to collect the taxes of said county for and during the remainder of his term of office under the same provisions of law as now exist. For the collection of taxes under this act the tax collector shall be paid three per centum on the taxes collected by him under this act, except the State taxes, for which he shall receive five per centum.
- What taxes collected.** SEC. 5. That all laws in conflict with this act are hereby repealed.
- Sheriff to collect other taxes.** SEC. 6. That this act shall be in force from and after its ratification.
- And in other townships.** In the General Assembly read three times, and ratified this the 28th day of February, A. D. 1905.
- Present sheriff not affected.**
- Commission of tax collector.**
- Conflicting laws repealed.**

CHAPTER 612.

AN ACT TO BETTER REGULATE THE WORKING OF THE
PUBLIC ROADS IN TYRRELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section two thousand and twenty-six of The Code, in relation to apportioning the public roads among the hands, be amended so that the overseers may at their discretion, for the benefit of the roads and for the advantage of labor, lay off portions of the road for each hand to be known and designated as tasks.

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

SEC. 3. That said overseers shall cause to be erected on all swamp roads sufficient bridges or water[ways] for the proper drainage thereof.

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

In the General Assembly read three times, and ratified this the 28th day of February, A. D. 1905.

CHAPTER 613.

AN ACT TO PROVIDE A METHOD OF DRAWING JURIES
FOR THE SUPERIOR COURTS OF GUILFORD COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the manner of drawing jurors as set forth in section one thousand seven hundred and twenty-six and section one thousand seven hundred and twenty-seven of The Code of North Carolina shall no longer apply to the courts to be held in the county of Guilford.

SEC. 2. The Board of Commissioners of the County of Guilford shall cause the names on a jury list for each township to be written on small scrolls of paper of equal size and put into eighteen boxes procured for that purpose, which said boxes shall be numbered from one to eighteen, inclusive, and these eighteen boxes shall be placed in a large box marked "A," which said large box shall have two locks—one to be kept by the sheriff of the county and the other to be kept by the chairman of the board of county commissioners. That there shall be provided by the board of county commissioners another large box marked "B," which box shall have two keys as provided for box "A," and shall have a slot in the top thereof.

SEC. 3. That at least twenty days before any regular or special term of the superior court to be held in said county the commis-

Tasks assigned
road hands.

Limited to Tyrrell
county.
Bridges over
swamps.

Former method
rescinded.

Jury list for each
township.

Township boxes.

County box "A."

County box "B."

Jurors drawn from
box "A."

sioners shall cause to be drawn from the eighteen jury boxes contained in the box marked "A." by a child not more than ten years of age, thirty-six scrolls, and the person whose names are inscribed on said scrolls shall serve as jurors at the terms of said superior courts for which they are drawn, and the scrolls so drawn to make the jury shall be put into the box marked "B." The said commissioners shall at the same time and in the same manner draw the names of eighteen persons, who shall be summoned to appear and serve during the second week of a term of said court, unless the judge thereof shall sooner discharge all jurors from further service; and the trial jury which has served during the first week shall be discharged by the judge at the close of said week unless the said jury shall be then actually engaged in the trial of a case, and then they shall not be discharged until the trial is determined: *Provided*, that in the drawing of all jurors for the said courts of Guilford County the said board of commissioners shall draw as near as practicable from each township its proportion of the whole number drawn, according to the proportion of the population of said township as set forth in the last printed census returns of the population of the county.

Scrolls returned to box "B."

Jury for first week discharged.

Proviso: jurors drawn proportionately.

In effect from first Monday in September.

SEC. 4. That this act shall be in force from and after the first Monday in September, one thousand nine hundred and five.

In the General Assembly read three times, and ratified this the 28th day of February, A. D. 1905.

CHAPTER 614.

AN ACT TO AMEND THE PUBLIC ROAD LAW FOR SCOTLAND COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Public Acts of one thousand nine hundred and three, chapter four hundred and fifty-two, the public road law for Scotland County, be amended as follows: That the County Commissioners for Scotland County are hereby given jurisdiction over all public roads in said county in all things relating to the same—working, altering, discontinuing—and they, and they alone, are empowered to open other public roads, cart roads, mill roads or church roads.

County commissioners given jurisdiction of roads.

Roads divided into sections.

SEC. 2. That said county commissioners are empowered to divide the public roads of the county into sections, appoint a resident of each section a superintendent of the section and to assign to the public roads of the section all persons by law liable to work on public roads for the time prescribed by law.

Sections recorded.

SEC. 3. That said county commissioners shall make a record of each section into which the public roads of the county are divided.

and of the names of the persons assigned to work the roads of the county, and shall furnish the superintendent of the roads of each section with a description of the roads of his section and the names of the persons assigned to work in his section.

Description of sections and list of hands.

SEC. 4. That the person appointed superintendent of a section of the public roads of the county, unless physically unable to serve as such superintendent, shall serve for one year from the date of his appointment, without compensation, and any person failing or refusing to serve after such appointment shall be guilty of a misdemeanor, and upon conviction shall be fined twenty-five dollars.

Superintendent to serve one year without pay.

Failure to serve misdemeanor.

SEC. 5. That the superintendent of each section of public road shall work the public roads of the section as directed by said county commissioners.

Work under direction of county commissioners.

SEC. 6. That the superintendent of each section shall serve upon each person liable to work on the public roads of his section a written or personal notice of the day, hour and place to meet him to commence work on the public roads of the section three days before the day the work is to commence; and any person who fails to meet said superintendent as notified and work as directed by him shall be guilty of a misdemeanor, and upon conviction shall be fined the sum of five dollars for each offense.

Superintendent to serve notice.

Failure to work misdemeanor.

Penalty.

SEC. 7. That each superintendent of a section shall have power to excuse from road service any person who shall pay to him the sum of fifty cents for each day he desires to be excused from service upon public road work, and he has no power to excuse for any other cause.

Superintendent may excuse from road service upon conditions.

SEC. 8. That the superintendent of each section of public roads shall report to the board of county commissioners at their next meeting the name of each person who fails after due notice to work the public roads of his section, and the name of each person who shall pay him fifty cents per day for excuse from road work, and shall pay said money to the said board, and such money shall be paid by them into the road fund of the township.

Reports of neglect of road duty.

SEC. 9. That all male persons between the ages of twenty-one years and forty-five years shall be subject to work the public roads of the section to which he is assigned by the county commissioners for two days in each year.

Road hands.

SEC. 10. That the said board of commissioners shall divide the public roads of the county into sections on the first Monday in April, one thousand nine hundred and five, and in each year thereafter, and that they shall notify the justices of the peace in each township to meet with them on said day and assist them in the division into sections of the public roads of each township and the assignment of persons to work, and any justice of the peace who fails or refuses, after notice, to meet with said board of commissioners on said first Monday in April, one thousand nine hundred and five, shall be guilty of a misdemeanor, and upon conviction shall be fined the sum of ten dollars.

Roads divided annually.

Justices to assist in division.

Commissioners
may exempt from
road duty.

SEC. 11. That the said board of commissioners shall have the right to excuse from work upon the public roads of the county any persons physically unable to perform the same.

Act to be pub-
lished.

SEC. 12. That the said board of commissioners shall cause a copy of this act to be published in a newspaper published in said county for one issue of the same as soon as practical after passage.

Conflicting laws
repealed.

SEC. 13. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 14. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 28th day of February, A. D. 1905.

CHAPTER 615.

AN ACT TO PROVIDE FOR THE WORKING OF PUBLIC ROADS OF SURRY COUNTY AND ISSUING BONDS FOR THE SAME.

The General Assembly of North Carolina do enact:

Bond issue author-
ized.

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 Surry County, and for purchasing machinery, tools, etc., necessary for such improvements, the Board of Commissioners of Surry County are authorized, empowered and directed to issue coupon bonds bearing interest at the rate not to exceed five per centum per annum, payable semi-annually at a place to be designated by the board of road trustees, whose election is hereinafter provided for, said coupons to run for a period of thirty years, to an amount not to exceed one hundred thousand dollars for any one township in said county, in the manner and under the restrictions herein provided, and the bonds so issued by the commissioners of Surry 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.

Amount.

Bonds issued for
and paid by town-
ships.

Petition for elec-
tion.

SEC. 2. That upon presentation of a petition in writing, signed by not less than one-third of the qualified voters of any township to the Board of County Commissioners of Surry 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 of thirty years, in denominations of not less than one hundred dollars nor more than ten thousand dollars, all to be named in the 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 said bonds, and at said election all those qualified to vote who are in favor of said proposition shall vote a ballot, written or printed, with the words thereon "For Good Roads," and those opposed to the proposition shall vote a ballot with the words printed or written thereon "Against Good Roads," and the election for this purpose shall be conducted in the same manner and subjected to the same rules and regulations as are or may be provided for the election of township officers by the general election laws of the State, except as hereinafterwards provided. The registration books shall be kept open for the registration of voters for twenty successive days, exclusive of Sundays, next preceding the day of election, and for the purpose of registration the books used in the general election shall be delivered to and revised by the registrar, and the commissioners may order a new registration by giving thirty days' notice of such registration. Such election shall be held after thirty days' notice thereof specifying the amount of the proposed bond issue, the rate of interest, the period for which bonds shall run, shall have been posted at the court-house door and at all polling places in the township where said election shall take place, and by publishing in four issues of some newspaper published in Surry County, and the returns thereof shall be made to the board of county commissioners at their first meeting after the said election, and the returns shall be recorded and the result declared by the said board. If a majority of the qualified voters vote "For Good Roads," then the board of county commissioners shall issue coupon bonds to the amount voted, at the rate of interest and to run for a period specified in the said petition, and the bonds shall upon their face indicate on account of what township they are issued. 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 Surry County. That the said bonds, when so issued, shall be delivered by the chairman of the board of commissioners to the board of road trustees of the said township as herein provided for: *Provided*, no election shall be held under this act except between the first and seventh days of May in any year.

SEC. 3. In the event that a majority of the qualified voters in any one or more of said townships shall vote for good roads at said election and the result shall be declared and recorded as aforesaid, that then the board of justices of the peace in the township or townships so voting shall meet at their usual meeting place in said township on the second Saturday after said election and shall elect a board of road trustees, which shall be composed of three freeholders and residents of the said township, and that the said trustees so elected shall hold their office until the first Saturday in February thereafter and until their successors are

Election to be ordered.

Form of ballots.

Registration.

New registration may be ordered.

Notice of election.

Returns.

Bonds to be issued if voted.

How bonds attested.

Road trustees.

Term of office.

	<p>elected and qualified. That at the regular meeting of the board of justices of the peace of the said township held on the first Saturday in February after said election that the said board of justices of the peace shall elect a board of road trustees composed as aforesaid. That the term of the first road trustee elected shall be for three years, the second for two years and the third for one year. One successor of one road trustee shall be elected at each annual meeting on the first Saturday in February for a term of three years. They are hereby incorporated and shall be known by the name of the Board of Road Trustees of Township, and by such name shall be capable of suing and being sued: <i>Provided</i>, if any vacancy shall occur in the board of road trustees of any township it shall be filled by the remaining trustee or trustees to fill out the unexpired term.</p>
Road trustees incorporated.	
Proviso: vacancies.	
Organization.	<p>SEC. 4. That the board of trustees, as soon as practicable after their election, shall hold a meeting at a place to be agreed upon by them in the said township and elect one of their number chairman and one secretary and treasurer. That before entering upon the duties of their office as trustees they shall make and execute in the presence of the Clerk of the Superior Court of Surry County a joint and several bond, payable to the county of Surry, in the sum of not less than twenty-five thousand dollars, conditioned for the faithful performance of all the duties imposed.</p>
Bond.	
Trustees to receive and sell bonds.	<p>SEC. 5. That the said trustees shall receive from the chairman of the board of county commissioners the bonds issued as hereinbefore provided for, and proceed to sell the same: <i>Provided</i>, that the same shall not be sold for less than par: <i>Provided further</i>, that the said bonds shall be issued and sold only as the funds are needed in the township for the purpose indicated therein: <i>Provided further</i>, elections may be ordered and held, upon petition under the provisions of this act, every twelve months in the township until the full amount of the bonds authorized by this act shall have been issued for such township.</p>
Proviso: not to be sold below par.	
Proviso: bonds sold only as funds are needed.	
Proviso: further elections.	
Record of bonds.	<p>SEC. 6. That the said trustees shall keep a record book in which shall be recorded the bonds and the coupons sold, the person to whom sold, the amount, the date of the sale and the maturity of each bond and its number.</p>
Record of proceedings.	<p>SEC. 7. That the said trustees shall keep a record of all their proceedings, and they are hereby authorized to use so much of the funds coming into their hands as may be necessary to purchase such books, envelopes, checks, receipts, stamps and vouchers as shall be necessary for the proper administration of their office, and they shall make semi-annual reports to the said board of justices of the peace of the said township at regular meetings to be held on the first Saturday in February and the first Saturday in August of each year. That the said trustees shall be allowed for their services in this behalf the same commissions as are allowed the Treasurer of Surry County.</p>
Semi-annual reports.	
Pay of trustees.	

SEC. 8. That in case the result of the said election shall be in favor of issuing bonds as aforesaid for any township, the said Board of Commissioners of Surry County shall levy annually on the first Monday in June a special road tax for the said township or townships so voting to pay the interest on said bonds, and shall also levy a sufficient tax to create a sinking fund to provide for the payment of the said bonds at maturity, observing the constitutional equation between property and polls. Such taxes shall be collected annually and under the same laws and regulations and by the same officer as shall be in force for levying and collecting other county taxes. That the levy shall at no time exceed thirty-three and one-third per cent. on the property and one dollar on the poll.

Special tax for bonds and sinking fund.

SEC. 9. That the said trustees shall use the funds derived from the sale of the said bonds for the purpose of laying out, establishing, altering, repairing, grading, macadamizing and in any way improving the public roads and streets in the township or townships so voting the tax, and for purchasing machinery and tools, etc., necessary for such improvements. The power and authority for said work is vested solely in the trustees: *Provided*, that the public roads and streets in any incorporated city or town in any township issuing bonds under this act shall be established, altered or repaired with the approval of the authorities of such city or town: *Provided*, that only one-half of the taxes levied and collected on the property and polls and other subjects of taxation in any town in any township voting issuing of bonds shall be used on the streets in the said town. The remaining one-half of the taxes so levied and collected and all taxes levied and collected on property, polls and other subjects of taxation outside of the said town shall be used in establishing, altering, repairing, grading, macadamizing, maintaining and in any way improving the public roads outside of the corporate limits of the said town.

How funds to be used.

Power vested solely in trustees. *Proviso*: streets of towns.

SEC. 10. That the said trustees, for the purpose of accomplishing the said work, shall have the power and authority to establish and maintain a chain-gang and work persons convicted of crime and sentenced by the court to terms of penal servitude on said public roads, and they may purchase such tools, machinery, appliances, material and all other things that they shall deem necessary for the purpose of working convicts or hired labor on the public roads in the township.

Chain-gang.

SEC. 11. That all justices of the peace and mayors of the town or towns in said township who may convict persons of crime in said county, and for offenses of which said justices of the peace and mayors may have jurisdiction to inflict punishment, may, when they impose punishment by sentence of imprisonment for any such offenses against the law, sentence said convicted persons to work on the said public roads in the said township for such terms of imprisonment as they may adjudge. That the said con-

Justices and mayor may sentence to road work.

victed person or persons shall work on the said roads as herein provided or until they may be discharged according to law.

Description of roads.

SEC. 12. That the road-beds in the said township or townships constructed, prepared or worked under this act shall not be less than twenty nor more than ninety feet wide, at least twelve feet of which shall be macadamized as soon as expedient, and the whole of each shall be made as straight as practicable and shall be graded, and that the said trustees are hereby expressly empowered to employ a competent engineer to properly survey and locate the improvements in the said streets or roads or in opening new streets and highways.

Engineer.

Right of entry on lands.

SEC. 13. That for the purposes of laying out, opening up, constructing or working any public road or street herein provided for, the said trustees, their agents and employees 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 to use stone, earth, timber or any necessary material contiguous to the said road, doing as little injury as possible to the premises for opening, constructing and working the said roads; and the said trustees shall have the authority to agree with the owners thereof for damages thereto, and the sums so agreed upon shall be paid as in the case of other payments. In the event there should be a failure to agree upon the said damages, 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 the said damages, which shall be paid as hereinbefore provided: *Provided*, if the claimant shall refuse to appoint an arbitrator the Clerk of the Superior Court of Surry County shall appoint a resident freeholder of said township, who shall act for and in behalf of the said claimant. Said arbitrators shall make their award in writing and deliver the same to the said trustees, and from this award either party may appeal to the Superior Court of Surry County. The party appealing, within ten days shall give notice to the opposing party of his appeal, and all the papers shall be forwarded to the Clerk of the Superior Court of Surry County and the appeal docketed as in other cases of appeal to be tried by a jury.

Procedure for settling damages.

Appeal.

Road tax worked out.

SEC. 14. That any person who shall be owing any road tax as herein provided for may, on application to the said trustees, be allowed to work out said tax on terms prescribed by the said trustees and receive an order from the said trustees to that effect, directed to the tax collector, who shall receive the same and give credit therefor on the said road tax; and the said trustees, in their settlements with the tax collector, shall receive and allow credit for the same, and in the collection of the said special road tax it shall be the duty of the tax collector to collect and pay over the said tax directly to the trustees herein at the same time and in as full and

ample manner as is required by the general law of the State in paying the county taxes to the treasurer.

SEC. 15. 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, when properly verified. Incidental expenses.

SEC. 16. That when the duties herein imposed by the said trustees shall be fully discharged they shall make a final settlement with the board of justices of the peace of the said township. Final settlement.

SEC. 17. That the said bonds and coupons signed and sold as aforesaid shall be styled "Road Bonds for Township," and the said township so issuing the same shall be liable for the payment thereof, with all interest thereon, and if any holder of said bonds or coupons shall bring suit on account of the same the said action shall be against the Board of Commissioners of Surry County and the trustees of the said township in their corporate name; and if any holder of said bonds shall recover judgment of the said board of county commissioners, that township issuing said bonds shall be liable for any recovery or judgment so obtained; and levies of taxes for the payment of the 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 the property and polls and subjects of taxation within the territorial limits of the said township as constituted at the date of issuing the said bonds, and the 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 the said bonds were issued by them for the whole of the county of Surry. Entitlement of bonds.
How action brought.
Effect of judgment.

SEC. 18. That all of the public roads in the township voting bonds shall be and remain under the authority of the justices of the peace in the said township as provided by the general law, and shall be worked and maintained in the same way until control is assumed and taken by the board of road trustees as herein provided: *Provided*, that no new roads shall be established in the said township except by the authority of the board of road trustees as provided for. Roads under authority of justices.
Proviso: no new roads but by trustees.

SEC. 19. That all laws and clauses of laws in conflict with this act are hereby repealed. Conflicting laws repealed.

SEC. 20. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 28th day of February, A. D. 1905.

CHAPTER 616.

AN ACT TO SUBMIT TO THE QUALIFIED VOTERS OF BUNCOMBE COUNTY THE QUESTION OF ISSUING BONDS FOR MACADAMIZING THE PUBLIC ROADS OF SAID COUNTY, AND TO CREATE A HIGHWAY COMMISSION THEREIN.

The General Assembly of North Carolina do enact:

Election on petition of Good Roads Association.

SECTION 1. That the Board of County Commissioners of Buncombe County, upon the written request of the Good Roads Association of Asheville and Buncombe County, made at any time within two years after the passage of this act, are hereby authorized and empowered to submit to the qualified voters of Buncombe County, at an election to be held on a date to be fixed by said board not later than ninety days after the filing of such request, the question as to whether or not the county of Buncombe shall issue bonds in a sum not to exceed two hundred and fifty thousand dollars, the proceeds of which shall be used as hereinafter set forth for the purpose of making, grading, repairing, improving and macadamizing the public roads of said county. The Board of Commissioners of Buncombe County shall, for at least thirty days preceding the date of said election, give public notice of such election, together with the purposes thereof, by publication in at least two newspapers published in said county.

Amount.

Notice of election.

Election under general law.

SEC. 2. That said election shall be held under the provisions of chapter two hundred and forty-three, Public Laws of one thousand nine hundred and one. All persons qualified to vote for members of the General Assembly shall be permitted to vote at said election, and said election shall be held and the votes cast thereat canvassed and returned under the rules and regulations now prescribed or such as may hereafter be prescribed for the election of members of the General Assembly and other officers in said county.

County canvassers.

The board of county canvassers, to be appointed as required under the law for general elections, shall meet at the court-house in said county on the second day after said election and canvass the vote and declare the result of said election, and the result of said election shall be recorded by the Register of Deeds of Buncombe County in the minutes of the proceedings of the board of county commissioners, and no other record or declaration of said result shall be necessary. For the purpose of said election there shall be an entirely new registration of the voters of said Buncombe County made in the manner prescribed by the statutes in such cases made and provided.

Result recorded.

New registration required.

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 the words "For Good Roads Bond Issue," or the words "Against Good Roads Bond Issue," and all qualified electors who favor the issue of said

bonds shall cast ballots having written or printed thereon the words "For Good Roads Bond Issue," and all qualified electors opposed to the issue of said bonds shall cast ballots having written or printed thereon the words "Against Good Roads Bond Issue."

SEC. 4. That should a majority of the qualified electors in said county cast ballots having written or printed thereon the words "For Good Roads Bond Issue," as above described, the said Board of County Commissioners of said Buncombe County are hereby authorized and empowered to issue bonds of said Buncombe County in an amount not exceeding the said sum of two hundred and fifty thousand dollars, to be in denominations of one thousand dollars or five hundred dollars each, and shall bear interest at a rate not exceeding five per cent. per annum, which shall be evidenced by interest coupons attached, payable semi-annually during the time said bonds shall run, and the principal and interest of said bonds shall be payable at such place as the board of commissioners of said county may determine. All of said bonds shall bear the same date, and when prepared and executed by the said board of county commissioners under the seal of said county they shall be turned over to the highway commission hereinafter created, to be by them sold in blocks of fifty thousand dollars, at a rate not less than par and accrued interest, as the money is needed, and each block of said bonds shall be designated as a separate series, as follows: Series A, Series B, Series C, Series D and Series E. Series A shall become due twenty years from date, Series B and C twenty-five years from date, and Series D and E thirty years from date.

Bond issue authorized.

Amount.

Description of bonds.

Bonds to bear same date.

To be sold by Highway Commission—not below par.

Series A to run twenty years.
Series B and C to run twenty-five years.
Series D and E to run thirty years.
Special tax.

SEC. 5. That should a majority of the qualified voters of said county vote in favor of issuing said bonds, and the said bonds be issued hereunder, the Board of Commissioners of Buncombe County shall levy annually on the first Monday in June, beginning with the first Monday in June after the issuing of said bonds and until the first Monday in June, one thousand nine hundred and twenty, a special tax of not exceeding twenty cents on the one hundred dollars worth of property and not exceeding sixty cents on the poll on all subjects of taxation in said county; and from and after the first Monday in June, one thousand nine hundred and twenty, they shall levy and collect a sufficient tax, not exceeding thirty cents on the one hundred dollars valuation of property in said county and not exceeding ninety cents on each poll in said county, for the purpose of paying the principal and interest of said bonds as the same shall become due and payable. The taxes so levied shall be levied and collected as other taxes are levied and collected in said county, and the same shall be and constitute a separate fund, to be applied, first, to the payment of the interest on said bonds; second, as said bonds mature, to the payment of the principal thereof; third, ten per cent. of the taxes so collected, or so much thereof as may be necessary, shall be turned over to

Levied and collected as other taxes.

Application of tax.

the treasurer of the city of Asheville, to be used by the board of aldermen in said city in maintaining and repairing the four leading thoroughfares of said city, as follows: North Main Street from the public square to the city limits as now or hereafter fixed; South Main Street from the public square to the city limits as now or hereafter fixed; Patton Avenue from the public square to the French Broad River; and College Street from the public square to Beaucatcher Gap; fourth, the balance of the fund annually arising from such taxes to be used to repair and improve the public roads of Buncombe County under the provisions of the general road law of said Buncombe County.

Highway Commission.

Terms of commissioners.

Term of successors.

Elected by county commissioners upon nomination of Good Roads Association.

Continuance of commission.

Compensation.

Members to be sworn.

Organization.

Record kept and filed.

Treasurer ex officio.

Separate bond.

SEC. 6. That should said election be favorable to the issuing of said bonds, the persons hereinafter named and their successors in office shall be and constitute a highway commission in said Buncombe County to be known as the "Highway Commission of Buncombe County," which commission shall consist of five members as hereinafter named, and the first named shall hold his office for one year from the date of said election; the second and third, two years from the date of said election, and the fourth and fifth, three years from the date of said election, and their successors shall each hold office for the term of three years and shall be elected by the Board of Commissioners of Buncombe County upon the nomination of the Good Roads Association of Asheville and Buncombe County. Any vacancy occurring in said commission shall be filled in like manner. The said highway commission shall continue in office until all of the roads hereinafter named shall have been improved or until the proceeds derived from the sale of said bonds shall have been used, and shall receive as compensation for their services each the sum of two dollars per day and all necessary expenses for the time actually employed by them in attending to the duties imposed upon them by this act. Each member of said highway commission shall be sworn before entering upon the duties of his office to perform said duties well and truly, according to the best of his knowledge skill and ability. One member of said commission shall be by them chosen as chairman and one shall be secretary, and they shall keep a record of all their acts and proceedings, which shall be filed in the office of the register of deeds as public records. The Treasurer of Buncombe County shall be *ex officio* treasurer of said highway commission, and the funds derived from the sale of said bonds shall be turned over to him and paid out by him on the order of said highway commission, signed by its chairman and attested by its secretary. The said treasurer shall give a separate bond for the faithful performance of his duties as treasurer of said highway commission, which bonds shall be payable to the State of North Carolina and be executed in such sum and with such security as said highway commission shall deem proper, and to be renewed from time to time and at least once in every year. The cost of said bond shall

be paid by the highway commission. No member of said commission shall be interested in any contract made by said commission, and any violation of this provision shall be a misdemeanor, punishable by fine or imprisonment, or both, in the discretion of the court. The accounts of the said highway commission shall be inspected and audited by said board of county commissioners as often as the latter shall deem proper and at least once in every six months.

No member of commission to be interested in contracts.
Misdemeanor; punishment.
Accounts inspected and audited.

SEC. 7. Said highway commission shall have complete and full charge and control of the locating, making, building, repairing and improving of the highways of Buncombe County to be repaired and made under this act, and shall employ a competent engineer or engineers, who shall superintend the laying off, building and repairing of said roads and who shall receive such compensation as may be determined by said highway commission.

Highway Commission to have full charge of roads.

May employ engineer.

SEC. 8. That the roads to be made, improved and macadamized by said highway commission shall be as follows:

Roads to be improved.

First. The road leading from Asheville to Democrat, the road leading from Asheville to Leicester and at least two miles beyond Leicester in the direction of Sandy Mush Township, the road leading from Asheville to Candler, the road leading from Gorman's Bridge to Alexander, the road leading from Inanda to Leadbetter's Store, the road leading from Biltmore to Arden, the road leading from Biltmore to Fair View, the road leading from Beaucatcher Gap to Black Mountain Station, the road leading from Asheville to and up Beaverdam Creek to the forks of the road at Justice's corner near the old Stradley place, the road leading from Grace Post-office following down Beaverdam Creek to its intersection with the Burnsville road. In constructing and improving the beforementioned roads care shall be taken by said highway commission to proceed without preference to one road over another so far as that is practicable.

First.

No road to have preference.

Second. Such other roads after the completion of the above-mentioned roads as the highway commission may determine, provided there be sufficient funds on hand from the proceeds of such bonds for that purpose. All roads when finished by said highway commission shall be by them turned over to the board of county commissioners of said county, who shall thereafter take charge and control of the same under the general road law of said county.

Second.

Roads when finished turned over to county commissioners.

SEC. 9. Said highway commission shall provide proper specifications, in accordance with the provisions of this act, for the building and repairing of the roads hereinbefore mentioned, and shall, after due advertisement for bids, let contracts for the doing of the same to the lowest responsible bidder or bidders, requiring in every instance from the contractor or contractors a bond with good and sufficient security that the work contracted for shall be done according to the specifications and to the satisfaction of said highway commission, and providing for the payment of all dam-

Roads let to contract.

Contractors to give bond.

All bids may be rejected.	ages that may be caused by any such contractor or contractors to private or public property. Said highway commission shall, however, be permitted to reject any and all bids so submitted for said
Powers of Commission if contract not let.	work or any part of it, and in the event that they are unable to have the work done by contract at satisfactory prices said commission shall have the power of doing the same itself, and for that purpose is authorized to hire all necessary labor, purchase all necessary machinery, tools and implements and generally to do and perform all acts and things necessary or requisite to be done in order to carry out the purposes of this act.
Specifications for roads.	SEC. 10. That the roads of said county constructed and improved under this act shall not be less than ten nor more than twenty feet wide, at least eight feet of which shall be macadamized with three layers of stone, each layer to be thoroughly sprinkled and rolled and packed by a steam roller weighing not less than fifteen tons. All such roads shall be laid off as straight as practicable and graded so that at no place or places thereon shall the grade exceed eight per cent.
Power of entrance on lands.	SEC. 11. That in opening new highways, widening and straightening and repairing old roads the said highway commission and their agents are hereby authorized to enter upon any lands and locate said roads, and if the commission and the owner or owners of such land cannot agree as to the damage that may be done said owners by the locating and building of said roads, if any, said highway commission shall, after giving ten days' notice in writing to said owner or owners of their intention so to do, cause the sheriff of Buncombe County to summon five freeholders not connected by affinity or consanguinity with any of the owners of said lands, who shall go upon the land and assess the damages and benefits that will accrue to the same by reason of said improvement and shall report their decision in writing to said highway commission, who shall, on the fifth day after the filing of said report, accept or reject the same as they may deem proper, and the said highway commission or any person interested in the land so taken shall have the right within ten days thereafter to appeal from the finding of such jury and the action of said highway commission to the next succeeding term of the Superior Court of Buncombe County, when the matter in dispute shall be tried as in civil actions. If said highway commission shall reject said report of the jury, it may send another jury thereon as often as it sees proper or it may abandon such improvement or such part thereof as affects the lands of said owners as it may deem best. In the event the said highway commission shall accept the report of such jury, it shall, upon depositing the amount of such damages so awarded with the Clerk of the Superior Court of Buncombe County have the right to proceed with the building, repairing or improving of such roads or part thereof affecting the land of such owner without waiting for the final determination of the proceedings,
Procedure for settling damages.	
Appeal.	
If Commission reject report.	
Commission to proceed on deposit of award.	

and any and all damages assessed by any jury shall be paid by the highway commission out of the funds arising from the sale of the bonds mentioned in this act and all costs of such proceeding up to and including the action of the highway commission thereon, provided the commission has funds on hand sufficient for that purpose, otherwise by the county of Buncombe; but if any party appealing from the action of said highway commission shall fail to recover more damage upon his appeal than was allowed him by the jury he shall pay the costs of such proceeding accruing after the action of said highway commission thereon, and all proceedings for such condemnation shall be conducted under the same rules and regulations as are prescribed by the general road law of said county, except as in the section otherwise set forth. No benefits shall be assessed or allowed in excess of the damages assessed on any particular piece of road, and all benefits shall be a lien on the property against which same are assessed, and collected in the same manner as taxes, and the proceeds applied to the payment of the damages so far as such benefits may extend.

Sec. 12. That whenever in the progress of the work on any of the roads provided to be laid out, constructed or improved under this act it shall become necessary to repair, rebuild or construct any bridge or bridges the said highway commission shall notify the Board of County Commissioners of Buncombe County of such fact, and it shall then be the latter's duty to repair, rebuild or construct any and all such bridges according to plans and specifications to be furnished by said highway commission under the provisions of the general laws in regard to the construction and maintenance of bridges. In order to protect against damages to the bridges of the county by contractors working under the provisions of this act, it shall be stipulated in every of their contracts that the contractor or contractors shall be responsible for any and all damages caused by them to any bridge by the transportation of machinery thereover, or otherwise, and the bonds provided for in section nine shall be so drawn as to include all such damages.

Sec. 13. That should the majority of the qualified voters of the said county vote in favor of the bond issue provided for in this act, the passage of this act shall not repeal the road law in force applicable to the general working of public roads in said county: *And provided, however*, that should the majority of the qualified voters of said county vote in favor of said bond issue and the bonds are issued and sold, then the Board of Commissioners of Buncombe County shall not levy the tax authorized by section two, chapter four hundred and eleven of the Public Laws of one thousand nine hundred and three: *And provided further*, that should this act be ratified and the bonds be issued as aforesaid, then and in that event section four of said chapter four hundred and eleven of the Public Laws of one thousand nine hundred and three relative to free labor shall be and the same is hereby repealed.

No benefit allowed in excess of damage.

County commissioners to construct and repair bridges.

Plans to be furnished by Highway Commission.

Contractors liable for damage to bridges.

Present road law not repealed.

Proviso: former tax to cease.

Proviso: personal road service to be repealed.

Highway Commission named.

SEC. 14. The following are hereby appointed the members of the said highway commission, viz.: Sidney J. Ashworth, for one year; James Henry Sams, for two years; F. W. W. Graham, for two years; Charles N. Parker, for three years; E. C. Chambers, for three years.

Conflicting laws repealed.

SEC. 15. That all laws and parts of laws in conflict with the provisions of this act 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 1st day of March, A. D. 1905.

CHAPTER 617.

AN ACT TO CREATE AND ESTABLISH PLEASANT HILL TOWNSHIP IN THE COUNTY OF NORTHAMPTON, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

New township created.

SECTION 1. That from portions of Seaboard and Gaston Townships in Northampton County a new township, to be called Pleasant Hill Township, be and the same is hereby created and established.

Boundaries.

SEC. 2. That the territory and boundaries of said Pleasant Hill Township shall be as follows: Beginning at the Virginia State line at the point at which the Moore's Ferry public road enters said State of Virginia and running thence about three and one-half miles to Lebanon Church, thence about six miles to a neighborhood pathway near Elam Church and a little west of the residence of W. H. Edwards, thence nearly a northerly course by Conwell's Mill (embracing said Conwell's mill-pond and mill in said new township of Pleasant Hill) and on across the Murfreesboro road to the said Virginia State line, and thence along said Virginia State line to the beginning.

Conflicting laws repealed.

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

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

In the General Assembly read three times, and ratified this 1st day of March, A. D. 1905.

CHAPTER 618.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF A COURT
STENOGRAPHER FOR PITT COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be the duty of the Clerk of the Superior Court of Pitt County, as soon after the ratification of this act as practicable, to appoint a court stenographer for Pitt County, who shall be an officer of the court, and he shall attend all the regular and special terms of the superior court for said county. Clerk of superior court to appoint stenographer.

SEC. 2. No person shall be appointed to the position of official stenographer for the courts of said county without first being examined as to his or her competency by at least three members of the bar practicing in said court, such members to be designated by the clerk of said court. The committee of members of the bar so designated shall, upon the request of the clerk of said court, examine any person as to his qualifications whom the said clerk may wish to appoint as official stenographer, and no person shall be appointed to said position upon whose qualifications such committee shall not have reported favorably. The party examined must write, in the presence of said committee, at the rate of at least one hundred words per minute for five consecutive minutes upon matter not previously written or known by him. If he pass such examination satisfactorily the committee shall furnish him with a written certificate of the fact, signed by a majority of the members of the committee, a copy of which certificate shall be filed among the records of the clerk of said county. Stenographer to be examined.

Qualifications.

Certificate.

SEC. 3. Before entering upon the duties of said office such stenographer shall take and subscribe an oath to faithfully, correctly, honestly and conscientiously discharge his duties as official court stenographer as defined by this act. Stenographer to be sworn.

SEC. 4. Such official stenographer shall take full stenographic notes in every contested case tried or heard during any term of said superior court, unless otherwise agreed by counsel on both sides, of all the oral testimony, the admissions made by either side, the objections to the introduction of testimony, the rulings of the court thereon, and the exceptions taken thereto, all motions and matters heard and passed upon by the court arising upon matters controverted by parties, the charges of the court to the jury, shall make a note of all documentary evidence introduced by either party and such other proceedings as the court may direct. Such stenographic notes shall be typewritten and filed with the clerk of said court and shall become a part of the records of the court. Said official stenographer shall furnish a typewritten copy of his stenographic notes of the evidence to the court and to counsel for each side in all cases when practicable or when directed by the court. Duties of stenographer.

Record in cases
of appeal.

SEC. 5. In all cases of appeal to the supreme court the official stenographer shall, as soon as practicable, and within five days after the adjournment of the court, unless further time be granted, furnish one copy to the counsel for each party of the entire record of the case as taken by him or her.

Substitute
stenographer.

SEC. 6. In case of the unavoidable absence of the official stenographer, the clerk of said court shall appoint some competent stenographer in place of the official stenographer, who shall have the same duties and receive the same compensation as the official stenographer for the time the official stenographer is absent.

Substitute sworn.

Such person so appointed shall take and subscribe the oath prescribed for the official stenographer before entering upon the discharge of his duties.

Term of office.

SEC. 7. The official stenographer shall hold office for two years unless removed by the clerk of said court for cause, and in case of a vacancy from any cause the clerk shall proceed to fill the vacancy as provided for the appointment of the official stenographer.

Pay of stenog-
rapher.

SEC. 8. For the purpose of providing a fund for the payment of said official stenographer there shall be taxed by the clerk of the court a fee of two dollars and fifty cents as a part of the costs in all civil cases where the services of the stenographer are required, in which any decree or judgment is signed or in which issue is joined, and in all criminal actions there shall be taxed as a part of the costs a fee of one dollar, except that in capital felonies the fee shall be two dollars and fifty cents: *Provided*, that in all criminal cases in which no jury is empaneled no fee shall be taxed: *And provided further*, that the fees taxed in criminal cases against the county shall be paid in full by the county, except that in cases where the State shall fail to convict only half fees shall be paid. The fees so taxed as a part of the costs as herein provided shall be paid to said official stenographer in the manner provided for the payment of costs in other cases.

Proviso: no fee
unless jury
empaneled.

Proviso: half fees
on failure to
convict.

Certified copy of
typewritten notes
evidence.

SEC. 9. Whenever it becomes necessary in any court in the State to prove the testimony of a witness at the trial of any former case tried in Pitt County the certified typewritten copy of the notes of such testimony taken by the official stenographer at the court where said witness testified shall be evidence to prove the same.

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 1st day of March, A. D. 1905.

CHAPTER 619.

AN ACT TO ADD TO THE LIMITS OF THE PRESENT STOCK
LAW TERRITORY IN PITT COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred and eighty-six of the Public Laws of one thousand nine hundred and one be amended so as to include within the territory embraced in section one of said act the following, to-wit: "Beginning at the stock law fence in Sam Barney's upper line; thence a straight line across Swift Creek to Arch Cox's upper line; thence with said line to the public road above Arch Cox's house; thence with south side of said road to Willis Cox's upper line; thence around Willis Cox's field and W. S. Roache's field back to the public road; thence with north side of said road to Moore's Cross Roads; thence with north side of new road to Matthew Kittrell's line; thence with Kittrell's fence to J. W. Kirkman's fence; thence with said Kirkman's fence to J. W. Cannon's line; thence with said Cannon's fence around his farm to the Murphy Hole in Swift Creek; thence from said hole across Swift Creek back to the stock law fence as now located."

Boundaries of
additional ter-
ritory.

SEC. 2. That in order to determine the wishes of the qualified voters residing within the territory thus added to the stock law territory already in existence in Pitt County the Board of Commissioners of Pitt County shall, on the first Monday in April, one thousand nine hundred and five, order an election to be held in said territory at Berney's Cross Roads on the second Tuesday in May, one thousand nine hundred and five. At the same meeting of the said board they shall appoint one registrar and two judges of election, and it shall be the duty of the said registrar to open a book of registration at least fifteen days before said election and the same shall be kept open until sunset of the day before the election, and only such persons as reside in the territory added by section one of this act and otherwise duly qualified to vote under the laws of North Carolina shall be entitled to register and vote. Said election shall be held and conducted in the same manner as provided by law for general elections in North Carolina.

Election on
extension.

Election officers.

Qualification for
voters.

SEC. 3. That all persons who are entitled to vote at said election and favoring the addition of the territory shall vote a written or printed ticket with the words "For Stock Law," and those opposing shall vote a written or printed ticket with the words "Against Stock Law." After the polls shall have been closed the said registrar and judges shall make out a report of the result of the said election and return the same to the clerk of the county commissioners on Thursday following the election, and the said clerk shall hold the said report until the regular meeting of the board of commissioners in June, one thousand nine hundred and five, when the said board shall open the said returns and declare and publish the result of the election.

Form of ballots.

Returns.

Effect of election.

SEC. 4. That if a majority of the votes cast at said election shall be against the establishing of such stock law territory, then the same shall not be established and this act shall be of no force and effect; but if a majority of the votes cast at said election shall be in favor of establishing such stock law territory, then the said territory shall be established and added to and consolidated with the stock law territory created by chapter three hundred and eighty-six of the Public laws of one thousand nine hundred and one, and on and after the first day of January, one thousand nine hundred and six, shall be subject to all the provisions contained in said chapter.

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

In the General Assembly read three times, and ratified this 1st day of March, A. D. 1905.

CHAPTER 620.

AN ACT TO PROVIDE FOR HOLDING AN ELECTION IN THE TOWN OF AYDEN, PITT COUNTY, NORTH CAROLINA, ON THE DISPENSARY QUESTION.

The General Assembly of North Carolina do enact:

Election ordered.

SECTION 1. That in order to determine whether or not dispensaries for the sale of liquors shall be established in the town of Ayden, Pitt County, immediately after the ratification of this act, or in five days after the filing of a duly certified copy of the same by any citizen of the town as evidence of its ratification before the governing body of the town, or before any of them, it shall be the duty of the said governing body to immediately call a meeting of the same, and it shall be hereby made the duty of the said governing body of the said town of Ayden to order an election to be held in the said town, in which shall be submitted to the voters of the town the question of dispensary or no dispensary.

Notice of election.
Registrars and judges.

SEC. 2. Said governing body shall give not exceeding fifteen days' notice of the said election and shall appoint a register and two judges of election, who shall conduct the said election, except as hereafter and herein provided, according to the rules and regulations provided by law for the holding of municipal elections in the town of Ayden, Pitt County.

Registration.

SEC. 3. That the said register provided for in section two shall immediately upon the call of the election, or the day thereafter, open the registration book of the town for the registration of any voters not already registered or who have become qualified since the last municipal election held in said town of Ayden, and he shall keep said books open until sundown of the day preceding the

election, but no voter (unless he had been disqualified for some cause) whose name appears upon the registration book of the town as a qualified voter shall be required to register anew.

SEC. 4. That on the day as above provided for the said register Form of ballots. and judges of election shall hold the election, and those favoring a dispensary shall vote a ticket, written or printed, or partly written or printed, in which shall appear the words "For Dispensary," and those opposed shall vote a ticket on which shall appear the words "Against Dispensary." Such ticket shall be without device.

SEC. 5. That if a majority of the votes cast in said election shall be "Against Dispensary," then it shall be unlawful to establish any dispensary in said town of Ayden. Dispensary not established if majority against.

SEC. 6. That if a majority of the votes cast in said election shall be "For Dispensary," then a dispensary shall be established in the said town of Ayden, under such rules and regulations and with such officers and employees as provided for and prescribed in the following sections of this act. Dispensary established.

SEC. 7. That it shall be unlawful for any person, firm or corporation to sell, barter or exchange or deal in spirituous, vinous or malt or intoxicating liquors of any kind in the town of Ayden, Pitt County, North Carolina, except as hereinbefore provided. Prohibition.

SEC. 8. That any one violating the provisions of section seven Misdemeanor. (7), or any of them, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned in the discretion of the court. Punishment.

SEC. 9. That Dr. L. C. Skinner, J. J. Hines, W. B. Quinerly be Commissioners. and they are hereby appointed a dispensary board of commissioners for the said town of Ayden, whose terms of office shall begin on the first day of April, one thousand nine hundred and five, and continue as follows, to-wit, the term of the first shall continue one year, of the second two years, of the third three years; and their successors in office as their terms shall expire shall be Successors. elected by the Board of Commissioners of the town of Ayden at their first regular meeting in March, one thousand nine hundred and six, and every year thereafter, as the terms of the said dispensary commissioners may expire, whether appointed by this section or elected by the Board of Commissioners of the town of Ayden.

SEC. 10. That any vacancy occurring by death, removal, or resignation, or otherwise, in the board of said dispensary commission shall be filled by the commissioners of the town of Ayden. Vacancies.

SEC. 11. The said dispensary commission, before entering upon their duties of office, shall make oath that they will well and truly carry out all the provisions of this act; and if it shall be made to appear that any of the said dispensary commissioners has violated his oath or been guilty of a malfeasance he shall be removed from office by the judge of the superior court of the judicial district in which Pitt County is situated or the judge holding the courts of Commissioners to qualify. Penalty for violation of oath or malfeasance.

the same, and may be, upon conviction, fined or imprisoned in the discretion of the court, it being the intent of this section to make any violation of their oath by the said commissioners or any of them, or any malfeasance in office, a misdemeanor.

- Organization.** SEC. 12. That the said board shall elect one of its members as chairman and one as treasurer, and the treasurer, before entering upon his duties, shall give bond in the sum of one thousand dollars (\$1,000), payable to the State of North Carolina, for the faithful performance of his duties as treasurer of said dispensary board.
- Bond of treasurer.**
- Date of opening.** SEC. 13. That on the first day of April, one thousand nine hundred and five, or as soon thereafter as possible, the said dispensary board shall establish one dispensary on one of the principal streets in the town of Ayden for the sale of spirituous, vinous and malt liquors, and shall elect and place in charge of the said dispensary one manager and other assistant managers if deemed necessary, and they may require of said managers or assistants a bond in any amount deemed necessary.
- Manager and assistants. Bond.**
- Commissioners to purchase liquors and supplies.** SEC. 14. That the said board of dispensary commissioners shall purchase all of the liquors and other supplies necessary and proper for said dispensary.
- Board to prescribe rules.** SEC. 15. That the said dispensary board shall make all rules and regulations for the government of said dispensary not in conflict with other provisions of this act and the law of the State.
- Sales forbidden.** SEC. 16. That no liquor of any kind shall be sold in said dispensary on Sundays or election days or before sunrise or after sunset of any day.
- Amounts.** SEC. 17. That no liquor shall be sold in said dispensary except in unbroken packages or bottles, which shall contain not less than one-half pint and not more than one quart; and it shall be unlawful for any manager or assistant or any other person to open any such bottle or package on the premises, and any one violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction fined or imprisoned in the discretion of the court.
- Packages not to be opened on premises.**
- Misdemeanor; penalty.** SEC. 18. 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.
- Attorneys, agents and detectives.**
- Chemists.**
- General power.**
- Sales for cash.** SEC. 19. That said manager or managers shall sell only for cash, and shall turn all moneys received by him to the treasurer of the dispensary board, who shall turn over the same on the first day of each week, less the expenses, to the treasurer of the town of Ayden, and one-third of all profits arising from the management of said dispensary shall go to the use of the town of Ayden and one-third shall be turned into the school fund of Pitt County
- Weekly settlements.**
- Division of profits.**

(for the sole and exclusive use of the schools in the Ayden local tax district known as the Ayden graded schools) and one-third to the general county fund.

SEC. 20. That nothing in this act shall be construed as preventing the commissioners of the town of Ayden from passing all such ordinances as they may deem necessary for the proper management of said dispensary and enforcing the laws of the town. Powers of town commissioners reserved.

SEC. 21. That chapter four hundred and sixty-six, Public Laws of one thousand nine hundred and three, be amended so as to exclude the corporation of the town of Ayden from the limits and provisions of said act. Ayden excepted from prohibition territory.

SEC. 22. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed. Conflicting laws repealed.

SEC. 23. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this 1st day of March, A. D. 1905.

CHAPTER 621.

AN ACT TO PLACE CERTAIN TERRITORY IN CHATHAM COUNTY UNDER THE STOCK LAW.

The General Assembly of North Carolina do enact:

SECTION 1. That from and after the first day of April, one thousand nine hundred and five (1905), no person shall allow his or her live stock to run at large within the territory hereinafter described, and the provisions of the "stock law" as set forth in chapter twenty (20), volume two (2) of The Code of North Carolina, and the amendments thereto, are hereby declared to be in full force and effect in said territory from and after said date. In effect 1st April.

SEC. 2. That the boundaries of said territory to be embraced in said stock law shall be as follows: Beginning on Deep River at the mouth of Pretty Creek, near Endor in Chatham County; running thence up Deep River to the mouth of Pocket Creek; thence up Pocket Creek to the line between Moore and Chatham Counties; thence east with said Moore and Chatham County line to where the present stock law fence crosses it near the McQueen road; thence with said fence and along the west side of the Cumnock road to the north side of Mrs. Mamie McL. Stanback's land; thence direct to the beginning. Boundary.

SEC. 3. That the Board of Commissioners of Chatham County are hereby authorized and directed to have erected along said boundaries of said territory, as far as necessary, and to keep the same in good repair, a good and lawful fence, with good and sufficient gates across all public roads leading into said territory at the County commissioners to have fence erected.

place where said roads intersect the limits of said stock law territory.

Fence tax.

SEC. 4. That said commissioners shall from time to time levy a tax upon all the real estate within the said stock law territory to defray the cost of the construction and the maintenance of said stock law fence and gates; but said taxes shall not be expended for the construction or the maintenance of any other fences or gates than those enclosing the territory referred to in this act nor for any other purpose whatsoever.

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 1st day of March, A. D. 1905.

CHAPTER 622.

AN ACT TO AUTHORIZE THE TREASURER OF THE SCHOOL FUND OF BLADEN COUNTY TO PAY OFF THE OUTSTANDING CLAIMS AGAINST THE COUNTY BOARD OF EDUCATION OF SAID COUNTY.

The General Assembly of North Carolina do enact:

Treasurer to pay school claims.

Funds designated.

Vouchers.

If unappropriated funds be insufficient.

SECTION 1. That the treasurer of the county school fund of Bladen County is hereby authorized and directed to pay off and discharge out of any unappropriated school fund or any part of the fund set aside for building purposes now on hand or that may hereafter come into his hands during the year ending June the thirtieth, one thousand nine hundred and five, all the legal, valid claims against the county school fund or the county board of education of said county heretofore contracted, upon the same being signed by the school committeemen of the respective school districts and countersigned by the county superintendent of schools.

SEC. 2. That in the event there shall not be sufficient unappropriated funds to pay off said claims, then the amount for each district may be paid out of the funds due or that may hereafter become due said district, upon the presentation of a voucher signed as provided in section one 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 1st day of March, A. D. 1905.

CHAPTER 623.

AN ACT TO MAKE CERTAIN AND ESTABLISH THE LINE
BETWEEN BLADEN AND CUMBERLAND COUNTIES.*The General Assembly of North Carolina do enact:*

SECTION 1. That the line heretofore run by A. J. Bullard, surveyor, by order of the Board of Commissioners of Cumberland County, which survey was approved by said board and the Board of Commissioners of Bladen County, and is as follows, viz.: Beginning at a stake, pine and oak pointers, on the Melvin old mill-dam and runs thence south 70 degrees east 87 chains to a stake on the southeast side of Peter's Creek; thence with the courses of said creek on the edge of the swamp north 53 degrees east 40 chains, crossing the public road at a large walnut tree; thence north 70 degrees east with the said creek 40 chains to South River, shall be the true and correct line between said counties of Bladen and Cumberland.

Survey heretofore made declared true line.

Courses and distances.

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. 1905.

CHAPTER 624.

AN ACT TO AMEND CHAPTER 171 OF THE PUBLIC LAWS
OF 1903, RELATING TO PIKE SCHOOL DISTRICT IN CUMBERLAND AND ROBESON COUNTIES.*The General Assembly of North Carolina do enact:*

SECTION 1. That section two of chapter one hundred and seventy-one of the Public Laws of one thousand nine hundred and three be and the same is hereby amended by adding at the end of said section the following words, to-wit: "But the Board of Education of Robeson County shall contribute its proportionate part of the expense of maintaining said school, such proportionate part to be determined by the number of children of school age in said district residing in Robeson County."

Robeson county to contribute to 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 1st day of March, A. D. 1905.

CHAPTER 625.

AN ACT TO PROHIBIT NUISANCES IN CROSS CREEK TOWNSHIP, CUMBERLAND COUNTY.

The General Assembly of North Carolina do enact:

Conduct unlawful in front of private residence, street corner or road crossing.

SECTION 1. That it shall be unlawful for any person or persons to stop and remain in the front of any private residence or upon any street corner or road crossing and there engage in any loud, boisterous or obscene language in Cross Creek Township, Cumberland County.

Conduct unlawful on steps of private residence or private property.

SEC. 2. That it shall be unlawful for any person or persons to congregate upon any steps belonging to, attached or in front of any private residence, or any step or steps which have been built by the owners of private property for the betterment or protection of their said property in said Cross Creek Township, Cumberland County.

Trespass on or injury to artificial terraces unlawful.

SEC. 3. It shall be unlawful for any person or persons to tread upon, walk over or in anywise injure any terrace or terraces which have been built or made by any individual or individuals, school or corporation for the benefit of his, her or its property in Cross Creek Township, Cumberland County.

Conduct unlawful on streets or roads.

SEC. 4. It shall be unlawful for any person or persons to cry out, hollow or engage in any loud or unusual talking, hollowing, singing or whistling upon any of the streets or roads of said Cross Creek Township.

Disturbance with horns, whistles, etc., unlawful.

SEC. 5. It shall be unlawful for any person or persons to use any horns, whistles or other instruments by which any unusual noise may be made which would disturb the citizens of said Cross Creek Township in the quiet enjoyment of their homes.

Drunkenness or disorder on streets or roads unlawful.

SEC. 6. It shall be unlawful for any person or persons to appear upon any of the streets or roads in the said Cross Creek Township in a drunken condition or in a disorderly manner.

Misdemeanor.

SEC. 7. That any person or persons standing, stopping or in anywise congregating upon the roads or streets in front of the private property of any individual in said township, after having been warned to leave by the owner of said premises, his agents or servants, and shall remain thereon after having been ordered to leave, shall be guilty of a misdemeanor and shall be fined or imprisoned in the discretion of the court

Penalty.

Rule of the road.

SEC. 8. It shall be the duty of drivers and teamsters in said Cross Creek Township, in traveling upon the roads and streets of said Cross Creek Township, to drive and use the right-hand side of the road, and any one failing to do so shall be guilty of a misdemeanor.

Violation a misdemeanor.

Unlawful to throw missiles on streets or roads.

SEC. 9. It shall be unlawful for any person or persons to throw any rocks, sticks, brick or other missile upon said streets or roads.

SEC. 10. That it shall be unlawful for any person or persons to fire off, except in the protection of their homes or for some other necessary purpose, any guns or pistols in said Cross Creek Township. Unlawful to discharge fire-arms.

SEC. 11. Any person violating any provision of this act, where no special punishment is otherwise provided, shall be fined not more than fifty dollars or imprisoned not more than thirty days. That for the purpose of enforcing the law herein enacted, D. N. McLean, W. W. Huske and J. A. Davis are hereby constituted and appointed as additional justices of the peace in and for the county of Cumberland, with full powers, authority and jurisdiction of the justices of the peace of North Carolina: *Provided*, this act shall not apply to that part of Cross Creek Township embraced within the limits of the city of Fayetteville. Punishment. Additional justices. Fayetteville not affected.

SEC. 12. 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. 1905.

CHAPTER 626.

AN ACT TO MAKE THE SHERIFF OF HENDERSON COUNTY TREASURER EX OFFICIO OF THE SAME.

The General Assembly of North Carolina do enact:

SECTION 1. That the office of Treasurer of Henderson County is hereby re-established and the sheriff of said county shall be treasurer *ex officio*. Office re-established. To be filled by sheriff.

SEC. 2. That the said treasurer *ex officio* shall give the bond required by section seven hundred and sixty-six of chapter nineteen of The Code of North Carolina, entitled "County Treasurers," and in addition thereto he shall be subject to and enjoy every provision contained in said chapter and all amendments thereto except section seven hundred and sixty-eight of the same, and he shall comply with all provisions of said chapter necessary to be complied with before he enters upon the duties of his office. Bond as treasurer. Other qualifications.

SEC. 3. That the present incumbent in the office of sheriff in said county shall be treasurer *ex officio* from and after the passage of this act until the first day of December, nineteen hundred and seven, and his successor until the first day of December, nineteen hundred and nine, after which time this act shall be null and void. Term of office. Limitation of act.

SEC. 4. That all 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 1st day of March, A. D. 1905.

CHAPTER 627.

AN ACT TO AMEND CHAPTER 150, PUBLIC LAWS 1883,
RELATIVE TO DURHAM COUNTY.*The General Assembly of North Carolina do enact:*Time for settle-
ment of State
taxes.

SECTION 1. That chapter one hundred and fifty, Public Laws of one thousand eight hundred and eighty-three, be amended by striking out the word "Durham" in line two, section one thereof.

SEC. 2. That this act shall be in force from and after July first, one thousand nine hundred and five.

In the General Assembly read three times, and ratified this the 1st day of March, A. D. 1905.

CHAPTER 628.

AN ACT TO REPEAL CHAPTER 478, PUBLIC LAWS OF 1899,
REGULATING THE HOLDING OF INQUESTS IN NORTH-
AMPTON COUNTY.*The General Assembly of North Carolina do enact:*Regulations for
holding inquests
repealed.

SECTION 1. That chapter four hundred and seventy-eight (478), Public 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 1st day of March, A. D. 1905.

CHAPTER 629.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS
OF PASQUOTANK COUNTY TO ISSUE BONDS AND LEVY
A SPECIAL TAX FOR IMPROVEMENT AND REPAIRING
THE ROADS OF SAID COUNTY.*The General Assembly of North Carolina do enact:*Bond issue author-
ized.

SECTION 1. That for the purpose of improving and repairing the public roads and bridges of Pasquotank County the Board of County Commissioners of Pasquotank County are hereby authorized and empowered to issue bonds for an amount not to exceed ten thousand dollars (\$10,000), in denominations of one thousand

Amount.
Description.

dollars (\$1,000) each, bearing interest not to exceed five (5) per cent. per annum on the principal of each bond, said interest to be due and payable semi-annually from the date of issuing said bonds.

SEC. 2. Said bonds shall be signed by the chairman of the board of county commissioners and countersigned by the register of deeds. Said register of deeds shall keep a suitable book in which he shall keep an account of each bond issued, to whom issued and the number of each bond, and he shall keep an accurate account of all the interest paid and an account of the bonds when they are paid. Said book shall be open to the inspection of any tax-payer of said county. And should said register of deeds fail to so keep said book he shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than ten dollars (\$10) nor more than fifty dollars (\$50), in the discretion of the court.

How bonds attested.
Record of bonds.
Record open to inspection.
Failure to keep book misdemeanor. Penalty.

SEC. 3. The said bonds shall be numbered one (1), two (2), three (3), and so on, as they are issued, and bond number one (1) shall be due and paid two years from the date of same; bond number two (2) shall be due and paid three years from date of same, and so on, agreeable to numbers, one bond falling due and payable every year until the last bond is paid.

Bonds to be numbered.
To become due in installments.

SEC. 4. That for the purpose of paying said interest and the bonds as they may fall due, the said county commissioners are hereby authorized and empowered to levy a special tax each year sufficient to pay said interest and said bonds as they begin to fall due, observing the constitutional equation between property and poll. Said special tax shall be collected as other taxes are, and paid over to the county treasurer, who shall keep a separate account of the same and shall pay said interest and bonds as they become due and on presentation of the same at his office, and said special tax shall be applied only as set forth in this act.

Special tax for interest and bonds.
Separate account to be kept.

SEC. 5. That said bonds shall not be sold for less than their par value.

Bonds not to be sold below par.

SEC. 6. As soon as the county treasurer pays any interest and bonds as they may become due he shall report to the register of deeds the amount paid as interest or bonds and to whom paid, in order that the register of deeds may fully comply with section two (2) of this act.

Treasurer to report to register of deeds.

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

In the General Assembly read three times, and ratified this the 1st day of March, A. D. 1905.

CHAPTER 630.

AN ACT TO EXTEND AND LIMIT THE TIME FOR THE DELIVERY OF THE BONDS OF MACON COUNTY TO THE BLUE RIDGE AND ATLANTIC RAILWAY COMPANY.

The General Assembly of North Carolina do enact:

Subscription to be paid within eighteen months.

SECTION 1. That the Board of County Commissioners of Macon County are hereby authorized and empowered to pay the subscription of said county to the capital stock of the Blue Ridge and Atlantic Railway Company in coupon bonds of said county of the character specified in chapter one hundred and thirty-nine (139) of the Public Laws of one thousand nine hundred and one (1901), and at any time within eighteen (18) months after the ratification of this act: *Provided*, that the said Blue Ridge and Atlantic Railway Company shall, within eighteen (18) months after the ratification of this act, have completed and in operation a railroad to some point within one mile of the court-house in the town of Franklin.

Proviso: road to be in operation.

Powers to determine at the end of eighteen months.

SEC. 2. That after the expiration of eighteen (18) months from the ratification of this act the powers conferred upon the Board of Commissioners of Macon County by chapter eighty-seven (87) of the Private Laws of one thousand nine hundred and one (1901) and chapter one hundred and thirty-nine (139) of the Public Laws of one thousand nine hundred and one (1901), and by the qualified voters of said county at the election held in said county on the sixth (6) day of April, one thousand nine hundred and one (1901), shall cease and determine, and that after the expiration of the eighteen (18) months immediately succeeding the ratification of this act said board of commissioners shall have no power or authority to deliver to the Blue Ridge and Atlantic Railway Company or to any other person, persons or corporation any bond or bonds of the county of Macon for the purpose of paying the subscription of said county to the capital stock of said railway company or for any other purpose.

Rights of company precluded.

SEC. 3. That unless said Blue Ridge and Atlantic Railway Company or its successors or assigns shall have completed and in operation within eighteen (18) months after the ratification of this act a railroad to some point within one mile of the court-house in the town of Franklin, all rights acquired or claimed by said Blue Ridge and Atlantic Railway Company against the county of Macon by virtue of chapter eighty-seven (87) of the Private Laws of one thousand nine hundred and one (1901) and chapter one hundred and thirty-nine (139) of the Public Laws of one thousand nine hundred and one (1901), and by virtue of the election held in said county on the sixth (6) day of April, one thousand nine hundred and one (1901), and the action of the board of commissioners of said county, or the chairman of said board in pur-

suance of said election, shall be forfeited, and that after the expiration of the eighteen (18) months immediately succeeding the ratification of this act no action shall be maintained in any court of this State to enforce such rights: *Provided*, that if said Blue Ridge and Atlantic Railway Company is within five miles of the court-house in the town of Franklin at the expiration of the said eighteen (18) months and has a force of not less than seventy-five (75) men continuously employed for the completion of the said Blue Ridge and Atlantic Railroad, the provisions of this act shall not go into effect.

Proviso: if road within five miles of completion and seventy-five hands at work.

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

SEC. 5. 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 1st day of March, A. D. 1905.

CHAPTER 631.

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

The General Assembly of North Carolina do enact:

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

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

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

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

Penalty.

Physician making false prescription guilty of misdemeanor.

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 or imprisoned, or both, in the discretion of the court.

Penalty.

Intoxicating liquors defined.

SEC. 6. That all liquors or mixtures thereof, by whatever name called, that will produce intoxication shall be considered and held to be intoxicating liquors within the meaning of this act.

Conflicting laws repealed.

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

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

In the General Assembly read three times, and ratified this the 1st day of March, A. D. 1905.

CHAPTER 632.

AN ACT TO MAKE THE FEMALE CONVICTS OF ROWAN COUNTY AVAILABLE TO THE COUNTY COMMISSIONERS OF SAID COUNTY FOR THE PURPOSE OF COOKING AND WASHING FOR THE CONVICT FORCE OF SAID COUNTY.

The General Assembly of North Carolina do enact:

Female convicts to be worked as cooks.

SECTION 1. That all females confined in the common jail of Rowan County under final sentence of the court for crime, or imprisonment for non-payment of fines and cost, shall be available to the Board of Commissioners of Rowan County, at the discretion of said board, for the purpose of working said persons as cooks for the county convict force.

Female convicts to do washing and mending.

SEC. 2. That the board of commissioners of said county may also require the said female convicts to do the washing and mending for the convicts of said county.

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 1st day of March, A. D. 1905.

CHAPTER 633.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF
TRANSYLVANIA COUNTY, NORTH CAROLINA, TO LEVY
A SPECIAL TAX.*The General Assembly of North Carolina do enact:*

SECTION 1. That the County Commissioners of Transylvania County, North Carolina, are hereby authorized to levy a special tax of eight and one-third ($8\frac{1}{3}$) cents on each one hundred dollars worth of real and personal property and twenty-five (25) cents on each poll in Transylvania County, North Carolina, for the years one thousand nine hundred and five and one thousand nine hundred and six, each, for the purpose of paying the present outstanding indebtedness amounting to eleven hundred and fifty dollars (\$1150) as follows, viz., two hundred and fifty dollars for water supply, four hundred dollars for court-house improvements, two hundred dollars on State experimental farm, two hundred dollars for bridges and one hundred dollars for holding election for the year one thousand nine hundred and four.

Special tax authorized.

Application of proceeds.

SEC. 2. Said special tax to be levied, collected and disbursed as other taxes, duly observing the constitutional equation in said levy.

To be levied and collected as other taxes.

SEC. 3. Should there be any surplus remaining in the hands of the county treasurer derived from said special tax after the payment of the aforesaid claims, said surplus or excess shall be turned into the general county funds, the same to be used for the payment of the county contingent claims.

Surplus to be turned into general county funds.

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 1st day of March, A. D. 1905.

CHAPTER 634.

AN ACT TO AMEND SECTION 1050 OF THE CODE, PUBLIC
LAWS OF 1889, CHAPTER 355, RELATIVE TO GIVING
FURTHER JURISDICTION TO PROCESS OFFICERS IN
THE MATTER OF THE UNLAWFUL SELLING AND MANU-
FACTURING OF INTOXICATING LIQUORS IN IREDELL
COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That section one thousand and fifty of the Code and the Public Laws of one thousand eight hundred and eighty-nine, chapter three hundred and fifty-five, be and the same is hereby amended by adding the following thereto:

Apparatus for distilling.	SEC. 2. That any person or persons who shall knowingly permit or allow any distillery or other apparatus for the making or distilling spirituous liquors to be set up for operation or to be operated on lands in his possession or control, shall be guilty of a misdemeanor and shall be punished in the discretion of the court.
Misdemeanor. Punishment.	
Officers to search for and seize apparatus.	SEC. 3. That it shall be the duty of any police officer mentioned in this act to search for and seize any distillery or apparatus used for the manufacture of spirituous liquors in violation of any State law or law of the United States Government, and to deliver the said distillery or apparatus to the proper authorities of the United States Government for confiscation. It shall also be the duty of said officer to destroy any materials in use, or to be used, found at any distillery for the manufacture of intoxicating liquors contrary to law.
Apparatus to be delivered to United States Government.	
Materials to be destroyed.	
Liquors to be seized and turned over to U. S. officers.	SEC. 4. That it shall be the duty of any officer mentioned in this act to seize any spirituous liquors found in the possession of any person or persons not tax paid and stamped as required by the United States Government, and to deliver the said liquors to the proper officers of the United States Government for confiscation.
Duties of officer.	SEC. 5. That it shall be the duty of the sheriff and his deputies and of any police officers, when informed of violation of this act, to procure warrants and to arrest the offender, and to subpoena all persons who may have information concerning the commission of the offense charged against the party arrested.
Person delivering liquor agent of seller.	SEC. 6. That any person who shall procure and deliver any spirituous or malt liquors contrary to law to another shall be deemed and held in law to be the agent of the person or persons selling said spirituous and malt liquors, and shall be guilty of a misdemeanor and shall be punished in the discretion of the court.
Misdemeanor; punishment.	
Duties of solicitor.	SEC. 7. Whenever the solicitor of the judicial district shall have good reason to believe that liquor has been manufactured or sold contrary to law within Iredell County, and shall believe that any person or persons shall have knowledge of the existence and establishment of any illicit distillery, or that any person has sold liquor illegally, then it shall be lawful for said solicitor to apply to the clerk of the superior court of the county wherein said offense is supposed to have been committed to issue subpoenas for the said person or persons so having knowledge of said offenses to appear before the next grand jury drawn for said county (Iredell County), there to testify upon oath what he may know touching the existence, establishment and whereabouts of said distillery or persons who have sold intoxicating liquors contrary to law, and shall give the names and personal description of the keepers thereof: and such evidence, when so obtained, shall be considered and held in law as an information on oath upon which the said grand jury shall make presentment as provided by law in other cases.

SEC. 8. That any officer mentioned in this act who shall fail or refuse to use due diligence in the execution of the provisions of this act, after being informed of violations thereof, shall be guilty of laches in office and be cause for removal therefrom. Officers to use due diligence. Penalty for failure.

SEC. 9. That this act shall apply only to the county of Iredell. Limited to Iredell county.

SEC. 10. 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. 1905.

CHAPTER 635.

AN ACT TO CORRECT GRANT NO. 143 TO DAVID JONES IN BEAUFORT COUNTY.

WHEREAS, on December twenty-fourth, one thousand seven hundred and seventy-three, grant number one hundred and forty-three for six hundred and forty acres, Beaufort County, on the north side of Bay River and head of Vandemere Creek, was issued to David Jones, and by mistake the third call was made south ten east instead of north ten east: therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That said grant be corrected so that the third call shall read north ten east two hundred and forty poles, and that the Secretary of State, upon payment of the legal fees, shall certify said grant in its corrected form, to the end that it may be re-registered in Pamlico County, where the land is now situate. Grant corrected.

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

In the General Assembly read three times, and ratified this the 1st day of March, A. D. 1905.

CHAPTER 636.

AN ACT TO PROVIDE FOR THE WORKING OF THE PUBLIC ROADS OF JONES COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of County Commissioners of Jones County shall, at their regular meeting on the first Monday in April, one thousand nine hundred and five, order an election to be held in Jones County and each township thereof on the first Monday in May, one thousand nine hundred and five, submitting to the qualified voters of the county and the respective townships therein the question of the approval of this act, and said commissioners Act to be approved by voters. Date of election.

- Notice of election. shall give notice of said election for twenty days by publication of said notice at the court-house door in Trenton, North Carolina, and in one or more public places in each township in the county, and said commissioners, when the aforesaid election is ordered, shall appoint the registrars for said election and for each voting precinct of the county, with power in the chairman of the board of said commissioners to fill any vacancies or to substitute their appointees, if reason should exist therefor, and notice shall be given to the respective persons of their appointment, and the registration books of the county shall be placed in the hands of the registrars so appointed, and the registration books shall be kept open for the registration of any persons entitled and not hitherto registered, and said election shall be held in accordance with the general provisions of the law for the holding of elections, except as may be modified herein.
- Registrars and judges.
- Registration.
- Returns of election.
- County commissioners to canvass returns.
- Form of ballots.
- Result in county.
- Result in townships.
- Proviso: further elections.
- Bond of road commissioners.
- SEC. 2. That the election officers shall appoint one of their number to make return of the registration books and the poll books, and also the return of the vote from his precinct, said return to be made on Monday, May eighth, one thousand nine hundred and five, and the Board of Commissioners of Jones County shall on that day meet and canvass the vote and record said vote by townships and by county and declare the result of said election.
- SEC. 3. That in said election those favoring the law and the levying the tax thereunder shall vote on a written or printed ballot "For Good Roads," and those against on a written or printed ballot "Against Good Roads."
- SEC. 4. That if a majority of the votes cast at said election in the county shall be "For Good Roads," that in such case this act shall be adopted for the entire county of Jones, and all of its provisions shall be carried out as in this act directed; but if a majority of the votes cast in said election in the county shall be "Against Good Roads," and at the same time a majority of votes cast in said election in any township in said county be "For Good Roads," then in such case this act shall be in force and operative only in the townships of said county that have given a majority in its favor: *Provided*, that in any township where this act is not adopted by a majority of the votes cast in the election to be held on the first Monday in May, one thousand nine hundred and five, the board of county commissioners shall order an election in such township, upon a petition of one-third of the qualified voters of such township asking that such election be held, the time for holding said election to be stated in said petition, but in no case shall but one election be held in such township within the same year.
- SEC. 5. That for the purpose of constructing, repairing, improving and maintaining the public roads in Jones County there shall be a special board of seven members, composed of one member from each township in which this act is operative, who shall be known as the "Board of Road Commissioners" for said county, which board shall have the entire supervision and jurisdiction of

all the public roads of said county and succeed to and exercise all the powers and duties heretofore exercised by and imposed upon the board of county commissioners and justices of the peace in reference to the establishment, alteration of, discontinuance of all public and private roads, cart-ways and other thoroughfares: *Provided*, in case this act shall not apply to any township in Jones County, then in that event said township shall not be entitled to representation on the board of road commissioners.

Proviso: townships exempted.

SEC. 6. That E. B. Elliott, R. D. Dixon, J. A. Smith, Frank D. Koonce, W. B. Hargett, Walter Haskins and E. B. Isler are hereby appointed and constituted the Board of Road Commissioners for said county, and they shall hold their office and perform its duties until the first Monday in December, one thousand nine hundred and six, and until their successors are duly elected or appointed and qualified, a majority of whom shall constitute a quorum: *Provided*, in case any township in Jones County shall be exempted from the operation of this law, then in that event the member above mentioned from that township shall not be a member of the board of road commissioners.

Road commissioners named.

Term of office.

Quorum.

Proviso: townships exempted.

SEC. 7. That at the regular election in November, one thousand nine hundred and six, and every two years thereafter, at the regular election, the members of said board of road commissioners shall be elected under the same rules and regulations as are or shall be prescribed for the election of other county officers, the number elected being the same as the number of townships adopting this act.

Successors to commissioners elected by people.

SEC. 8. That the members of said board of road commissioners shall qualify before any officer authorized to administer oaths, on or before the first Monday in December immediately following their election, except those mentioned in section six above, and all vacancies on said board caused by a failure to qualify or otherwise shall be filled by said board by the appointment of a member from the same township from which the vacancy occurred, and said appointee, upon his qualification within a reasonable time, shall fill the unexpired term.

Road commissioners to qualify.

Vacancies.

SEC. 9. That the members of said board named in section six above shall qualify on or before the first Monday in June, one thousand nine hundred and five, and they shall meet in Trenton on the first Monday in June, one thousand nine hundred and five, and organize by electing one of their number as chairman and by electing a secretary, who may be one of the board. The secretary shall, in a book suitable for the purpose, keep a full and perfect record of all the proceedings and actions of the board, which record shall be opened to inspection of the citizens of the county at reasonable times. The compensation of the secretary shall not exceed two dollars per day for every day on which said board shall meet. The compensation of the members of said board shall be the same as that of members of the board of county commis-

When present members to qualify.

Meeting.

Organization.

Duty of secretary.

Record open for inspection.

Compensation of secretary.

Compensation of board.

Quarterly meetings.	sioners. Said board shall meet quarterly, on the first Mondays of December, March, June and September, and oftener if necessary or important, upon a call of the chairman or of any member, if requested by a majority of the members. At all their meetings, which will be held in Trenton, they shall be authorized to transact any business and duties with reference to the roads of the county or within their jurisdiction.
Board to prescribe road taxes.	SEC. 10. At or before their meeting in June of each year said board of road commissioners, provided a majority of votes cast in the election to be held as hereinbefore provided shall be "For Good Roads," shall consult together as to the amount of money reasonably necessary to purchase suitable tools, machinery, teams and supplies for the proper working and improving and establishing the public roads in the various townships in said county, and to pay all expenses thereof and the expenses pertaining to the performance of their duties for one year, and shall fix and determine the rate of taxation on the property and polls in the various townships of said county for the purpose of raising said amount, which rate shall not be less than ten cents on the one hundred dollars of valuation of real and personal property nor more than twenty cents on the one hundred dollars thereof, and not less than thirty cents nor more than sixty cents on the poll for any year.
Tax limits.	And said board of road commissioners shall report the rate of taxation thus ascertained and determined by them to the board of county commissioners of said county on or before their June meeting in each and every year. And it shall be the duty of said Board of County Commissioners of Jones County, at their regular meeting in June, one thousand nine hundred and five, and annually thereafter, to levy a special tax as determined by said board of road commissioners for said purposes, observing at all times the constitutional equation. Said taxes to be collected as all taxes are, to be kept separate in the tax books of the county, to appear separate on the tax receipt, to be set aside as a special road fund to the credit of the respective townships in the said county from which said road fund is derived, and to be used in the construction, improvement and keeping in repair the public roads of the county, the rent or purchase of such team, material and implements, and the employment of such labor as may be found necessary to properly carry out this work: <i>Provided, however,</i> that the money raised by the aforesaid levy in each township shall be used and expended on the roads of said township, and that each township shall have the benefit of the entire fund collected on the property and polls of said township under the aforesaid levy, and provided that the moneys raised under this section, as far as possible, be used for permanent improvement: <i>Provided further,</i> that the board of commissioners in levying the taxes shall not be required to levy a uniform rate, but shall levy, in their judgment, according to the needs of the roads in each township.
Report to county commissioners.	
County commissioners to levy tax.	
Tax to be kept separate.	
Specific appropriation.	
Proviso: tax to be used in township.	
Proviso: permanent improvement.	
Proviso: uniform levy not required.	

SEC. 11. One-half of the net proceeds of all dispensaries now established or hereafter to be established in Jones County shall be paid to the treasurer of said county for the use and benefit of the road fund, and shall be paid out by said treasurer only upon the proper order of the board of road commissioners. The treasurers of the different towns having dispensaries shall pay over to the county treasurer the amounts due to said road fund which may be in his hands at least as often as every three months; the said treasurers and other officers shall receive the same fees and commissions for receiving, collecting and disbursing any and all taxes and moneys as they are entitled to in other like cases. The other one-half of the net proceeds of all dispensaries shall be paid to the town treasurer for the use of the town in which said dispensary is located.

One-half dispensary profits to road fund.

Quarterly settlements.

Fines and commissions.

Half dispensary profits to town.

SEC. 12. That after January first, one thousand nine hundred and six, every able-bodied male person between the ages of twenty-one and forty-five years residing in said county shall be liable annually to perform two days' labor upon the roads of said county, under the supervision and direction of the road supervisor, overseer or other officer appointed by the board of road commissioners, who may assign such persons to any portion of the road in the township in which said person resides as said officer may think best: *Provided, however*, that any such persons shall be discharged from such labor for one year upon the payment to the proper officer of the sum of one dollar per annum in lieu thereof: *Provided*, that such sum shall be paid on or before the first day of March of said year: *Provided*, nothing in this section shall be construed to prevent the board of town commissioners or aldermen of any incorporated town in said county from exempting *bona fide* residents in said town from the provisions of this section.

Road duty.

Proviso: cash commutation.

Proviso: date of payment.

Proviso: citizens of towns exempted.

SEC. 13. All persons who shall be liable to pay poll tax and who fail to pay the same shall be liable and compellable to work four days on the said roads under the direction and control of the road supervisor or officer in his township.

Road work for failure to pay poll tax.

SEC. 14. That the judges of the superior and criminal courts of this State are hereby authorized and empowered to sentence convicts in said county or in other counties to work upon the public roads in Jones County; and all the justices of the peace and mayors of towns of said county are hereby authorized and empowered to sentence persons tried before them and found guilty of violating the criminal law within their jurisdiction, or of vagrancy, to sentence said person so convicted to work upon the said public roads: *Provided*, that no person shall be required to work for a longer time than that for which he could have been imprisoned for the offense: *Provided further*, that the said board of road commissioners and its authorized officers may shorten the time of labor in any individual case as much as one-fifth for good behavior and faithful performance of duty.

Convicts to be sentenced to roads.

Proviso: limit to work required.

Proviso: commutation for good behavior.

Safe-keeping and control of convicts.	SEC. 15. That the board of road commissioners shall be authorized to provide proper quarters for convicts and to employ suitable guards and overseers and to provide means for their safe-keeping and control out of the road funds.
County treasurer to be treasurer of road fund.	SEC. 16. That the county treasurer shall be and he is hereby appointed treasurer of the road fund of the several townships in the county of Jones, and for the faithful keeping and disbursement of said money the bond of said treasurer shall be liable; for his services in receiving and disbursing such funds he shall receive such commission as the board of road commissioners may agree upon, not to exceed two per centum on all moneys disbursed hereunder. He shall keep in a separate book, which shall be labeled "Road Fund," a separate account for each township in which road funds are levied and collected under this act, and credit to the respective township all the funds arising, levied and collected in said township coming into his hands; and said county treasurer shall pay the accounts of the several townships coming into his hands out of the respective funds of said township. All orders or warrants of said board of road commissioners on the county treasurer shall be authenticated as is required for such orders of the board of county commissioners.
Bond liable.	
Commission.	
Separate accounts to be kept.	
Vouchers.	
Appropriation of road fund.	SEC. 17. That the taxes and other revenues raised by virtue of this act in each township shall constitute a special road fund for said township, to be used for the construction and improvement of the roads and small bridges in said township, and for the purchase and maintenance of tools, machinery, teams and other supplies and equipments for the better prosecution of the work in said township, and shall be expended in the respective townships according to the judgment and discretion of the board of road commissioners; and said board shall, as often as they deem necessary, issue warrants and orders upon the county treasurer, directing him to pay to the supervisor or other officers of roads the amount therein specified for the purpose of carrying on the provisions of this act: <i>Provided</i> , that all revenue derived from dispensaries in said county shall constitute a general road fund for the construction and improvement of the roads and small bridges in the county and shall be expended according to the judgment and discretion of the board of road commissioners.
Proviso: dispensary profits a general road fund.	
Supervisors and overseers.	SEC. 18. That said board of road commissioners may annually elect one or more supervisors or superintendents of the roads and at any time appoint overseers, if they should deem the same advisable, or authorize the supervisor to appoint said overseer.
Bonds of supervisors and other officers.	SEC. 19. Every supervisor or other officer may be required to execute a proper undertaking, in an amount to be fixed by said board of road commissioners, for the faithful performance of his duties and for the proper accounting for the funds and property which may come into his hands as such, and shall always be subject to the orders and control of said board, and may be at any

time removed by them for inefficiency, misconduct and other good cause and a successor may be appointed by them. Removable for cause.

SEC. 20. The supervisor shall have charge and management of the hands, labor, teams, tools, apparatus and machinery used on the roads under his charge, and shall render an itemized statement on account of the number of hands or persons, including convicts, worked on the roads; the number of hours or days worked, the amount paid each hand and the amount of money received, and how the same was disbursed, and a list of the tools, machinery, implements, dumps, carts, teams and other apparatus in his hands, and the condition thereof, and any other information in reference to his management that may be reasonably required. Said report shall be made quarterly or oftener to said board. He shall have the teams and all apparatus properly cared for. In all matters he shall be subject to the control and direction of said board. Duties of supervisor. Itemized statement.

SEC. 21. That said board of road commissioners shall have full power and discretion to adopt such methods and means and agencies for and in the management, improvement and working of said road as they may determine to be wise and best, regardless of any seeming limitation or restriction in this act; and they may also make such purchases of gravel pits, lands, timbers and machinery and teams as they may deem wise and important for the improvement of the roads. Powers of board.

SEC. 22. That the board of road commissioners shall make an annual statement of all their doings and proceedings in the same manner and at the same time as is required of the board of county commissioners, which statement shall be recorded and preserved by the register of deeds in a suitable book, which shall be subject to the inspection of the public; and the register of deeds shall receive the same fees for such services as he receives in other like cases. Annual statement. Statement recorded. Subject to inspection. Fees of register.

SEC. 23. When any of the public roads of the county shall be damaged by any person, company or firm operating any saw-mill, lumber-yard or other works, by reason of hauling logs or other material over said roads, or the bridges thereof, which damage the ordinary labor of the road hands is not adequate to repair, any member of the board of road commissioners, supervisor or other officers shall give a written notice to such person, company or firm or contractor, or their agents or employees, to repair the same; and if said person, company, firm or contractor or their agents shall fail to repair said road or bridge or bridges so damaged by them within ten days from receipt of such notice, shall be guilty of a misdemeanor, and on conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days. Lumbermen damaging roads to repair same. Failure a misdemeanor. Penalty.

SEC. 24. That the board of commissioners shall have all the powers and jurisdiction given to the board of county commissioners and justices of the peace in chapter fifty of The Code and the amendments thereto, and may exercise the same where not Powers of board under general law.

inconsistent with this act; and the provisions of said chapter and the amendments thereto, where not inconsistent herewith, are to remain in force.

Power to enter on land and take material.

SEC. 25. That for the purpose of repairing and constructing and improving the public roads, the supervisor or other officers employed by said board shall have authority to enter upon any uncultivated land near to or adjoining the roads or any improved or cultivated lands, when unincumbered by cultivated crops, to cut and carry away timber, except trees or groves left for ornament or shade, to dig or cause to be dug and carried away gravel, earth, sand or stone which may be necessary to repair or improve said road, to make such drains or ditches through the same as may be necessary for the benefit of the road, doing as little injury to the land as possible; and any person willfully obstructing or resisting the performance of these duties, or willfully obstructing such drains or ditches when made, shall be guilty of a misdemeanor. And any such supervisor, officer or employee maliciously or needlessly injuring or damaging any lands or timbers in the performance of his duties shall be guilty of a misdemeanor.

Former law continued.

SEC. 26. That the roads of said county shall be worked until the first day of September, one thousand nine hundred and five, under the laws in force on January first, one thousand nine hundred and five.

Violation of act a misdemeanor.

SEC. 27. That any person willfully violating any of the provisions and requirements of this act shall be guilty of a misdemeanor, and on conviction shall be punished by a fine of not more than fifty dollars, or imprisoned (or sentenced to work upon the roads) for not more than thirty days.

Penalty.

Repealing clause.

SEC. 28. That in the event this act shall be adopted as hereinbefore provided, then all laws and clauses of laws in conflict with this act are hereby repealed.

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

In the General Assembly read three times, and ratified this the 1st day of March, A. D. 1905.

CHAPTER 637.

AN ACT TO REGULATE THE WORKING OF PUBLIC ROADS IN THE COUNTY OF ALEXANDER.

The General Assembly of North Carolina do enact:

Roads to be classified.

SECTION 1. That from and after the ratification of this act by the voters of Alexander County as herein provided, it shall be the duty of the road supervisors of Alexander County to classify all the public roads of that county into two classes, to be known as

class one and class two, and the mileage of class one is not to exceed one-half of the total mileage of all the public roads in said county. Roads of class one are to be worked by taxation as hereinafter provided, and roads of class two are to be worked as now provided by law.

Class one by taxation.
Class two under present law.

Sec. 2. That upon the ratification of this act as hereinafter provided, it shall be the duty of the Board of Commissioners of Alexander County at their first meeting after the election provided for by this act, to levy a special tax not exceeding twenty-five (25) cents upon the one hundred dollars valuation of property and not exceeding seventy-five (75) cents upon the polls in said county, preserving the constitutional equation in the same. And it shall be the duty of the sheriff of said county to collect said tax, and the county treasurer shall disburse the same as hereinafter provided.

Special tax.

Sec. 3. That upon the written petition of one-third of the qualified voters of Alexander County or of one-third of such voters in any township or combination of townships less than all, it shall be the duty of the board of commissioners of said county to order an election in the petitioning territory, giving thirty days' notice of time and place for the holding of same, appoint judges and registrars and certify to the result as now provided and required by law in the election of members of the General Assembly so far as the same may be applicable to the purposes of this act. At said election those favoring working the roads of class one by taxation shall vote a written or printed ticket of white paper upon which shall be written or printed the words "For Taxation," and those opposed shall vote a ballot upon which shall be written or printed the words "Against Taxation."

Election to be ordered in county or township.

Notice of election.

Form of ballots.

Sec. 4. That in the event of taxation being voted in any of the territory mentioned herein, the supervisors of the territory so voting shall proceed to lay off the roads of class one in the said territory in convenient sections and let out the working of said sections by contract, first advertising thirty days for bidders, either in the county paper or at the court-house and three other public places, or both, in the discretion of said supervisors. The lowest responsible bidder for the contract shall give good bond, to be approved by the board of county commissioners, in a sum one-third greater than the amount of his bid. The contractors under this act shall be deemed and taken to be road overseers under the general law with all the powers, privileges and duties imposed upon them by the general law.

Roads divided into sections if tax is voted.

Work to be let to contract.

Successful bidder to give bond.

Contractors to be road overseers.

Sec. 5. The supervisors referred to in section four shall meet on the first Saturday in April, and on the first Saturday in every third month thereafter, and order payment by the county treasurer, approved by commissioners, of such sums as may then be found due contractors under their contracts, and if the supervisors shall find the contracts, or any of them, violated in whole or in part, they shall be empowered to retain such amount as they shall

Meetings of supervisors.

Payments to contractors.

Amount retained if contracts violated.

Compensation of supervisors.

Suits on contractors' bonds.

Misdemeanor to turn drainage on roads.

Penalty.

deem just, and work out the road or roads upon their own account, charging the amount so expended against the contractor or contractors. The said supervisors shall receive as compensation for their services the sum of one dollar per day, not to exceed, however, six days in a year. The county commissioners shall have full power to bring suit upon and collect the bonds of defaulting road overseers and apply the amount so collected to the working of the public roads or sections allotted to such defaulting overseer or overseers.

SEC. 6. It shall be a misdemeanor for any one to turn their drainage water from their fields or any other place whatsoever without providing a sufficient water-let to carry all the water without injury to the road. Failure to comply, they shall be guilty and fined not less than five dollars for each and every offense.

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 2d day of March, A. D. 1905.

CHAPTER 638.

AN ACT FOR THE PRESERVATION OF THE PUBLIC HEALTH, AND FOR THE PROTECTION OF PERSONS OR CORPORATIONS ENGAGED IN THE DAIRY BUSINESS.

The General Assembly of North Carolina do enact:

Unlawful to buy or sell milk or cream vessels protected by owner's mark.

Or to change mark.

Or use vessels.

Misdemeanor.

SECTION 1. That no person or persons, corporation or corporations shall hereafter, without the consent of the owner or shipper use, sell, dispose of, buy or traffic in any milk cans, or milk bottles, or any cream cans, or cream bottles or cream cases belonging to any dealer in or shipper of milk or cream, residing in the State of North Carolina or elsewhere, who may ship milk or cream to any city, town or place within this State, provided the said cans, bottles or cases shall have the initials, trade-mark, vignette, monogram or other mark by which the owner designates his own bottle, stamped, marked or fastened on the same; or willfully change by remarking or otherwise said name or initials of any such owner, dealer or shipper, so stamped, marked or fastened upon such cans, bottles or cases; nor shall any person or corporation, without the consent of the owner, use such cans, or bottles, or cases for any other purpose than milk or cream; nor shall any person or persons, without the consent of the owner place in any such cans or bottles or cases, any substance or product other than milk or cream.

SEC. 2. Any person or corporation who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor,

and upon conviction thereof, in any court having jurisdiction, shall be fined not exceeding fifty dollars (\$50). Penalty.

SEC. 3. This act shall only apply to Buncombe County.

Limited to Bun-
combe 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 2d day of March, A. D. 1905.

CHAPTER 639.

AN ACT TO PREVENT THE OBSTRUCTION OF THE WATER-COURSES OF BROOKS' AND THOROUGHFARE SWAMPS IN WAYNE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons to in any way obstruct the water-courses of Brooks' Swamp and Thoroughfare Swamp in Wayne County. Obstructing water-courses unlawful.

SEC. 2. That any person or persons found guilty of violating this act shall be guilty of a misdemeanor and upon conviction shall be fined not more than fifty dollars (\$50) and imprisoned not more than thirty (30) days. 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 2d day of March, A. D. 1905.

CHAPTER 640.

AN ACT TO AMEND CHAPTER 123 OF THE PUBLIC LAWS OF 1887.

The General Assembly of North Carolina do enact:

SECTION 1. That section three of chapter one hundred and twenty-three of the Public Laws of eighteen hundred and eighty-seven be and the same is hereby amended as follows: That all of said section after the word "commissioners" and beginning with the word "and" in line sixteen of said act be and the same is hereby stricken out. That said section be further amended by adding thereto the following: "And if any such land-owner after ten days' notice to him by said overseer as aforesaid shall fail, neglect or refuse to furnish one able-bodied hand with appropriate tools as required by said overseer as aforesaid, for the purpose of performing labor and carrying out the provisions of this act, he Land-owner failing to furnish hands for drainage work guilty of misdemeanor.

Penalty.

shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding five dollars for each day he shall have failed to furnish said hands as aforesaid, or imprisoned not exceeding five days for each day he shall have failed to furnish said hand 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 March, A. D. 1905.

CHAPTER 641.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF CARTERET COUNTY TO LEVY A SPECIAL TAX FOR CERTAIN PURPOSES AND AUTHORIZING THE SALE OF THE PRESENT JAIL.

The General Assembly of North Carolina do enact:

Purposes of tax.

SECTION 1. That the board of commissioners of Carteret County, for the purpose of building a new court-house and jail, or repairing and remodeling and modernizing the present court-house or jail, as they may determine in their discretion, after taking the advice of a competent architect, and for the purpose of equipping such court-house with suitable fire-proof vaults and other conveniences and equipping the same with modern and up to date furniture and for providing such other conveniences as the said board of commissioners may in their discretion deem necessary for said court-house and jail, and to provide for the payment of the same, they are hereby authorized to levy a special tax for one thousand nine hundred and five, one thousand nine hundred and six, one thousand nine hundred and seven, one thousand nine hundred and eight, one thousand nine hundred and nine and one thousand nine hundred and ten 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. The said tax shall not exceed the sum of twenty-five cents on the one hundred dollars valuation of property nor seventy-five cents on the taxable polls. The said tax shall be used for the purposes hereinbefore set out and for no other purpose.

Special tax authorized.

Limit.

Specific appropriation.

Commissioners to sell jail.

SEC. 2. That the said Board of Commissioners of Carteret County are hereby authorized and empowered to sell the present jail, if in their discretion they deem it best for the interest of said county, and to replace the same with a new one.

Surplus from other funds to be used.

SEC. 3. That the said Board of Commissioners of Carteret County are hereby authorized and empowered to use any surplus moneys from the general or special funds, except the poor fund,

which may be in the treasurer's hands in said county, during any of the years specified in section one of this act for the purpose of carrying out the provisions of said section one.

SEC. 4. That the board of commissioners are hereby given all the powers that may be necessary to carry out the true intent of this act. Powers of commissioners.

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 2d day of March, A. D. 1905.

CHAPTER 642.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF ONSLOW COUNTY TO LEVY A SPECIAL TAX TO PAY BONDS ISSUED TO BUILD A COURT-HOUSE AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of paying and liquidating the bonded debt of Onslow County incurred in building the court-house for said county, the Board of Commissioners of Onslow County are hereby authorized and empowered to levy and cause to be collected annually for a term not to exceed ten years, a special tax on all property, solvent credits and other subjects of taxation in said county which are taxed for State and county purposes, not to exceed fifteen cents on every one hundred dollars valuation thereof and forty-five cents on every taxable poll, at the same time and in the same manner that other county taxes are levied. To pay bonded debt.
Special tax authorized for ten years.

SEC. 2. That for the purpose of liquidating and paying the debt incurred by the smallpox epidemic in said county during the years of one thousand nine hundred and four and one thousand nine hundred and five, the board of commissioners for the said county of Onslow are hereby authorized and empowered to levy and cause to be collected for the year one thousand nine hundred and five a special tax on all property, solvent credits and other subjects of taxation in said county which are taxed for State and county purposes, not to exceed five cents on every one hundred dollars valuation thereof and fifteen cents on every taxable poll, at the same time and in the same manner that other county taxes are levied. Debt caused by smallpox epidemic.
Special tax for 1905.
Limit.

SEC. 3. That the taxes herein provided for shall be collected and accounted for by the sheriff of said county of Onslow at the Levied and collected as other taxes.

same time and under the same penalties and forfeitures as other taxes for county purposes.

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. 1905.

CHAPTER 643.

AN ACT TO REPEAL CHAPTER 458 OF THE PUBLIC LAWS OF 1903, RELATIVE TO THE POLK COUNTY ROAD LAW.

The General Assembly of North Carolina do enact:

Special road law
repealed.

SECTION 1. That chapter four hundred and fifty-eight of the Public Laws of one thousand nine hundred and three 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 2d day of March, A. D. 1905.

CHAPTER 644.

AN ACT TO PREVENT THE CATCHING OF FISH BY MUDDY-ING IN LITTLE CONTENTNEA CREEK.

The General Assembly of North Carolina do enact:

Unlawful to enter
and muddy waters.

SECTION 1. That it shall be unlawful for any person or persons to enter and muddy the waters of Little Contentnea Creek for the purpose of catching fish, from Adams' Bridge across said creek to B. M. Lewis & Bro.'s mill.

Misdemeanor;
penalty.

SEC. 2. That any person or persons violating this act shall be guilty of a misdemeanor and punished at the discretion of the court.

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

In the General Assembly read three times, and ratified this the 2d day of March, A. D. 1905.

CHAPTER 645.

AN ACT TO AMEND THE ROAD LAW OF LINCOLN COUNTY
SO AS TO INCLUDE THE TWO PRINCIPAL STREETS OF
DENVER.*The General Assembly of North Carolina do enact:*

SECTION 1. The two main streets of the town of Denver are hereby declared to be a part of the public roads of Lincoln County.

Main streets part of public roads.

SEC. 2. The supervisor of the public roads adjoining the said town shall superintend the working of the said two streets as he does the other public roads of the county.

Supervisor to superintend street work.

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 2d day of March, A. D. 1905.

CHAPTER 646.

AN ACT FOR A DIVISION OF THE LIQUOR TAX OF NEW
HANOVER COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That the taxes levied and collected by the county of New Hanover for liquor licenses shall be paid to the Treasurer of the county of New Hanover for county purposes until December thirty-first, one thousand nine hundred and five, after which one-half of the said taxes shall be paid to the treasurer for the benefit of the school fund of said county and the other half shall be paid to the treasurer for general county purposes.

To general county fund until December 1st.

Afterwards one-half to school fund, one-half to general fund.

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. 1905.

CHAPTER 647.

AN ACT TO INCORPORATE THE TOWN OF MONCURE,
CHATHAM COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That the town of Moncure in the county of Chatham and the State of North Carolina be and the same is hereby incorporated by the name and style of "Moncure," and so far as may not be inconsistent with this act shall have all the powers and be subjected to all the provisions of chapter sixty-two of The Code.

Town incorporated.

Corporate name.

Subject to general law.

- Corporate limits.** SEC. 2. That the incorporate limits of said town shall embrace all the territory included in a boundary governed by a radius of one-quarter mile from the northeast corner-stone of the Seaboard Air Line Railroad lot.
- Jurisdiction of officers.** SEC. 3. That the jurisdiction of the mayor of said town and the officers thereof, for the purpose of police regulations, shall extend in all directions one mile from the corporate limits. The officers shall be a mayor and four commissioners and a town constable and shall have such other police officers as the mayor and commissioners shall appoint.
- Officers.**
- Officers named.** SEC. 4. That until the time of the first regular election and the qualification of the officers elected, the government of the town shall be vested in the following persons, to-wit: J. E. Bryan, Mayor; W. J. Strickland, J. L. Womble, W. J. Bradshaw, John Bell, Commissioners; E. F. Watkins, Town Marshal or Constable.
- Prohibition.** SEC. 5. That the manufacture or sale of spirituous, vinous or malt liquors are prohibited within the limits of said town.
- SEC. 6. That this act shall be in force from and after the day of its ratification.
- In the General Assembly read three times, and ratified this the 2d day of March, A. D. 1905.

CHAPTER 648.

AN ACT FOR THE BETTERMENT OF THE PUBLIC ROADS OF EDGECOMBE COUNTY.

The General Assembly of North Carolina do enact:

- Special road tax to be levied.** SECTION 1. That the Board of Commissioners of Edgecombe County, in order to provide for the proper construction, improvement and maintenance of the public roads and bridges of said county, at their regular meeting in June, one thousand nine hundred and five, and at each annual meeting thereafter, shall levy a special tax on all property subject to taxation under the law in said county of not less than ten cents nor more than thirty cents on the one hundred dollars worth of property and not less than thirty cents nor more than ninety cents on the poll, the constitutional equation to be observed at all times; said taxes to be collected as all other taxes are, to be kept separate on the tax books of the county, to be set aside as a special road fund to be used in the construction, improvement and maintenance of the public roads and such bridges in said county not costing to exceed fifty dollars, the purchase of such material, implements, teams, wagons, camp outfits, quarters of stockade for the use of and for the safe-keeping of the convict force as may be necessary in the proper carrying out of this work, and for the employment of such addi-
- Tax limit.**
- Tax to be kept separate. Specific appropriation.**

tional labor as may be necessary: *Provided, however*, that the money raised under this section shall as far as possible be used for permanent improvement of the roads.

SEC. 2. That the board of county commissioners, at their regular meeting in June of each year, shall appoint a county road superintendent, whose salary shall be fixed by said board, to be paid out of the county road fund; that it shall be the duty of said superintendent, subject to the approval of said board, to supervise and have charge of the maintenance and building of all public roads and bridges of Edgecombe County, and he shall submit to said board a monthly report concerning the work in progress and the expenses incurred, and he shall submit a quarterly report on the condition of the public roads and bridges, with plans for their improvement. He shall include in his quarterly report an inventory of the tools, implements and other equipments on hand. If in the opinion of said board the employment of a county road superintendent is not consistent with the best interests of the county, then said board shall not be required to employ one, but in lieu thereof they may appoint a township superintendent for one or more townships in the county, whose duties and responsibilities in such townships shall be the same as those provided in section one of this act for county road superintendent, and he shall be paid and his salary fixed by said board; that the said board may discharge him upon ten days' notice.

County road superintendent.
Duties of superintendent.
Monthly reports.
Quarterly reports.
Inventory in quarterly reports.
Employment of superintendent discretionary.
Township superintendents.
Discharge upon ten days' notice.

SEC. 3. That the superintendent of roads, with the approval of said commissioners, shall have power to employ and discharge such guards as may be needed to take charge of the convict force and such other laborers as may be employed. He shall have the power to employ one or more persons in each township to be known as township supervisors, who, acting under the supervision of the county road superintendent and county commissioners, shall supervise the road work in the township for which he is appointed.

Employment of guards and laborers.
Township supervisors.

SEC. 4. That all prisoners confined in the county jail under final judgment of any court having jurisdiction, for crime or imprisonment for the non-payment of costs or fines, or under final judgment in the cases of bastardy, or under vagrant acts, and all insolvents who may be imprisoned by any court of competent jurisdiction in Edgecombe County for the non-payment of costs, and all persons who may be sentenced in said county to the State's Prison for a term less than ten years, may be worked on the public roads: *Provided*, that said commissioners may arrange with the commissioners of neighboring counties for such an exchange of prisoners during alternate months or years as will enable them to increase the number of prisoners at work on its public roads at any given time, and that upon application of the chairmen of boards of county commissioners to the judge of the superior court, the justice of the peace or said principal officers of any municipality or other inferior courts, it shall be the duty of the said

Prisoners to be worked on roads.
Proviso: exchange of labor.
Convicts to be sentenced to work on roads.

judge, justice of the peace or said principal officer to sentence such person convicted in such court to work on the public roads of said county; all such convicts to be fed, clothed and otherwise cared for at the expense of the county, to be paid out of the general county fund or the road fund, in the discretion of the board of county commissioners.

Convicts from other counties.

SEC. 5. That when the Commissioners of Edgecombe County shall have made provision for the expense of supporting and guarding while at work on its public roads a larger number of prisoners than can be supplied from the courts of said county, then upon application of the commissioners of said county to the judges holding courts in adjoining counties in the same or adjoining judicial districts which do not work their own convicts on their own public roads, such judges may sentence such able-bodied male prisoners as described in section four of this act from such adjoining counties to work on the public roads of Edgecombe County, and the cost of transferring, guarding and maintaining such prisoners as may be sent to Edgecombe County shall be paid by said county: *Provided*, that any and all such prisoners from any other county may be at any time returned to the keeper of the jail of such other county at the expense of said Edgecombe County.

Proviso: prisoners may be returned.

Roads to be twenty feet wide.

SEC. 6. That no road laid out and constructed under this act shall be less than twenty feet wide nor more than forty feet wide, in the discretion of the superintendent of roads or the board of county commissioners, the same to be laid out or surveyed by or under the direction of the county road superintendent or township road superintendent.

Powers to enter upon land and take material.

SEC. 7. That for the purpose of carrying out the provisions of this act the said county or township superintendent is hereby authorized to enter upon any land near to or adjoining any road to cut and carry away timber, except trees or groves or improved land planted or left for ornament or shade, to dig or cause to be dug and carry away any gravel, sand, clay or stone which may be necessary to construct, improve or repair said road, and to enter upon any land adjoining or lying near said road in order to make such drains or ditches through the same as he may deem necessary for the betterment of the road, doing as little injury to said land and timber and improvements thereon as the nature of the case and the public good will permit; and the drains and ditches so made shall be conducted to the nearest ditch, water-course or waste place and shall be kept open by the road superintendent and shall not be obstructed by the owner or occupant of said land or other person. When the owner of land or the agent of such owner having in charge any land from which timber or other material shall have been taken for road purposes shall present an account through the road superintendent at any regular meeting of the county commissioners within sixty days from the taking and carrying away of such material, it shall be the duty of

Accounts for material.

said commissioners to pay for the same a fair price, to be determined by a jury of three freeholders, one to be selected by such land-owner or his agent, one to be selected by the road superintendent, the third to be chosen by those two; said jury to be appointed by the board of county commissioners when selected in the manner aforesaid, which jury shall report in writing their decision to the board of county commissioners for revision or confirmation: *Provided*, that said land-owner or his agent shall have the right of appeal as provided by this act.

How price assessed.

Report in writing.

Appeal.

SEC. 8. That, subject to the approval of said board, the county superintendent of roads is hereby empowered, with the aid of a competent engineer or surveyor, to locate, relocate or change any part of any public road in Edgecombe County when in his judgment the same will prove advantageous to public travel; and when any person or persons on whose land the new road or part of the road is to be located claims damages therefor and within sixty days files a petition before said board asking for a jury to assess such damages, the said board, within not less than twenty days nor more than sixty days after the completion of said road, shall order a jury of three disinterested freeholders to be summoned by the sheriff or constable as provided by law, who shall give said land-owner or his local representative forty-eight hours' notice of the time and place when and where said jury will meet to assess damages; and said jury, being duly sworn, in considering the question of damages, shall also take in consideration the benefits to the owner of said land, and if such benefit shall be considered equal to or greater than the damages sustained, then the jury shall so declare, and report in writing its finding to the board of county commissioners for revision or confirmation: *Provided*, that if said land-owner be a non-resident of the county and have no local representative it shall be deemed a sufficient service of such notice for the sheriff or constable to forward by mail a written notice of the purpose, time and place of such meeting of said jury to the last known post-office address of such land-owner seven days in advance of such meeting, and also to post a notice for seven days at the court-house in the town of Tarboro.

Superintendent to locate, relocate or change road.

Procedure for assessment of damages.

Proviso: notice to non-residents.

SEC. 9. That in case the land-owner or his legal representative shall be dissatisfied with the finding of the jury and the decision of the county commissioners as aforesaid, he may appeal from their decision to the superior court of the county—all such appeals being governed by the law regulating appeals from justices of the peace—and the same shall be heard *de novo*; but the judge, in his discretion, may require the land-owner to give bond when the case is taken by appeal to the Supreme Court.

Appeal.

Judge may require bond.

SEC. 10. That no land-owner or tenant shall turn water upon the county roads without the consent of the superintendent of roads, and any land-owner who has heretofore, by ditches or drains constructed by him, turned the water from his field upon the public

No water to be turned on roads.

- road, shall, within ten days after notice to do so given by the said superintendent in writing, change the course of his ditches or drains so that the water shall not flow into or over said road.
- Ditches and drains to be changed.** SEC. 11. That it shall be unlawful for any one to take and carry away sand, clay, soil or gravel from a public road in Edgecombe County or from the ditches along the sides of public roads in said county without the written consent of the superintendent in charge of such roads.
- Unlawful to take material from roads.** SEC. 12. That the moneys collected from the taxes levied or bonds sold under the provisions of this act shall by the proper officer be paid into the hands of the county treasurer and paid out upon the warrant of the board of county commissioners as are other public moneys; and on the first Monday in June and December of each and every year the said board shall make a written report, giving a statement of the disbursements and receipts of the several road funds during the preceding six months, which reports, or the substance thereof, the said board shall cause to be published at least once in one of the newspapers published in the town of Tarboro.
- Moneys to be paid out as other moneys.** SEC. 13. That no land-owner or tenant shall cut a ditch across a public road in Edgecombe County without the written consent of the superintendent of roads of said county or township; and any one cutting a ditch across the public road of said county shall, with the consent of the superintendent or supervisor of roads, tile the same with pipes of the size designated by the superintendent or supervisor.
- Board to make semi-annual statements.** SEC. 14. That it shall be unlawful for any person to plow, to cut up or otherwise unlawfully injure any public road in said county.
- Statements to be published.** SEC. 15. That any person violating any of the provisions of this act or failing to perform or discharge any duty imposed by this act shall be guilty of a misdemeanor, and upon conviction thereof shall be imprisoned not to exceed thirty days or shall be fined a sum not exceeding fifty dollars.
- Unlawful to cut ditch across road.** SEC. 16. That any officer appointed by this act shall be required by the said county commissioners to execute a bond, with sufficient security, in such sum as the commissioners may deem just and proper, conditioned for the faithful performance of his duties.
- Ditch cut by consent to be tiled.** SEC. 17. That this act shall be in force and effect from and after its ratification.
- Unlawful injury to road.** In the General Assembly read three times, and ratified this the 2d day of March, A. D. 1905.
- Misdemeanor.**
- Penalty.**
- Bonds of officers.**

CHAPTER 649.

AN ACT TO SUBMIT TO THE QUALIFIED VOTERS OF THE CITY OF ASHEVILLE THE QUESTION OF REQUIRING COMPULSORY EDUCATION WITHIN SAID CITY. AND TO PROVIDE FOR THE ISSUING OF BONDS AND THE LEVYING OF TAXES FOR THE PURPOSE OF CARRYING THE SAME INTO EFFECT.

The General Assembly of North Carolina do enact:

SECTION 1. That every parent, guardian or other person in the city of Asheville having charge or control of a child between the ages of eight and fourteen years shall cause such child to attend regularly some day school (public, private or parochial) in which at least the six common-school branches of reading, spelling, writing, arithmetic, English and geography are taught not less than eight school months in each calendar year, or shall provide such child at home or elsewhere with such regular daily instruction during the usual school hours as shall be in the judgment of a court having jurisdiction substantially equivalent in kind and amount to the instruction given the children of like age in the public schools of said city.

Children from eight to fourteen years old.

Instruction at home in lieu of school attendance.

SEC. 2. That every parent, guardian or person in the city of Asheville having charge or control of a child in said city between the ages of fourteen and sixteen years that is not actually, regularly and lawfully engaged in some useful employment or service shall cause said child to attend regularly some day school as aforesaid: *Provided*, that occasional absence from such attendance by any child between the ages of eight and fourteen years or any unemployed child between the ages of fourteen and sixteen years not amounting to two unexcused absences in four consecutive weeks shall not be unlawful.

Children from fourteen to sixteen.

Proviso: occasional absence.

SEC. 3. That any child between the ages of eight and fourteen years or any unemployed child between the ages of fourteen and sixteen years may be excused temporarily from complying with the provisions of this act, in whole or in part, if it be shown to the satisfaction of a court having jurisdiction that said parent, guardian or person having charge or control of said child is not able, through extreme destitution, to provide or obtain in any way proper clothing for said child, or the said child is mentally or physically incapacitated to attend school for the whole period required, or any part thereof, or (if said child is under the age of fourteen years) that the labor of said child is absolutely necessary for the support of its family, or that said child has completed the elementary course of study of the public schools of the city of Asheville and has received a certificate of credit therefor, or has completed the equivalent of said course in some other school, the same to be determined by an accredited certificate from the princi-

Children excused.

pal or teacher of such other school or by an examination to be given said child by the superintendent of the public schools of the city of Asheville or under his direction.

Fund for purchase of books and school supplies.

SEC. 4. That the school committee of the city of Asheville may, in its discretion, set apart each year a sum not to exceed one per cent. of the entire school funds of said city, which it may use in purchasing books and school supplies for indigent children found by said committee to be unable to supply themselves with such books and materials.

Attendance officers.

SEC. 5. That the school committee of the city of Asheville may appoint and remove at pleasure one or more attendance officers to enforce the provisions of this act, and shall fix the compensation and manner of performance of the duties of such attendance officer or officers, and shall pay them from the public school funds of said city for their services; and the attendance officer or officers as aforesaid shall serve written or printed notices upon the parents, guardians or persons having charge or control of children as afore-

Attendance officer to serve notice on parents.

said who violate the provisions of this act that prompt compliance therewith is required; shall, when reasonable doubt exists as to the age of any child in said city, require a properly attested birth certificate or an affidavit stating such child's age, date of birth and

Require proof of age.

physical characteristics; shall have the right to visit and enter any office or factory or business house employing children as aforesaid for the purpose of enforcing the provisions of this act; shall

Visit offices, factories and business houses.

have the right to require a properly attested certificate of the attendance of any child or children at any day school; shall have

Certificate of attendance.

power to arrest without warrant all truants and non-attendants as aforesaid and place them in some public school, unless the parents, guardians or persons in charge and control of said children, respectively, shall at once place them in some other day school as

Arrest without warrant.

aforesaid, and shall serve all legal notices and subpoenas of the court and make all required arrests in the cases which they prosecute without further fee or compensation than that paid by the school committee as aforesaid, and shall carry into effect such other regulations as may lawfully be required by the said school committee.

Legal notices and subpoenas.

Ungraded truant or parental school.

SEC. 6. That the school committee of the city of Asheville may establish and maintain from the public school funds of said city one or more ungraded truant or parental schools within said city, and may set apart one or more rooms in the public school buildings of said city for that purpose, or may in its discretion purchase land and maintain separate schools, either within or with-

School for juvenile disorderly persons.

out the city of Asheville, for children between the ages of eight and sixteen years who are either habitual truants from any day school in which they are enrolled as pupils or from instruction upon which they are lawfully required to attend, or who, while in attendance at any public school, are incorrigible, vicious or immoral in conduct, or who habitually wander or loiter about the

streets or other public places within said city without lawful employment, or who are otherwise irregular in their attendance upon school, and all such children shall be deemed juvenile disorderly persons, and may by the school committee of said city, through its officers or by a court having jurisdiction thereof, be assigned to and required to attend such truant or parental school or any such department of the public schools of the city of Asheville as may be designated as a truant school: *Provided*, that the superintendent of the public schools of said city shall have authority in his discretion at any time to change any truant from said truant or parental school to the public schools of said city, and may release such truant on the condition that he attend regularly upon some other such day school as that hereinbefore mentioned.

Children assigned to school.

Proviso: release on condition.

SEC. 7. That any parent, guardian or person having control of a child between the ages of eight and sixteen years who shall violate any provision of this act shall be warned as aforesaid, as soon as possible after the beginning of the school term of said city of each year and also at any time thereafter when such violation shall be discovered by the attendance officer herein provided for, to place and keep said child in regular attendance at some day school within three days of the service of said written or printed notice of warning, and upon failure to comply with this act after a lapse of three days from the date of service of said notice of warning, said parent, guardian or person having charge or control of said child shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not less than five dollars and not more than twenty-five dollars or be imprisoned for not less than two days and not more than thirty days: *Provided*, that said sentence of fine or imprisonment may be suspended and finally remitted by the court, with or without the payment of costs, at the discretion of the court, if the said child be immediately placed and kept in regular attendance in some day school as aforesaid and such fact of regular attendance shall be subsequently proven to the satisfaction of said court by a properly attested certificate of attendance from the superintendent or teacher of said day school: *Provided further*, that every day any parent, guardian or other person shall willfully and unlawfully keep such child from school after the expiration of three days from the service of such notice on such parent, guardian or other person having control of said child shall constitute a new and separate offense and shall subject such parent, guardian or other person having control of such child to the penalties herein prescribed.

Parents and guardians to be warned.

Misdemeanor.
Penalty.

Proviso: sentence suspended.

Proviso: separate offenses.

SEC. 8. That the school committee of the city of Asheville shall, during the month of August of each year, publish this act in full for ten days in some newspaper published in said city, or shall post notices thereof in ten or more such public places in said city as will in their judgment best give knowledge thereof to the inhabitants of said city.

Act to be published.

Employment of children during school hours.

SEC. 9. That no child under fourteen years of age residing within the corporate limits of the city of Asheville shall be employed in any factory, work-shop or mercantile establishment or in any other place or manner during the usual school hours in said city unless the person employing him shall first procure a certificate from the superintendent or teacher of the school said child last attended stating that such child attended school for such current year for the period required by law, or has been excused from attendance as provided in the third section hereof; and it shall be the duty of said superintendent or teacher to furnish such certificate upon application of the parent, guardian or other person having control of such child entitled to the same.

Superintendent or teacher to furnish certificate.

Unlawful employment of child a misdemeanor.

SEC. 10. That every owner, superintendent or officer of any factory, work-house or mercantile establishment and any other person who shall employ any child under fourteen years of age contrary to the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined for each offense in a sum not less than ten dollars and not more than fifty dollars or imprisoned for not less than five nor more than thirty days.

Penalty.

How prosecutions brought.

SEC. 11. That prosecutions under this act shall be brought in the name of the State of North Carolina before any justice of the peace of the county of Buncombe residing in said city or before the police justice of said city, and the fines collected shall be paid over to the treasurer of said city and be credited to the permanent school fund of said city.

Fines to use of permanent school fund.

Record to be kept by teachers.

SEC. 12. That an accurate record of the ages, residences and attendance of all children between eight and sixteen years of age shall be kept by the teacher of every school, whether public, private, parochial or tutorial, within the city of Asheville, showing each day (by the year, month, day of the month and day of the week) such attendance and the number of hours in each day thereof, and each teacher upon whose instruction such child shall attend elsewhere than at school shall keep a like record of such attendance. Such records shall at all times be open to the attendance officer or officers or other persons duly authorized by the school committee of said city to inspect the same, who may inspect and copy the same; and every teacher shall fully answer all inquiries lawfully made by said school committee, attendance officers or other persons lawfully authorized by the school committee as aforesaid, and a willful neglect or refusal so to answer any such inquiry shall be a misdemeanor, and any person upon conviction thereof shall be fined not less than five dollars nor more than thirty dollars or imprisoned for not more than thirty days for each offense.

Records open for inspection.

Teachers to answer inquiries.

Refusal a misdemeanor.

Penalty.

Bonds to be issued if act ratified.

SEC. 13. That in order to carry out the provisions of this act and to provide adequate school accommodations for all children in the city of Asheville within the school age prescribed by law,

it shall be the duty of the mayor and board of aldermen of said city, provided this act is ratified at an election held for that purpose, to issue coupon bonds in the name of the city of Asheville, in such denominations and form as said mayor and board of aldermen may determine, to the amount of thirty thousand dollars, and for the purposes hereinbefore and hereinafter specified, which bonds shall bear interest from their date at a rate not exceeding six per cent. per annum, payable semi-annually, and be payable at thirty years from their date, at such place or places as said mayor and board of aldermen may determine; that said bonds shall be signed by the mayor of said city and attested by the city clerk and issued under the corporate seal of said city, and shall show upon their face that they were issued for school purposes, and the interest upon said bonds shall be evidenced by interest coupons thereto attached in the usual form, and said bonds, when issued, and the interest accumulating thereon, shall be fully binding upon said city and its property.

SEC. 14. That said bonds, when issued, shall be delivered to the treasurer of said city, who is *ex officio* treasurer of the school committee of said city, to be by him sold and converted into money and the proceeds thereof disposed of under the directions of the school committee of the city of Asheville for the purpose of purchasing school sites and grounds and for building, enlarging, improving, equipping and furnishing public school buildings in the city of Asheville at such places as the school committee may select or determine and on property now owned by said city or which it may hereafter acquire for school purposes.

SEC. 15. That the Mayor and Board of Aldermen of the city of Asheville, upon the issuing of said bonds, shall be authorized and empowered to levy and collect a tax annually upon all subjects of taxation which are now or may hereafter be embraced in the subjects of taxation under the charter of said city sufficient to meet the interest on said bonds as the same shall become due and payable, and pay the principal thereof when the said principal shall become due and payable, and said taxes shall be collected in like manner as the other taxes of said city and paid into the hands of the treasurer thereof for the purposes aforesaid.

SEC. 16. That said bonds shall not be issued nor said taxes levied until authorized by vote of a majority of the qualified voters of the said city at a public election to be held for the ratification or rejection of this act as hereinafter provided.

SEC. 17. That said mayor and board of aldermen shall lay annually and cause to be collected by the tax collector of the city of Asheville, in addition to the taxes otherwise provided for and in addition to the taxes now levied for school purposes by chapter one hundred, section one hundred and eight, of the Private Laws of one thousand nine hundred and one, and under the same rules and regulations as general poll and property taxes provided for by law are collected, an additional special educational tax in said

Amount.

Description.

How bonds attested.

Bonds to be delivered to and sold by city treasurer.

Special tax.

Bonds not to be issued nor tax levied until ratification of act by people.

Additional school tax.

Total school tax limit.	city of five cents on the one hundred dollars valuation of property and thirty cents on the poll, for the purpose of maintaining and supporting the public schools of said city, making the total special educational tax in said city not to exceed thirty-five cents on the one hundred dollars valuation of property and one dollar and twenty cents on the poll.
Act to be voted on.	SEC. 18. That the provisions of this act shall not be in effect or said bonds issued nor said taxes levied until this act shall be approved and ratified by a vote of a majority of the qualified voters of the said city of Asheville at a public election to be held in said city in the same manner as elections now are or may hereafter be held in said city for the election of mayor and aldermen thereof, and at such an election those who favor the provisions of this act, including the issuing of said bonds and the levying of taxes as hereinbefore provided for, shall vote ballots with the
Form of ballots.	words "For Compulsory Education" written or printed thereon, and those opposed to the provisions of this act shall vote ballots with the words "Against Compulsory Education" written or printed thereon; and if at any such election a majority of the qualified voters of said city shall vote ballots with the words "For Compulsory Education" written or printed thereon, then the provisions of this act shall be and become of full force and effect, and the said Mayor and Board of Aldermen of the city of Asheville shall thereupon issue said bonds and levy a tax sufficient to meet the interest and principal thereof when and as the same shall become due as hereinbefore specified, and shall also levy the additional special educational tax hereinbefore provided for. The Board of Aldermen of the city of Asheville are authorized and empowered, upon the petition of one-third of the qualified voters of said city who vote in the municipal election held in said city in May, one thousand nine hundred and five, to submit to the qualified voters of said city the question of compulsory education as provided in this section. The said board of aldermen shall in their discretion decide whether or not said question shall be submitted, and should they decide to submit the same they shall give public notice of
Act in effect if majority vote "For Compulsory Education."	said election for thirty days, but no election on said question shall be held until the first day of July, one thousand nine hundred and six, and if at such election a majority of the qualified voters of said city shall cast ballots "For Compulsory Education," then the provisions of this act shall be and become of full force and effect, and the said bonds herein referred to shall be issued by said mayor and board of aldermen, to be applied to the purposes and upon the terms and conditions hereinbefore stated, and the said additional special educational tax shall be levied and collected as provided in this act.
Petition for election.	SEC. 19. That this act shall be in force from and after the first day of July, one thousand nine hundred and six.
Holding election discretionary.	In the General Assembly read three times, and ratified this 2d day of March, A. D. 1905.
Notice of election.	
No election before 1st July, 1906.	
In effect from 1st July, 1906.	

CHAPTER 650.

AN ACT TO PROVIDE FOR THE CONSTRUCTION AND REPAIR OF THE PUBLIC ROADS OF ROBESON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of the County of Robeson shall, on the first Monday in the month of June, one thousand nine hundred and five, and annually thereafter, levy a tax of not more than twenty-five cents on the one hundred dollars valuation of all property in said county subject to taxation and not more than seventy-five cents on each taxable poll, which said taxes shall be collected in the same manner as other taxes are collected for State and county purposes, and shall be kept separate and apart on the tax books of said county and shall be known as the "road fund" and shall be used only in the construction, improvement, maintenance and repair of the public roads and bridges in said county and in the purchase of material, implements, teams, wagons, camp outfits and stockades for the use and safe-keeping of the convict force and in the employment of labor to work said roads and in the payment of the salaries herein provided for.

Special tax to be levied.

Tax limit.

Specific appropriation.

SEC. 2. The board of list-takers and assessors to be appointed for the several townships within the county of Robeson at the meeting of the board of commissioners of said county to be held on the first Monday in April, one thousand nine hundred and five, shall, in addition to their other duties as provided by law, assess the road-bed, right of way, depots and all other tangible and visible property within their respective townships which shall be owned by railroad, telegraph, telephone and express companies, and shall value the same at its true value in money and assess the taxes for road purposes and compute the same accordingly; said taxes to be collected in the same manner as taxes upon other property and as herein provided for. For the purpose of taxation for road purposes the road-bed, right of way, depots and other property belonging to railroad, telegraph, telephone and express companies located within the county of Robeson shall be deemed and considered to be real estate and shall be assessed for taxation accordingly: *Provided*, that the said board of list-takers and assessors shall not include in the valuation of the property of said corporations the value of the franchise or the rolling stock of said companies, but shall only take into consideration the actual tangible and visible property belonging to said companies which is permanently located within said county of Robeson.

Railroad, telegraph, telephone and express companies to be assessed.

Real estate.

Proviso: franchise and rolling stock not to be assessed.

SEC. 3. The valuation placed by the said board of list-takers and appraisers for the several townships within the county of Robeson upon railroad, telegraph, telephone and express companies for the year one thousand nine hundred and five shall be the valuation upon which taxes upon said corporations shall be assessed

Valuation.

until the next general re-valuation of property shall be made, as is provided in section twelve of chapter two hundred and fifty-one of the Public Laws of one thousand nine hundred and three; and when such new valuation of property shall be made as therein provided, the list-takers and appraisers to be appointed as in said section provided shall, in addition to their other duties as provided by law, value the property of railroad, telegraph, telephone and express companies as is herein provided, and such valuation shall stand and remain until the next valuation shall be made as in said section provided.

Superintendent of roads.

SEC. 4. There shall be elected by said board of commissioners at their regular meeting in April, one thousand nine hundred and five, or as soon thereafter as practicable, and annually thereafter, a competent person skilled in the modern methods of road-building, to be known and designated as the "Superintendent of Roads," who shall be paid a just and reasonable compensation, to be fixed by the said board, and the said superintendent of roads may

Removal for cause.

at any time be removed from office by said board after having been given ten days' notice and a hearing, when in the opinion of a majority of said board there exists good and sufficient cause for such action; and for malfeasance or misconduct in office he may be removed by said board without further notice than may be necessary to give him a hearing, and said board shall have power to fill any vacancy in said office that may occur by removal, resignation, death or otherwise for the unexpired term of said office.

Vacancy.

Superintendent to give bond.

Said superintendent of roads shall, before entering upon the discharge of the duties of his office, deposit with said board a good and sufficient bond, to be approved by said board, in such sum as it may determine, conditioned upon the faithful discharge of the duties of his office and for the proper disbursement of and accounting for such sums of money or other property as may come into his hands by virtue of his said office, which bond shall be duly registered in the office of the register of deeds and shall remain in the custody of the clerk of the board. The said board shall have power to require a new bond whenever in their judgment it may be necessary or advisable.

Bond to be registered.

Township supervisors.

SEC. 5. The said board of commissioners shall also appoint, with power to remove at any time, one competent person in each township within the county to be known and designated as "Township Supervisor," who, acting under the direction and control of the superintendent of roads, shall supervise and direct the building and repairing of roads and bridges of their respective townships

Pay of supervisors.

or districts. The said supervisor shall be paid such compensation for his services as may be fixed by said board: *Provided*, the *per diem* of said supervisor shall not exceed one dollar and fifty cents per day of ten hours each: *And provided further*, that no supervisor shall receive any *per diem* for working less than six hands.

SEC. 6. In case the said board of commissioners shall deem it necessary to appoint more than one supervisor in any township, then the board shall divide the said township into districts, to be properly designated, and shall cause an entry to be made upon the minute book of the said board setting forth at large the boundary of the several districts so established, and the district supervisors appointed shall have like duties, powers and authority and shall be subject to the same pains and penalties as is herein provided for the supervisors of townships.

Townships divided into districts.

SEC. 7. The supervisors of the several townships and districts shall, before entering upon the discharge of the duties of their office, deposit with the board of commissioners a good and sufficient bond, to be approved by said board, in such sum as the board may determine, to be not less than five hundred dollars, conditioned upon the honest and faithful discharge of their duties and for the safe-keeping and return of all property entrusted to their care and for the proper disbursement of and accounting for such sums of money as may come into their hands by virtue of their said office, which said bonds shall be filed with the clerk of the board. The said board shall have power, whenever in their judgment it may be necessary, to increase the amount of said bonds or any of them.

Bonds of supervisors.

SEC. 8. It shall be the duty of the several township or district supervisors to meet with the superintendent of roads at such time and places as he may designate, for the purpose of receiving instruction in practical road-building. The said supervisors, while attending such meetings, shall receive the same compensation as they receive when engaged in active road work. The superintendent shall cause notice of each meeting to be addressed to the several supervisors at their last known post-office and deposited in the mails, postage prepaid, at least five days before the date fixed for such meeting. Any supervisor who shall fail to attend the said meeting shall forfeit and pay the sum of three dollars unless he shall have been prevented from attending by circumstances beyond his control, which said sum shall be deducted from any sums due or which may thereafter become due to him as supervisor.

Supervisors to meet with superintendents.

Notice of meetings.

Forfeit on supervisor failing to attend.

SEC. 9. Subject to the control and direction of the said board of commissioners, it shall be the duty of the said superintendent of roads to supervise, direct and have charge of the building and maintenance of all public roads and bridges in the county, including the supervision of the convict force, and he shall have authority to determine what roads or parts of roads shall be worked and when the same shall be done, and shall have entire direction and control of the building of all bridges and culverts except as herein provided. It shall be his duty to submit a monthly report concerning the work in progress to the said board, which said report shall contain a complete summary of all his official actions during

Powers of superintendent.

Monthly reports.

- the preceding month and which shall include an itemized statement of his receipts and disbursements of any funds which may come into his hands by virtue of the provisions of this act. It shall likewise be the duty of the said superintendent, at the meeting of said board to be held for the month of July, one thousand nine hundred and five, and semi-annually thereafter, to file with said board a complete and perfect inventory of the tools, implements, teams and all other property and equipment on hand belonging to the county for road purposes.
- Semi-annual inventories.** SEC. 10. The system of compulsory free labor upon the public roads of Robeson County heretofore existing is hereby abolished, and the said roads shall hereafter be constructed, repaired and maintained by taxation and not otherwise, except as hereinafter provided for.
- Compulsory free labor abolished.** SEC. 11. The board of commissioners of said county shall have power and authority to fix the rate of compensation to be paid to such persons as may be employed to work upon the public roads as is herein set forth, and such compensation may be changed from time to time as circumstances may require, and need not be uniform over the entire county: *Provided*, that ten hours shall be held to constitute a day's work, and no supervisor shall be allowed his *per diem* unless he shall have at least six hands to work under his direction.
- County commissioners to fix wages.** SEC. 12. Any person charged with road tax may discharge the same by labor upon the public roads within the districts where the same is charged at the rate of seventy-five cents per day and a ratable allowance for any team or implement or material furnished by the direction of the superintendent or supervisor, and the supervisor under whose direction such person shall work shall give to such person a certificate stating the number of days worked, the team, implement or material furnished and the amount to which he is entitled therefor, and such certificate shall be received by the sheriff of the county as so much cash in the settlement of the taxes assessed against such person up to the amount of the road tax assessed against him, and the county treasurer shall receive all such certificates as money and cause a record thereof to be made upon the books of his office.
- Proviso: day's work.** SEC. 13. All taxes levied for road purposes shall be collected by the sheriff in the same manner as is provided by law for the collection of other taxes, and it shall be the duty of the sheriff to turn over all moneys collected by him on account of any road taxes to the county treasurer, and it shall be the duty of the county treasurer to open an account with each township within the county, and to credit each township with all moneys received by him from road taxes collected from said township, and with all moneys which may be paid to him by the superintendent of roads, or the township supervisor or any other person for the use of said township, and he shall charge each township with all sums of money
- Labor in lieu of road tax.**
- Certificate.**
- Certificate receivable for tax.**
- Collection of road tax.**
- Accounts with each township.**

paid out on account of work done in said township upon the public roads and bridges, and he shall pro rate the amount paid for the salary of the superintendent of roads and for the purchase of material, machinery, teams or other things for the use of all the roads within the county to the several townships in accordance with the amount of road taxes collected from each township for the preceding year.

SEC. 14. For his service in collecting and paying over to the treasurer of all sums of money levied for road purposes and for performing all duties enjoined upon him by this act, the sheriff of Robeson County shall be allowed a commission of four per centum upon all moneys collected by him for road purposes, and he shall be entitled to retain this sum upon his settlement of the road taxes with the county treasurer. The treasurer of the county of Robeson shall be allowed the sum of two per centum upon all moneys disbursed by him on account of the road fund, such sum to be received by him in full for all service enjoined upon him by virtue of the provisions of this act. The said treasurer and the said sheriff shall both give bond with good and sufficient sureties, in such sum as may be designated by said board of commissioners, not to exceed one-half of the amount of road taxes collected for the previous year, conditioned upon the faithful discharge of their duties and for the accounting for of all sums which may come into their hands by virtue of the provisions of this act, and the said bonds shall be renewed annually and shall be filed with the clerk of the board of commissioners: *Provided*, that the said board of commissioners shall designate what bank or banks within the county of Robeson shall be used as depositories for the road fund, and upon such designation being made the treasurer of the county shall at once deposit the amount in his hands belonging to the credit of the road fund, or such portion thereof as may be determined by the board of commissioners, in the bank as designated by the said board.

Commissions of
sheriff.

Commissions of
treasurer.

Bonds of treasurer
and sheriff.

Proviso: commis-
sioners to desig-
nate banks of
deposit.

SEC. 15. All fines, penalties or forfeitures that may be collected under the provisions of this act shall be forthwith paid to the county treasurer, who shall place the amount thereof to the credit of the road fund of the township within which the offense was committed or the penalty or forfeiture incurred.

Fines and forfeits
to use of road
fund.

SEC. 16. In case any public road shall be the dividing line between two or more townships, it shall be the duty of the superintendent of roads to apportion the said road between the several townships in a just and equitable manner, and the expenses of keeping up and maintaining such road, or the opening of new roads bordering upon two townships, shall be paid for by the townships abutting upon it in the amount as may be determined by the said superintendent of roads.

Boundary roads.

SEC. 17. All disbursements of the said road fund shall be made by order upon the county treasurer, issued by the superintendent of roads, and approved.

Orders on road
fund issued and
approved.

- of roads or the township or district supervisors, and no order issued shall be paid unless the same shall be first approved by the superintendent of roads and the chairman of the board of commissioners or some member of said board, and the said superintendent and the township and district supervisors shall deal in an equitable manner with all the townships in the county. Any superintendent of roads or supervisor who shall under any pretense whatever approve any order for material not received or services not rendered, or who shall withhold any moneys received by him from the road fund, or who shall render a false account to the board of commissioners, or otherwise, as required by law, shall be guilty of a misdemeanor and fined or imprisoned, or both, in the discretion of the court.
- Approving or numbering false accounts a misdemeanor.**
- Penalty.**
- Purchases of machinery and material.**
- Expense prorated to townships.**
- Prisoners and convicts to be worked on roads.**
- Safe-keeping and maintenance of convicts.**
- Convicts from other counties.**
- Expense paid from general fund.**
- Guards and attendants.**
- SEC. 18. The superintendent of roads, by and with the approval of the board of commissioners, shall purchase such machinery, material, teams and other things as may be necessary to construct highways and bridges, and they shall have charge of the expenditure of all moneys needed for this purpose, and the amount of such expenditures for the purpose aforesaid shall be prorated by the county treasurer among the several townships in accordance with the amount of road tax collected for the preceding year from the several townships.
- SEC. 19. All persons confined in the county jail under a final sentence of the court for crime, or imprisoned for non-payment of costs or fines, or under final judgment in cases of bastardy, or under the act providing for the punishment of vagrants, and all insolvents who shall be imprisoned for non-payment of costs, and all persons who would otherwise be sentenced to the State's Prison for a term of not more than five years, shall be worked on the public roads of the county, and all such convicts shall be fed, clothed and otherwise cared for at the expense of the county, as they have heretofore been: *Provided*, that in case serious physical disability, certified by the county physician, persons convicted in any court may be sentenced to the State's Prison or county jail.
- SEC. 20. The said board of 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, or both, and to provide for the keeping and maintaining of said convicts.
- SEC. 21. The said board of commissioners are hereby authorized to accept convicts from other counties of the State sentenced by the superior court whenever in their judgment it is deemed advisable to do so, and the cost of transporting and maintaining such convicts or prisoners shall be paid from the general county fund.
- SEC. 22. The superintendent of roads or the township supervisors by and with the consent of the board of commissioners, shall employ such guards and attendants as may be necessary to properly guard and care for such convicts, and the said board of com-

missioners shall fix the rate of compensation to be paid to such persons and they shall be paid from the general county fund as has been done heretofore. Paid from general county fund.

SEC. 23. In cases of extremity and necessity, caused by wind, floods or the forces of nature, it shall become necessary to clear and repair the public roads, then the said board of commissioners, or any member thereof, the said road superintendent or any township or district supervisor shall have full power and authority to order out such number of persons as in his judgment may be necessary to clear and repair the roads within his township or district, and it shall be the duty of such persons as may be summoned as aforesaid to work upon the public roads of said county: *Provided*, that only able-bodied male persons between the ages of eighteen and forty-five years shall be subject to duty under this section. Road duty in case of extremity and necessity.

SEC. 24. In cases of extremity, as is provided in the preceding section, it shall be the duty of the supervisor to give each person summoned at least one day's notice, either personally or by leaving a written notice at his last place of abode, specifying therein the time and place at which he shall attend and specifying the implement which such person is required to bring with him. If any person shall fail to attend or provide an able-bodied substitute acceptable to the superintendent or supervisor, or having attended shall refuse to obey the directions of the superintendent or supervisor, or who shall spend the time in idleness or inattention to the duties assigned to him, every such delinquent shall forfeit and pay the sum of two dollars for every such offense, and shall also be guilty of a misdemeanor and shall be fined not more than ten dollars nor imprisoned more than five days, and it shall be the duty of the county attorney to prosecute violations of the law under this section. Supervisor to serve warning.

SEC. 25. It shall be unlawful for any supervisor or road superintendent, or any other person who stands in a fiduciary relation, to furnish any material, implement or anything else and charge, or have charged, the same to the road fund of any township at a greater price than it is actually worth or can be bought for on the general market. Any person violating this section shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days. Fiduciary furnishing supplies.

SEC. 26. Subject at all times to the control and direction of the board of commissioners, the superintendent of roads shall determine what roads or portions of roads shall be worked and when the work shall be done, and when he shall determine upon the working of any given road he shall give to the supervisor of the township or district within which the portion of the road to be worked shall be located two days' notice in writing, and upon the receipt of such notice it shall be the duty of the said superintendent to at once procure such number of hands as in his judgment shall be necessary to perform and complete such work as directed by the Misdemeanor. Penalty.

Superintendent to lay out work.

Notice to supervisors.

Duty of supervisor.

Funds for expense of work.	said superintendent, and the said supervisor shall draw an order upon the county treasurer for such sum of money as in his judgment may be necessary to perform such work, and said order shall be countersigned by the superintendent of roads and shall be submitted to the chairman of the board of commissioners or to some member thereof for his approval, and if the same shall be approved the county treasurer shall pay the amount named in said order to the said supervisor and charge the amount thereof to the township within which the work is to be done, and the said supervisor shall use said funds in the payment of the hands engaged upon such work, and within ten days after the completion of said work he shall file an itemized statement of the funds expended by him with the clerk of the board of commissioners, and shall turn over to the county treasurer any balance which remains in his hands of the funds so obtained, and the treasurer shall credit the road account of the township from which the funds were drawn. The said itemized statement shall be submitted to and passed upon by the said board of commissioners at the meeting to be held next after the same shall be filed with the clerk and shall be audited by said board and approved or disapproved, and if the same be disapproved the bond of the said supervisor shall be held liable thereunder. If any supervisor shall willfully file a false account with the clerk of said board he shall be guilty of a misdemeanor and fined or imprisoned in the discretion of the court, or both.
Itemized statement.	
County commissioners to pass on statement.	
False account a misdemeanor.	
Penalty.	
Roads let to contract.	SEC. 27. In case the said superintendent of roads shall deem it expedient or advisable to let out the construction or repairing of any road or portion of road or the building of any bridge to contract, he shall cause a contract to be drawn up in writing, specifying therein particularly the work to be done and the manner of its execution and the price to be paid therefor, which said contract shall be submitted to the board of commissioners of the county of Robeson, and in case the same shall be approved by them it shall be executed by the contractor and by the chairman of the board of commissioners. Before any money shall be paid to the contractor on account of work done under such contract, the work so done shall be thoroughly inspected by the superintendent of roads and shall be accepted by him, and no sum shall be paid to any contractor except upon the written order of the superintendent of roads approved by the board of commissioners. The said board shall cause such contractor, before entering upon the execution of such work, to enter into bond with good and sufficient sureties in such sum as may be decided upon by said board, conditioned for the faithful performance and discharge of his duties and obligations under such contract.
Specifications of contract.	
Contract submitted to commissioners.	
Work inspected and approved before payment.	
Contractor to give bond.	
Width of roads.	SEC. 28. All public roads within the county of Robeson shall be not more than forty nor less than twenty feet wide, and the superintendent of roads, subject at all times to the control and direction

of the board of commissioners, shall determine the width of the same.

SEC. 29. The superintendent of roads and the several supervisors shall have the power to relocate and widen any public road within the county of Robeson, subject at all times to the control and direction of the board of commissioners, and in relocating any road the road relocated shall be made as straight as practicable.

SEC. 30. In relocating and widening roads now in use, or in opening new roads, the superintendent of roads shall cause a survey of the proposed change of an old road or the route of the new road to be opened to be made, and the said superintendent or the several supervisors shall give notice to the land-owner that said land is condemned for the use of the county. It shall thereupon be the duty of the superintendent of roads to ascertain the damage done to the land thus taken and appropriated for use as a road and to pay the owner or owners in accordance therewith. And to this end the said county superintendent shall draw an order upon the county treasurer for the amount of such damages, which said order, if approved by the chairman of the board of commissioners or any member thereof, shall be cashed by the county treasurer. In case the said superintendent and the owner of the land cannot agree as to the damages to be paid for the taking of such land, then it shall be the duty of the said superintendent to apply to the Clerk of the Superior Court of Robeson County, whose duty it shall be upon such application made to at once appoint a jury, to consist of five freeholders of the township within which the land lies, to assess the damages. The said clerk shall notify the said jurors to meet upon the premises at the time to be designated by him, which time shall be not less than five days after service of notice upon said jurors by the sheriff or other lawful officer of Robeson County. And the said clerk shall likewise cause notice to be given by the sheriff in like manner to the land-owner and to the superintendent of roads. Upon the day specified in the order of their appointment and at the time specified in said order the said jury shall meet upon the premises and shall be sworn by some person authorized to administer oaths. They shall proceed to assess said damages, and the said jury, in determining said damages, shall take into consideration the benefits made to the property and the damages sustained by the property, subtract one from the other and the result shall be their verdict. The land-owner and the superintendent of roads shall have the right to appear before said jury, either in person or by attorney, and argue the matter. The said jury shall make their report in writing and the same shall be forthwith filed with the Clerk of the Superior Court of Robeson County, and the same shall be recorded upon the judgment docket of said court: *Provided*, that if either the superintendent or the land-owner shall feel aggrieved by the action of the jury, they shall have the right of appeal to

Relocation.

Land condemned
for relocations and
new roads.

Procedure for
assessment of
damages.

Proviso: appeal.

the superior court, and they shall within ten days after the report of said jury shall be filed in the office of the clerk of the superior court serve notice upon the adverse party of the appeal taken, and thereupon the clerk shall transfer said cause and all papers connected therewith to the civil issue docket of said court for trial: *Provided further*, that the appeal shall not have the effect of vacating or suspending the verdict and judgment of the jury; but notwithstanding an appeal shall be taken to the superior court, the superintendent of roads or the supervisor, upon the payment or tender to the land-owner of the amount as fixed by the jury, shall have the right to enter upon said land at once and to cause the same to be taken and used as a public road. And any and all damages under this section which may be assessed against the county shall be paid out of the funds of the township within which the land is located.

Proviso: appeal not to vacate nor suspend judgment.

Obstruction of surveys a misdemeanor.

Penalty.

Obstructing officers opening road a misdemeanor.

Penalty.

County attorney to prosecute.

Entrance on lands and taking material.

Interference a misdemeanor.

Penalty.

Accounts for material taken.

SEC. 31. Any person who shall obstruct the county superintendent or any supervisor or any surveyor employed by him or them, or who shall obstruct the persons engaged in making any survey under the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned, or both, in the discretion of the court. And any person or persons who shall obstruct the county superintendent of roads or the township supervisors from opening said changed road or said new road shall be guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned, or both, in the discretion of the court, and it shall be the duty of the county attorney to prosecute violations under this section.

SEC. 32. That for the purpose of carrying out the provisions of this act the said superintendent of roads and the said supervisors, after first consulting the owner or agent of the land from which material for repairing roads is needed, are hereby authorized to enter upon any lands near to or adjoining any public road and to cut and carry away any timber, except trees or groves on improved land planted for ornament or shade, to dig or cause to be dug and carried away any gravel, sand, clay or stone which may be necessary to construct, improve or repair any road, and to enter on any land adjoining or lying near the road in order to make such changes as may be necessary, doing as little injury to the land or improvements thereon as the nature of the case and the public good will permit, and any person who shall interfere with the superintendent of roads or any township or district supervisor in the discharge of his duties hereunder shall be guilty of a misdemeanor, and shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

SEC. 33. The owner of land from which any material shall be taken, as aforesaid, shall present an account of the same to the superintendent of roads or to the supervisor, and it shall be the duty of the road superintendent or the supervisor to draw an

order for such sum as may be just and reasonable in favor of such owner, which said order when approved by the chairman of the board of commissioners or any member of said board shall be cashed by the county treasurer and by him charged to the proper township. If the land-owner be not satisfied with the amount offered by the said superintendent or supervisor he may present said account direct to the board of commissioners, whose duty it shall be to pass upon same and approve or disapprove it: *Provided*, that nothing herein shall be construed to deprive the owner of any lands from instituting a civil action in the courts, as now provided by law, to recover damages occasioned by the taking of such material or the cutting of any timber, and the amount recovered in any such action shall be paid by the treasurer and charged to the township within which the material was taken.

Accounts direct to commissioners.

Proviso: right of action not barred.

SEC. 34. It shall be the duty of the superintendent of roads and the several supervisors to cause all public roads within the county to be thoroughly ditched and drained, and to this end the said superintendent and supervisors are authorized and empowered to enter upon the lands of any person or persons and to cut such ditch or ditches through said lands as may be necessary to thoroughly drain said roads, doing as little damage to improved or cultivated lands as is possible. The owner or owners of such lands shall be paid a fair and reasonable compensation for the damage done, to be paid by order upon the county treasurer and approved by the chairman of the board of commissioners or some member of said board: *Provided*, that if the land-owner shall be not satisfied with the amount offered by the superintendent of roads or the supervisor he shall have the right to bring the account before the board of commissioners, who shall pass upon the same: *Provided further*, that nothing herein contained shall be construed to deprive any person of the right to bring a civil action in the courts, as now provided by law, and in case any damage shall be recovered the same shall be paid by the county treasurer out of any funds belonging to the township within which such ditch was cut.

Roads to be ditched and drained.

Ditches through adjoining lands.

Damage to be paid.

Proviso: account to commissioners.

Proviso: right of action not barred.

SEC. 35. If any person or persons shall interfere with the said superintendent of roads or any supervisor in the discharge of his duties in opening any ditch or drain, or if any person or persons shall obstruct any ditch or drain that may be cut or opened under the authority of such persons, the person or persons so offending shall be guilty of a misdemeanor and shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Interference with officer or obstruction of ditch a misdemeanor.

Penalty.

SEC. 36. All bridges upon the public roads within the county of Robeson in existence upon the first day of April, one thousand nine hundred and five, shall become a public charge and shall be kept up and maintained at the public expense as is herein provided, and the expense of keeping up and maintaining the several bridges in the county shall be borne by the road fund of the town-

Bridges part of road system.

Proviso: contributions from general fund.	ship within which the said bridge shall be located, or, if upon the line of two or more townships, by such townships jointly: <i>Provided</i> , the board of commissioners, whenever in their judgment it shall be necessary or advisable, shall have full power and authority to cause the county treasurer to place to the credit of the road fund of any township such sums of money from the general fund of the county as the board may deem advisable for the purpose of supplementing the road fund and keeping up the road bridges: <i>Provided further</i> , all bridges across streams of water, heretofore kept up by the general county fund, shall continue to be kept up at the expense of the general county fund.
Proviso: bridges chargeable to general fund.	
Fast driving over bridges a misdemeanor.	SEC. 37. Any person or persons who shall drive any animal over any bridge over any stream within the county of Robeson at a gait faster than a walk shall be guilty of a misdemeanor, and upon conviction shall be fined not more than ten dollars nor imprisoned more than ten days. It shall be the duty of the superintendent of roads and of the several supervisors, whenever in their judgment it shall be advisable, to place upon each end of any bridge within the county a board with this section legibly printed or written thereon.
Penalty.	
Section to be posted.	
Foot-logs.	SEC. 38. It shall be the duty of the superintendent of roads and of the several township supervisors to see to it that suitable foot-logs are prepared across all swamps or streams not bridged, and such foot-logs shall extend across the entire width of such swamp or stream to high-water mark on either side.
Ditches crossing roads.	SEC. 39. It shall be the duty of every person who, for the purpose of draining lands or for any other purpose, shall desire to construct any ditch, drain or canal across any public road within the county of Robeson, to give written notice of his desire to the superintendent of roads or to the supervisor of the township or district within which he proposes to ditch the said road. It shall be the duty of the superintendent or supervisor within two days after the receipt of such notice to inspect the premises and to prescribe the material which shall be used in the construction of the bridge or culvert to be placed over or under said road, and shall likewise prescribe the dimensions of any under-drain, and shall specify how the same shall be constructed and shall put said specifications in writing, if required to do so by the land-owner or his agent, and shall keep a copy himself. Upon the completion of such bridge or culvert it shall be the duty of the party constructing the same to at once notify the superintendent or supervisor, whose duty it shall be to at once inspect the same, and if the same shall be properly constructed and built in accordance with such specification he shall accept the same, and upon the acceptance of such bridge or culvert by the superintendent or supervisor the same shall become and be and remain a public charge, and shall be thereafter kept up and maintained at the
Supervisor to prescribe requirements.	
Supervisor to inspect work.	

public expense as herein provided. If any person shall cause any ditch or drain to be cut across any public road without strict compliance by him with this section he shall be guilty of a misdemeanor, and upon conviction thereof may be fined not exceeding fifty dollars or imprisoned not more than thirty days: *Provided*, that in all cases under-drainage shall be provided where it is possible to do so.

SEC. 40. It shall be the duty of the superintendent and of the several supervisors to provide suitable watering-places by the side of the public roads wherever in their judgment it can be done at moderate cost.

SEC. 41. It shall be the duty of the superintendent and supervisors to cause to be prepared and erected neat sign-posts, which shall be placed at the intersection of all public roads, giving the name of the most important points to which such road leads in each direction, together with the distance therefrom to such points, and it shall likewise be the duty of the said superintendent and supervisors to cause mile-posts to be placed on all public roads, giving the distance to the most prominent point to which said road leads.

SEC. 42. Any person obstructing, disfiguring or rendering any public road unfit for public travel, or who shall cut up the same, or make deep ruts or holes therein by means of log carts, plows or by the process known as "snaking logs," shall be guilty of a misdemeanor and shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days, and it shall be the duty of the county attorney to prosecute all violations of the law under this section.

SEC. 43 It shall be the duty of the superintendent of roads and the township supervisors to cause each railroad company operating within the county to construct and keep in good repair the road-bed of all public roads across the said railroad, and to cause proper approaches to be built thereto, and if any railroad company, being duly warned by the superintendent or any supervisor by leaving a written notice with any station agent, or by informing any station agent of any railroad company personally, shall neglect or refuse to construct or repair said road-bed or to cause proper approaches to be built thereto to the acceptance of the superintendent of roads or supervisor within ten days after the receipt of such notice shall forfeit the sum of twenty-five dollars, to be recovered in an action at the suit of the board of commissioners before any justice of the peace in the county of Robeson.

SEC. 44. 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 superintendent or any supervisor by leaving a written notice with any station agent or informing any station agent of said railroad

Unlawful ditching
a misdemeanor.

Penalty.

Watering-places.

Sign-posts and
mile-posts.

Injuring roads a
misdemeanor.

Penalty.

County attorney to
prosecute.

Requirements on
railroad companies.

Forfeit for failure.

Railroads not to
obstruct drainage,
nor empty water
on roads.

Forfeit.	company personally, shall refuse or neglect to remedy the same to the acceptance of the superintendent or supervisor, shall forfeit and pay the sum of twenty-five dollars, to be recovered in an action at the suit of the board of commissioners before any justice of the peace of Robeson County.
Obstructions to roads.	SEC. 45. If any person or persons or corporation or any servant of any railroad company shall cause any public road within the county of Robeson to be obstructed for more than ten consecutive minutes by permitting any locomotive or cars to remain upon or across any public road, or shall permit any timber, wood or other obstruction to remain upon or across any such public road or highway to the hindrance or inconvenience of travelers, any person or corporation so offending shall forfeit and pay the sum of twenty-five dollars, to be recovered in an action by the board of commissioners before any justice of the peace of said county.
Forfeit.	
Corporations liable for employees.	SEC. 46. Every railroad or other corporation, the servant or agent or employee of which shall in any manner obstruct any public road or highway, shall be liable to pay any fines or forfeitures which may be assessed against such servant or employee for obstructing any public road or highway or for violation of any of the provisions of this act.
Rule of the road.	SEC. 47. Whenever any person shall meet any person on any public bridge, road or highway, traveling with carriages, wagons or other vehicle, each person shall reasonably drive his vehicle to the right of the middle of the travelled part of such bridge or road, so that the respective vehicles may pass each other without interference. Any person who shall violate the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall pay a fine of not more than twenty-five dollars or be imprisoned not more than ten days.
Violation a misdemeanor.	
Penalty.	
Petition for new roads.	SEC. 48. All petitions for the establishment of new roads or for a change of location in an existing road shall be addressed to the board of commissioners and be filed with the clerk. At the next meeting of the said board after the filing of such petition it shall be the duty of the clerk of said board to publish a notice at the court-house door for the county of Robeson, setting forth in a brief way the contents of the said petition and notifying all persons interested that the same will be taken up and passed upon by the board at their next meeting held thereafter. And it shall be the duty of the clerk of said board to cause a copy of said petition to be furnished to the superintendent of roads or to the supervisor for the township within which such road is located or to be located, and thereupon it shall be the duty of the superintendent or supervisor to visit and inspect the premises and the route proposed, and he shall make and submit his report thereon to the board, together with his recommendations thereon. And at the next meeting of the said board held after the publication of the notice as aforesaid all persons in interest shall be heard, and
Copy to superintendent and supervisor.	
Inspection.	
Hearing.	

thereupon the board shall make such orders in the premises as may be just, and in case any new road be laid out or any existing road shall be ordered changed, such laying out or change shall be executed in the manner as herein provided.

SEC. 49. 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, except as herein provided. Neglect of duty a misdemeanor. Penalty.

SEC. 50. The board of commissioners of the county of Robeson shall have the power to make such other and additional rules and regulations for the proper working of the roads of the county of Robeson, not inconsistent with the provisions of this act or the general laws of the State, as they may deem necessary or expedient, and any such rule or regulation as may be adopted by it shall be posted at the court-house door by the clerk of said board, and shall not take effect until the same has been posted for thirty days. Additional powers to commissioners. Rules to be posted.

SEC. 51. All moneys now in the hands of the sheriff of Robeson County or in the hands of any other person belonging to the road fund of the county of Robeson, collected for the year one thousand nine hundred and four, or otherwise, shall be immediately turned over by the person in whose hands the same may be to the treasurer of the county of Robeson, and such moneys shall be by him credited to the township from which such moneys were originally collected, and all such sums shall be available for working and repairing the public roads of Robeson County and in building and repairing the public bridges as though the same had been collected under the provisions of this act. And it shall be the duty of the several township trustees and supervisors heretofore appointed under authority of law, and of such other persons as may have any property of the county of Robeson belonging to the public road force, to turn over the same to the county treasurer of the county of Robeson, such property to be held by him subject to the direction of the board of commissioners of said county. Money to be turned over. Road property to be turned over.

SEC. 52. It shall be the duty of the clerk of the board of commissioners of said county to cause to be printed two thousand five hundred copies of this act and to cause the distribution of such copies among the tax-payers of the county of Robeson. Act to be printed and distributed.

SEC. 53. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 54. This act shall take effect from and after its ratification. Conflicting laws repealed.

In the General Assembly read three times, and ratified this the 2d day of March, A. D. 1905.

CHAPTER 651.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF WAKE COUNTY TO ISSUE BONDS TO PAY AND FUND ITS FLOATING DEBT.

The General Assembly of North Carolina do enact:

Purpose of bond issue.

Specification of debts.

Bond issue authorized.
Amount.
Description.

Bonds and coupons to be numbered.

Issue for debt for expenses.

Issue for road and bridge debt.

How bonds authenticated.

Accounts with bonds.

Bond record open for inspection.

SECTION 1. That for the purpose of paying and funding the floating debt of Wake County, due the first day of January, one thousand nine hundred and five, amounting to thirty-three thousand dollars, fifteen thousand dollars of which is for money borrowed and used in defraying the necessary expenses of administering the county government, and eighteen thousand dollars for money borrowed and used in paying for constructing and repairing the necessary public roads and bridges of said county, the Board of Commissioners of Wake County are hereby authorized and empowered to issue thirty-three thousand dollars in bonds of the denomination of one thousand dollars each, with coupons attached, calling for interest at the rate of five per cent. per annum on the principal of each bond, said coupons to be due and payable July first and January first in each year.

SEC. 2. Said bonds and coupons attached shall be numbered from one to thirty-three consecutively, and the coupons attached and issued shall bear the number of the bond to which they are attached; those bearing the numbers from one to fifteen inclusive shall represent and the proceeds thereof shall be used in paying the debt incurred for general county purposes, and those bearing the numbers from sixteen to thirty-three inclusive shall represent and the proceeds thereof shall be used in paying the debt incurred in building and repairing the public roads and bridges of said county. All of said bonds shall be dated as of the first day of July, one thousand nine hundred and five, and shall be due thirty years after date, that is to say, on the first day of July, one thousand nine hundred and thirty-five. Said bonds shall be signed by the chairman of the board of commissioners and countersigned by the clerk of the said board, and the said bonds shall have upon them the seal of said county. The said clerk of the board shall keep a book suitable for the purpose, in which he shall keep an accurate account of the number of bonds issued, the amount of each bond and the name of the person to whom sold: he shall also keep an accurate account of the coupons and bonds which shall be paid, taken or otherwise cancelled, so by inspection of said books the true state of the bonded debt herein provided for may be seen and easily ascertained. Said book shall at all times be open to the inspection of any tax-payer in the county, and any clerk of the board, county officer or other person having custody of said book who shall refuse or willfully neglect to afford such inspection shall

be guilty of a misdemeanor, and on conviction thereof shall be fined or imprisoned in the discretion of the court. Misdemeanor.
Penalty.

SEC. 3. That none of the bonds authorized in this act shall be issued or disposed of either by sale, exchange, hypothecation or otherwise for any purpose whatever other than the payment of the present floating debt of the county. Specific appropriation.

SEC. 4. The bonds or coupons provided for by this act shall be receivable in payment of all county taxes, which shall so be expressed on their face. Bonds and coupons
receivable for
county taxes.

SEC. 5. That none of the bonds issued under authority granted by this act shall be sold or otherwise disposed of for less than their par value. Not to be sold
below par.

SEC. 6. This act shall be in force from and after its ratification. In the General Assembly read three times, and ratified this the 2d day of March, A. D. 1905.

CHAPTER 652.

AN ACT PROHIBITING THE SALE OF CIGARETTES WITHIN TWO MILES OF SHARP INSTITUTE, ROCKINGHAM 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 sell, offer for sale or give away cigarettes, cigarette paper or package of crumb tobacco for smoking purposes, within two (2) miles of Sharp Institute, Rockingham County. Sale or gift of
cigarettes, cigar-
ette paper and
crumb tobacco for-
bidden.

SEC. 2. All persons violating any of the provisions of this act shall upon conviction be fined not exceeding fifty dollars (\$50) or imprisoned not more than 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 2d day of March, A. D. 1905.

CHAPTER 653.

AN ACT TO AMEND CHAPTER 581, SECTIONS 23 AND 27, PUBLIC LAWS OF 1899, AND CHAPTER 437, SECTION 20, PUBLIC LAWS OF 1903, AND SECTION 2017 OF THE CODE, AND FOR THE WORKING OF PUBLIC ROADS OF PERQUIMANS COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter five hundred and eighty-one (581), section twenty-three (23), Public Laws of one thousand eight hundred and ninety-nine (1899), be and the same is hereby amended Law of 1901 not
applicable to Per-
quimans county.

by striking out the word "Perquimans" in said section, and amend section twenty-seven (27) of said chapter five hundred and eighty-one (581) by adding after the word "Montgomery" and before the word "Provided" the word "Perquimans."

Perquimans
stricken from law
of 1903.

SEC. 2. That section twenty (20), chapter four hundred and thirty-seven (437), Public Laws of one thousand nine hundred and three (1903), be and the same is hereby amended by striking out the word "Perquimans" before the word "Counties" in line two (2) of said section twenty (20).

Road duty in Per-
quimans county.

SEC. 3. That section two thousand and seventeen (2017) of the Code of North Carolina be and the same is hereby amended by inserting after the word "days" and before the word [in] in line (6) the words "of ten hours each nor less than four days of ten hours each;" *Provided*, that this amendment shall only apply to Perquimans County.

Overseer failing to
work roads guilty
of misdemeanor.

SEC. 4. That any overseer of public roads in Perquimans County failing to work the public roads of said Perquimans County less than four days of ten hours each of each year shall be guilty of a misdemeanor and fined not less than five dollars (\$5) for each and every day he fails to work of the four days of ten hours each of each year.

Penalty.

Law may be ex-
tended to Perqui-
mans county by
vote of people.

SEC. 5. That section twenty-seven (27), chapter three hundred and fifty-four (354), Public Laws of one thousand eight hundred and ninety-one (1891), be and the same is hereby amended by adding at the end of said section twenty-seven (27) "Perquimans County," if a majority of the qualified voters shall so vote at an election to be held under the law now regulating elections in this State; said election shall be ordered by the county commissioners upon the petition of three hundred (300) freeholders of 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. 1905.

CHAPTER 654.

AN ACT TO AMEND THE OMNIBUS LIQUOR LAW OF 1903.
CHAPTER 276, PUBLIC LAWS OF 1903, AND TO PRE-
SCRIBE A PUNISHMENT FOR THE VIOLATION THEREOF.

The General Assembly of North Carolina do enact:

Penalty for viola-
tion of act.

SECTION 1. That chapter two hundred and seventy-six of the Public Laws of one thousand nine hundred and three be amended by adding after the word church in line six of section eight the following: "SEC. 9. 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. 2. That the figure "9" in section nine of said act be stricken out and the figures 10 substituted therefor. Section number changed.

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. 1905.

CHAPTER 655.

AN ACT TO INCORPORATE FAIR VIEW CHURCH IN ASHE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons to manufacture, sell or give away vinous, spirituous or malt liquors within a radius of three miles of Fair View Church in Ashe County. Prohibition.

SEC. 2. That any person or persons violating this act shall be fined not less than ten nor more than twenty dollars or imprisoned at the discretion of the court. Penalty.

SEC. 3. That this act shall not apply to family use.

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. 1905.

CHAPTER 656.

AN ACT TO CREATE DUKE TOWNSHIP IN HARNETT COUNTY AND TO APPOINT JUSTICES OF THE PEACE AND A CONSTABLE FOR IT.

The General Assembly of North Carolina do enact:

SECTION 1. That a new township, to be called Duke Township, be and it is hereby created in Harnett County, to be formed from the territory now within the boundaries of Averashoro and Grove Townships in said county, and bounded as follows, to-wit: Beginning in Black River at a point where Black River crosses the Cumberland County line and runs up Black River as it meanders northerly to a point one and a half miles in an air line from the Cumberland County line; thence northwesterly direct air line to where the old Raleigh and Fayetteville road crosses the Averashoro Duke township created.
Boundaries.

and Grove Township line at Stewart's Creek; thence due west through Grove Township to Cape Fear River; thence down the Cape Fear River as it meanders to the Cumberland County line; thence with the Cumberland County line to the beginning.

Rights and powers. SEC. 2. That said new township shall have all the rights, powers and privileges of other townships in said county.

Justices of the peace. SEC. 3. That the justices of the peace resident in the territory embraced in said new township shall continue justices of the peace of said new township until the expiration of their respective terms of office.

New justices appointed. SEC. 4. That Clarence J. Smith and C. B. Avera be and they hereby are appointed justices of the peace for said new township, each for a term of six years from the date of the ratification of this act, and they shall qualify as such before the clerk of the superior court of said county within four months of said ratification.

Constable appointed. SEC. 5. That Henry Richards be and he hereby is appointed constable of said new township, to hold office until the next general election and until his successor is elected and qualified, and he shall qualify as now required by law for constables generally,

within four months from the date of the ratification of this act; and if he fails or refuses to so qualify then the board of commissioners for said county shall appoint a constable for said new township to hold office as above prescribed. And said constable and his successors in office are hereby invested with all of the powers and authority conferred upon the constables of Averashoro and Grove Townships under and by virtue of chapter five hundred and seventy-four of the Public Laws of one thousand nine hundred and three, entitled "An act to confer police powers on deputy sheriffs and constables at Duke, Harnett County, and to prohibit public drunkenness there."

Constable invested with power and authority.

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. 1905.

CHAPTER 657.

AN ACT TO CREATE A NEW TOWNSHIP IN ROBESON COUNTY BY TAKING A PART OF LUMBER BRIDGE AND ST. PAUL TOWNSHIPS OF SAID COUNTY.

The General Assembly of North Carolina do enact:

New township created.

SECTION 1. That a new township in Robeson County, by using parts of Lumber Bridge and St. Paul Townships, is hereby created, and the boundary lines of said township shall be as follows:

Beginning at the Cumberland County line at the Gaulberry Bridge Boundaries, where the road from McGeachey's Mill crosses the said Gaulberry Swamp and runs with said road back to the crossing on the little marsh below the McGeachey Mill; thence with run of said swamp northwest to the northwest line of S. J. Cobb's in Lumber Bridge Township and with his line to the lands east of D. C. Malloy and with his northwest line to the lands of J. C. D. McNatt and with his northwest line to the lands known as the lands of J. G. McNatt; thence with his northwest line to the lands known as the Sinclair lands and with the northwest line of said lands to the lands of John McArtin and with northwest line of said lands thence north to the Cumberland County line, thence with said line to the beginning.

SEC. 2. That said new township, set out by metes and bounds as Township name, given in the preceding section, shall be known as Parkton Township, and by said name it shall do and transact any and all business and be entitled to any and all privileges as are now allowed Township power, by law for other townships in said county of Robeson.

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. 1905.

CHAPTER 658.

AN ACT TO CONFER POLICE POWERS ON DEPUTY SHERIFFS AND CONSTABLES AT LAKEWOOD PARK, DURHAM COUNTY, AND TO PROHIBIT PUBLIC DRUNKENNESS THERE.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be the duty of the deputy sheriff or deputy sheriffs in Durham County, or those appointed by the sheriff of Durham County for that section of said county in which Lakewood Park is situated, and the constable of Durham Township in said county, and he is or they shall have power and authority to suppress all disturbances of the quiet and good order of and in Lakewood Park and on the premises of the Durham Traction Company, known as Lakewood Park, in said county, and to arrest all offenders against the same, and to prevent as far as possible all injury to property on the above-mentioned premises. Said deputy sheriff or deputy sheriffs and constable shall have authority and power, if resisted in the execution of his or their official duties, to summon a sufficient number of men to aid him or them in enforcing the law; and if any person so summoned shall refuse to assist the said deputy sheriff or deputy sheriffs or

Deputy sheriff and constable to suppress disorder.

Power to summon assistance.

To report refusal.

Entrance without
warrant.

Persons arrested
taken before jus-
tices.

Deputy and con-
stable to have
police powers.

Badges.

Drunkenness in
park or vicinity a
misdemeanor.

Penalty.

Unlawful to carry
liquor to park.

Misdemeanor.
Penalty.

constable are hereby required to report the name of such person to the proper authority, to the end that he may be dealt with as the law directs. Said deputy sheriff or deputy sheriffs and constable shall have power to enter the enclosure and houses on the afore-said premises without warrant, when he or they have good reason to believe that a felony or infamous crime has been or is about to be committed, for the apprehension of any person so offending, and if necessary, to summon a posse to aid him or them; and all persons so summoned shall have like authority to enter and arrest. Any persons arrested by said deputy sheriff or deputy sheriffs or constable for any offense shall, as soon as practicable, be taken before some justice of the peace of Durham County, when and where formal complaint shall be lodged against such person as prescribed by law, to the end that such person may have a speedy trial and be dealt with as the law directs; and in the meantime, and until the case is disposed of, such person so under arrest may be detained unless bail is given as provided for by law.

SEC. 2. Such deputy sheriff or deputy sheriffs and constable shall have the same power and authority in said Lakewood Park, and on said premises, as policemen in incorporated cities and towns of this State have and exercise in said cities and towns.

SEC. 3. Such deputy sheriff or deputy sheriffs and constable when on duty shall severally wear a metallic shield with the word "Policeman" inscribed thereon, and the said shield shall always be worn in plain view except when employed as detectives.

SEC. 4. That any person found drunk or staggering in Lakewood Park or in any public road within two hundred yards of the boundaries of said Lakewood Park shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two dollars nor more than ten dollars or imprisoned not more than ten days.

SEC. 5. That whereas, said Lakewood Park is a pleasure park for the recreation of the people of Durham and is largely frequented by women and children, it shall be unlawful for any person to carry any spirituous, vinous or malt liquors or any other intoxicating beverage by whatever name called, either upon the platform where passengers alight from the electric cars at or near Lakewood Casino or upon the tract of land owned by the Durham Traction Company in Durham Township, on the west side of the Chapel Hill macadam road and known as Lakewood Park; and any person violating the provisions of this section shall be guilty of a misdemeanor and fined not less than two dollars nor more than ten dollars or imprisoned not exceeding ten days.

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

In the General Assembly read three times, and ratified this 2d day of March, A. D. 1905.

CHAPTER 659.

AN ACT RELATING TO THE DISBURSEMENT OF THE PUBLIC SCHOOL FUND OF WAKE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section nine of chapter four hundred and thirty-five of the Public Laws of one thousand nine hundred and three (substituted for section twenty-four of the Public Laws of one thousand nine hundred and one) be amended by adding the following words to the end of said section nine: "The County Board of Education of Wake County, after reserving as a contingent fund the commissions of its treasurer in addition to the other expenses mentioned in said section, shall apportion to Raleigh Township its *per capita* of the school fund, and may devote not exceeding twenty per cent. of the remainder for the other districts to building, improving and repairing school-houses and properly equipping them in those districts outside of Raleigh Township, on the condition, however, that such expenditure does not reduce the average school term to less than five months."

Appropriation for building 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 2d day of March, A. D. 1905.

CHAPTER 660.

AN ACT TO REGULATE THE WORKING OF ROADS IN MANNING'S TOWNSHIP, NASH COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Commissioners of Nash County may in their discretion discontinue levying a road tax in Manning's Township, Nash County.

Road tax may be discontinued.

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. 1905.

CHAPTER 661.

AN ACT TO INCORPORATE THE ASHEVILLE AND BURNSVILLE RAILWAY COMPANY.

The General Assembly of North Carolina do enact:

Corporators.

SECTION 1. That George D. Miles, E. F. Watson and W. W. Chapman and such other persons as may become connected and associated with them as stockholders, and their successors, be and they are hereby created a body politic and corporate under the name of The Asheville and Burnsville Railway Company, and by and in that name shall have the right to sue and be sued, plead and be impleaded in any court of law or equity, to have a common seal, shall have the right to make and pass all such by-laws and regulations for its government as may be deemed necessary or expedient for that purpose, have the right to purchase, hold and acquire for the necessary purposes of the company, by gift, devise or in any manner, any estate, real, personal or mixed, and to hold, lease, mortgage or sell the same, as the interest of said company may require, and shall have all the rights and privileges possessed by other railroad companies under the laws of North Carolina, and such as are specially conferred by chapter forty-nine (49) of The Code and all amendments thereto.

Corporate name.

Formal enumeration of corporate rights.

Route from Asheville to Burnsville or any other point.

SEC. 2. The said company shall have power to build and construct a railroad with one or more tracks, using such motive power as it may elect, from the city of Asheville, Buncombe County, North Carolina, to Burnsville or any other point in North Carolina.

Capital stock.

SEC. 3. The capital stock of said company shall not be less than one hundred thousand dollars (\$100,000), divided into shares of one hundred dollars (\$100) each, but may be increased from time to time as the demands of said company shall require, to an amount not exceeding three million dollars (\$3,000,000): *Provided*, such increase of capital stock shall only be made upon application to the Secretary of State and leave granted by him, such application to be accompanied by a receipt from the State Treasurer as prescribed by law.

Proviso: increase of stock through Secretary of State.

Books of subscription.

SEC. 4. That the corporators named may open books of subscription to the capital stock of the said company in the city of Asheville, North Carolina, in the city of Chicago, Illinois, in the city of Philadelphia, Pennsylvania, and in the city of New York; and as soon as ten thousand dollars (\$10,000) of the capital stock shall have been subscribed for, they shall call a meeting of the subscribers and organize said corporation by the election of a board of seven directors, who may do and perform all the acts necessary to the complete organization and operation of said corporation and to carry into effect the objects of this charter.

When company to organize.

Directors.

SEC. 5. That the said corporation shall have power for the extension, completion and successful operation of the said railway, to make connection with any railroad now entering the city of Asheville and make connection with the depots of any railway within the said city, under such rules, regulations and conditions as may be prescribed by the board of aldermen of said city, and may construct and operate one or more lines of telegraph or telephone along its line or lines of railway, and may charge and collect such pay for messages or dispatches as said corporation may determine upon, subject to the rules and regulations of the Railway Commission of the State of North Carolina, and may lease, rent, mortgage or sell this right and any telegraph or telephone lines constructed or owned by the said corporation.

Connection with
other roads.

Telegraph and
telephone lines.

SEC. 6. That the said company shall have the power to cross the tracks of other railroads and connect with any railroad now or hereafter chartered, and to lay down and use tracks through any town or city along the proposed line, by and with the consent of the corporate authorities of said town or city, upon such terms as they may prescribe.

Rights of crossing
and connection.

Tracks or streets.

SEC. 7. That the said company shall have the power to connect with, subscribe to the capital stock of and hold the same in any railroad company that has been already organized or may hereafter be organized, and to sell, mortgage or lease any part or the whole of its road or holdings to any other railroad or corporation, and shall have the right to sell, mortgage or lease to any other company, corporation or individual any part of its franchise and property herein granted, and the company or persons purchasing the same shall take the same with all the franchises herein granted as appurtenant, and shall manage and use the same under its own corporate name.

Rights in connection with other
companies.

SEC. 8. Said company is hereby authorized to borrow money for the construction, equipment and operation of said road and for the purpose contemplated by this act, and to issue coupon bonds for the amount so borrowed, and to convey any part or all of its said rights, privileges and franchises by deed of trust or mortgage to secure the payment of the same, for such a length of time and on such terms as it may deem necessary.

Right to borrow
money and issue
bonds.

SEC. 9. That any county, city, town or township through any portion of which the said railroad shall pass, or along or near its lines or its branches, lateral or connecting roads, or at their terminal points, may make a donation to said company in money or its equivalent in real or personal property or a subscription to its capital stock: *Provided*, that after notice given and an election held as hereinafter provided, a majority of the qualified voters of the county, city, town or township wherein the election is held shall vote for the donation or subscription which shall be submitted to their vote for acceptance or rejection.

Donations or sub-
scriptions of coun-
ties and municipi-
palities.

Proviso: donation
or subscription
subject to election.

Application for election.

Sec. 10. That upon the written application of one-fifth of the qualified voters asking from any county, city, town or township any contribution, donation or subscription to its capital stock, said application stating the amount of donation or subscription asked, the terms and conditions of same, the county commissioners of such county or the proper authorities of such city, town or township shall appoint a day and order an election to be held thereon in such county, township, city or town in the manner prescribed by law for the holding of elections, at which election the legally qualified voters shall be entitled to vote for or against such subscription or donation: said election to be held at the usual voting

Notice of election.

places, after thirty days' notice, specifying the amount of subscription to be voted for and to what company it is proposed to donate or subscribe, which notice shall be printed in some newspaper, if any there be, published in said county, city, town or township, and by posting the same in three or more conspicuous places therein. Such election shall be held by persons appointed in the manner that persons are appointed for holding other elections in said county, township, city or town, and the returns thereof shall be made and the results declared and certified as specified by law in such other elections, and such results so certified shall be filed in the office of the register of deeds in such county, city or town and shall be taken as evidence of the same in any court in the State.

Election held and result ascertained under general law.

Authorities to act if ordered by election.

Sec. 11. That if the result of said election shall show that the majority of the qualified voters of the said county, township, city or town favor said donation or subscription to the capital stock of said railroad to the amount voted for in such election, then said county commissioners or the proper authorities of said city or town shall immediately make such subscription or donation to the capital stock of said railroad, payable in cash or the bonds authorized to be issued under this act, as may be agreed upon, and appoint a board of trustees consisting of not less than three taxpayers of the county, township, city or town so voting, who shall issue the bonds of said county, township, city or town to the amount so voted at said election, in such forms and denominations and running for such length of time as may be determined upon by said county commissioners or proper authorities of said city, town, county or township, bearing interest at the rate of not more than six per centum per annum, said interest to be payable semi-annually and evidenced by coupons on said bonds; and said trustees shall deliver said bonds so issued, or pay in cash, as may be agreed, to said Asheville and Burnsville Railway Company, if by subscription, upon receiving therefor for the use and benefit of said county, township, city or town proper certificates of stock in said Asheville and Burnsville Railway Company to the amount of subscription voted as aforesaid.

Trustees to be appointed.

Description of bonds.

SEC. 12. That to provide for the interest on said bonds and their redemption at maturity, the county commissioners or proper authorities of any county, city, town or township shall, in addition to other taxes, each year compute and levy on all property and polls of any such county, township, city or town a sufficient tax to pay such interest, and after ten years a tax sufficient to provide each year for the interest on said subscription or donation bonds and a sum equal to one-fortieth (1-40) of the principal thereof for a sinking fund; the sum levied and collected for said sinking fund to be paid over to the county treasurer or other officer of said county, city or town authorized by law to perform the duties of treasurer or commissioner of sinking fund, and by him invested in said bonds, and the amount of interest maturing on said bonds shall be collected and likewise invested. All said bonds, when purchased, also all coupons attached, shall be stamped "Sinking Fund" on face of same, but in case said treasurer or other officer shall be unable to invest the sinking fund herein provided for in said bonds at or below their par value, he shall invest the same in such solvent bonds or securities as may be selected and approved by the board of county commissioners as aforesaid or proper authorities of any city or town.

Special tax for
bonds and sinking
fund.

Investment of
sinking fund in
bonds.

Alternative instru-
ments.

SEC. 13. That all taxes which shall be levied upon and collected from said railway company by any county, city, town or township under the general revenue act, as from the citizens and property, upon any real or personal property belonging to said corporation and situated within said city, county, town or township shall be set aside as a distinct fund and applied exclusively by the proper authorities thereof, if said county, city, town or township shall have subscribed to the capital stock of said company and issued bonds in payment thereof, to the liquidation and payment of the interest accruing on said bonds issued on account of said subscription or donation, so long as the said bonds shall be outstanding and remaining unpaid. If the said tax so levied upon said company should be insufficient to pay the interest upon said subscription bonds or donated bonds, then the difference shall be paid out of the tax to be levied and collected as provided in section twelve (12) of this act: but if in any year the tax paid by said company should be more than the sum required to pay the said interest for that year, then the surplus may be applied to the general purposes of said county, city, town or township.

Railroad taxes
applied to bonds.

Surplus to general
fund.

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 2d day of March, A. D. 1905.

CHAPTER 662.

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

The General Assembly of North Carolina do enact:

Special tax authorized.

SECTION 1. That the Board of Commissioners of Yancey County are hereby authorized and empowered, at their regular meeting on the first Monday in June, one thousand nine hundred and five (1905), one thousand nine hundred and six (1906), or at such time in said years as the annual taxes for the county are required to be levied by law, to levy a special tax upon the taxable property, real and personal, and the polls of said county, for the special purposes of paying off judgments now outstanding against said Yancey County.

Purpose of tax.

Levied as other taxes.

Limit.

SEC. 2. Such tax shall be levied in like manner with the State and county general taxes, and shall not in either of said years exceed ten cents on the one hundred dollars worth of property and thirty cents on the poll, and the constitutional equalization between the property and the poll shall always be observed in making levies.

Kept separate from other taxes.

SEC. 3. That said taxes shall be collected and kept separate from all 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 2d day of March, A. D. 1905.

CHAPTER 663.

AN ACT TO AUTHORIZE AND EMPOWER THE COMMISSIONERS OF ANSON COUNTY TO HAVE MUTILATED DEED BOOKS AND WILL BOOKS COPIED.

The General Assembly of North Carolina do enact:

Mutilated deed books copied.

SECTION 1. That the Board of Commissioners of Anson County be and they are hereby authorized and empowered to have the deeds in such books in the office of the Register of Deeds of Anson County as are mutilated or in bad repair or bad condition copied in new books.

Mutilated wills and will books to be copied.

SEC. 2. That said board of county commissioners are also authorized and empowered to have such wills and will books in the office

of the Clerk of the Superior Court of Anson County that the clerk of the superior court shall certify to said board of county commissioners to be mutilated or in bad condition copied in new books.

SEC. 3. That the copies of the deeds and deed books and of the wills and will books made under this act shall have the same force and effect as the original deeds and deed books copied and as the original wills and will books copied, and shall take the place of said original deeds and deed books and wills and will books as evidence in all court procedure; and wherever said deed books or will books are ordered or directed to be produced in court by subpoena or other order of court, the copies made under this act shall be produced, unless the court shall specially order the production of the original books, and the copies so produced in court shall have the same validity and effect and be used for the same purposes, with the same effect as the original books.

Copies to have force and take place of originals.

SEC. 4. That such deed books and will books shall be copied under this act as the said board of county commissioners shall from time to time declare necessary and proper to be copied, which shall be done by a unanimous vote of the board of commissioners, which shall be spread on the minutes of the board of commissioners, setting forth the names of the commissioners voting for the order.

Copies to be made as necessary.

Unanimous vote.

Vote to be spread on minutes.

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 2d day of March, A. D. 1905.

CHAPTER 664.

AN ACT TO CHANGE THE NAME OF FREEMAN'S TOWNSHIP, FRANKLIN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the name of Freeman's Township in Franklin County be and the same is hereby changed to the name of Youngsville Township, and that all the officers heretofore elected or appointed in said Freeman's Township be and they are hereby given full power to fill and hold the same in Youngsville Township as fully as if the name of said township had never been changed.

Name changed.

Officers continued

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 March, A. D. 1905.

CHAPTER 665.

AN ACT TO PROTECT THE PUBLIC ROADS OF DURHAM COUNTY.

The General Assembly of North Carolina do enact:

Location of rail-
road tracks.

Proviso: crossings
at expense of rail-
road company.

SECTION 1. That it shall be unlawful for any steam railroad company to build its road or lay its track nearer than three hundred feet to any macadamized road in Durham County without the consent, in writing, of the Board of Commissioners of Durham County first had and obtained: *Provided*, that nothing herein shall prevent such steam railroad company from crossing any macadamized road at, above or below grade, but the expense of said crossing shall be borne entirely by such railroad company.

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. 1905.

CHAPTER 666.

AN ACT TO EMPOWER THE SHERIFF OF FRANKLIN COUNTY TO COLLECT ARREARS OF TAXES.

The General Assembly of North Carolina do enact:

Collection of ar-
rears authorized.

SECTION 1. That Henry C. Kearney, Sheriff of Franklin County, is hereby authorized and empowered to collect arrears of taxes for the years one thousand eight hundred and ninety-eight to one thousand nine hundred and three, inclusive of both, under such rules and regulations as are or may be prescribed by law for the collection of taxes.

Persons not com-
pelled to pay.

SEC. 2. That no person shall be compelled to pay any taxes under the provisions of this act who will make an oath before any one authorized to administer oaths that the same have been paid, nor shall any executor or administrator be compelled to pay any arrears of taxes under this act.

Termination of
authority.

SEC. 3. That the authority given by this act shall cease on the first Monday of December, one thousand nine hundred and six.

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. 1905.

CHAPTER 667.

AN ACT TO AMEND CHAPTER 551 OF THE PUBLIC LAWS OF 1903 AND SECTION 16, CHAPTER 233, PUBLIC LAWS OF 1903, TO FACILITATE PERMANENT ROAD IMPROVEMENT IN WAKE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter five hundred and fifty-one (551) of the Public Laws of one thousand nine hundred and three (1903) be and the same is hereby amended as follows: Law amended.

SEC. 2. That section one (1) of the said chapter be amended by adding at the end thereof: *Provided*, that the said board of county commissioners may dispense with the services of the superintendent of roads when in their opinion the duties of his office can be discharged by the supervisors of roads." Superintendent may be dispensed with.

SEC. 3. Strike out all of section two (2) of said chapter and insert in lieu thereof the following: "That for the purposes of this act the roads and ways of the county are hereby classified as follows: Roads classified.

"(a) The main thoroughfares, including the more important public roads which usually lead through two or more townships and are exclusively used by the traveling 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. Main thoroughfares.

"(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. Branch roads.

"(c) Cart-ways 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." Cart-ways.

SEC. 4. Strike out all of section three (3) of said chapter and insert in lieu thereof the following: "That there shall hereafter be elected by the board of commissioners at their regular meeting in April, one thousand nine hundred and five (1905), and at their regular meeting in December in 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 and to be paid out of the general road fund of the county, and who, after the first Monday in December, one thousand nine hundred and five (1905), shall hold office for one year or until his successor has been elected and qualified. It shall be the duty of said supervisors 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 Township supervisors. Compensation. Duty of supervisors.

Bond. roads in his township, and he shall give a good and lawful bond, satisfactory to the board of commissioners, for not less than five hundred dollars (\$500), 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 county commissioners a monthly report concerning the work in progress and moneys expended, and a report of the condition of the public roads and bridges and plans for their improvement, and he shall include in this report an inventory of the tools, implements, stock and other equipments on hand: *Provided*, the supervisor of roads may at any time be removed by the board of county commissioners after having been given ten (10) 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 to give him a hearing."

Monthly reports.

Inventory.

Proviso: removal for cause.

Teams and machinery.

Proviso: hands to furnish tools until outfit purchased by county.

Proviso: stock and machinery turned over.

Roads to be worked as one system.

SEC. 5. Strike out all of section four (4) of the said chapter and insert in lieu thereof the following: "That a proper outfit of teams, carts, implements, machinery, tools and utensils for use in working the public roads of the county shall be supplied by the county commissioners and be paid for out of the road fund of the county: *Provided*, that until the county commissioners shall be able to supply the necessary implements, machinery 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 may be necessary: *Provided further*, that all stock, machinery, tools, implements and property now belonging to the Raleigh road district and all the convicts assigned to work on the public roads of Wake County shall be used and worked on the public roads and highways of said county; and said county commissioners, in determining upon said public roads and highways, shall take into consideration the needs of the entire county and every part thereof, opening and improving those public roads and highways which in their opinion will be of benefit to the greatest possible number of people of the county and treating every section of the county with equal justice."

Supervisors of townships.

County commissioners joint control.

Road service.

SEC. 6. Amend section five (5) of said chapter by striking out the word "district" in line one (1) and insert "township," and by striking out all of said section after the word "roads" in line two (2) and insert the words "and the board of county commissioners."

SEC. 7. Amend section six (6) of said chapter by striking out the word "six" in lines four (4) and eighteen (18) and insert in lieu thereof the word "four," and strike out the word "district" in lines six (6) and eight (8) and fourteen (14) and insert in lieu

thereof the word "township"; strike out in line twenty (20) the figures "\$3.00" and insert in lieu thereof the figures "\$2.50"; insert after the word "fund" in line twenty-seven (27) "of the township from which the same was paid, and that the same shall be expended on the improvement of the road of that township from which it was paid." Strike out all of said section after the word "resides" in line thirty-one (31).

Cash commutation reduced.
Commutation to township fund.
Rate of pay stricken out.

SEC. 8. Amend section seven (7) of said chapter by striking out the figures "\$3.00" and insert in lieu thereof the figures "\$2.50"; strike out all after the word "expense" in line eleven (11) of said section.

Cash commutation.
Pay of road hands.

SEC. 9. Amend section eight (8) of said chapter by striking out the word "district" wherever same may appear and inserting in lieu thereof the word "township," and by striking out the word "three" in line seven (7) of said section and insert in lieu thereof the words "two and one-half."

Cash commutation.

SEC. 10. Amend section nine (9) of said chapter by inserting after the words "public roads" the words "or highways" wherever the same may appear.

Roads or highways.

SEC. 11. Amend section ten (10) of said chapter by inserting after the words "public roads" in line three the words "or highways."

Roads or highways.

SEC. 12. Amend section eleven (11) of said chapter by adding thereto the following: "and the county commissioners of said county are hereby authorized and empowered to use in their discretion so much of the convict force and road implements as may be necessary on the farm of the county home to aid in planting, cultivating and gathering the crops raised on the land owned by said county; and during bad weather and the winter season they may in their discretion employ said convicts in cutting wood to be used at the county home for the aged and infirm; and said county commissioners are authorized and empowered to employ a sufficient number of guards and overseers as may be necessary to properly control and work said convicts, and to determine the compensation of same."

Convict work and road machinery to be used on county farm.

SEC. 13. Amend section fourteen (14) of said chapter by striking out the words "public roads" in line twenty-two (22) and inserting in lieu thereof the word "highways," and by striking out the word "road" when the same may appear in line twenty-five (25) of said section and insert in lieu thereof the word "highway."

Highways.

SEC. 14. Amend said chapter five hundred and fifty-one (551) of Public Laws of one thousand nine hundred and three (1903) by striking out all of section fifteen (15) and inserting in lieu thereof the following: "The neighborhood or branch roads shall have a right of way of sixteen (16) feet, but the width and grade of the roadway and the specifications under which these roads shall be kept in repair, as well as the amount and nature of the labor to be

Neighborhood or branch roads.

performed in the maintenance and repair or change of any one of these roads or part thereof, shall be, in the discretion of the supervisor in charge of said roads, subject to the approval of the board of county commissioners."

Highways.

SEC. 15. Amend section sixteen (16) of said chapter by inserting after the word "roads" wherever the same may appear the words "or highways."

Highways.

SEC. 16. Amend section seventeen (17) of said chapter by inserting after the word "road" wherever the same may appear the words "or highways."

Profits of dispensary apportioned.

SEC. 17. Amend section thirty-one (31) of said chapter by adding at the end thereof the following: "And for the purpose of aiding in the construction, maintenance and improvement of said public roads and highways of the said county the commissioners for the dispensary of the city of Raleigh shall make quarterly settlements with the governing body of the said city of Raleigh, and that said governing body shall, within ten (10) days after such settlement, pay *four-tenths* of the net profits of the said dispensary into the treasury of the said city of Raleigh and the other *six-tenths* into the treasury of the county of Wake; and one-half of the amount so paid into the treasury of the county of Wake shall be set aside by the Treasurer of Wake County to the credit of the road fund, to be used in constructing, maintaining and improving the public roads and highways of Wake County, and the other one-half to be set aside by the said county treasurer to credit of the school fund for the use of the public schools of the said county; and section sixteen (16), chapter two hundred and thirty-three (233) of the Public Laws of one thousand nine hundred and three (1903), is hereby amended only in so far as the same may apply to the distribution of the net profits of the Raleigh dispensary, so as to conform herewith."

Petition for cart-way.

SEC. 18. Amend the said chapter five hundred and fifty-one (551) of the Public Laws of one thousand nine hundred and three (1903) by adding after section forty (40) the following: "(a) Any party desiring a cart-way opened up over the lands of other persons may file his petition for the same before the board of county commissioners, through the road supervisor of the township in which such cart-way is to be located, praying for a cart-way 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 land, or their legal representatives, have had ten (10) days' notice of his intention, the board shall hear the allegations of the petitioner and the objections, if any, of the owner or owners on their representations, and if sufficient reason be shown shall order the constable or sheriff to summon a jury of five freeholders to view the premises and lay off the cart-way, not less than fourteen feet wide, and assess the damages, if any, the owner of such land may sustain thereby, which, with

Cart-ways laid off.

the expense of making the way, shall be paid by the petitioner; and the way shall be kept open for free passage of all persons on foot or horseback, carts and wagons. Cart-ways 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 the board of county commissioners shall deem equitable and just, and any person through whose land a cart-way may pass may erect gates or bars across the same, and if any person shall leave open, break down or otherwise injure such gates or bars he shall forfeit and pay for every such offense ten dollars (\$10) to the person erecting the same or the owner of the lands; and if the offense shall be maliciously done he shall be guilty of a misdemeanor: *Provided*, that in case a cart-way had been granted by mutual consent of the interested parties and without official action the same shall not be closed by any party until opportunity has been given for the establishment of such cart-way as herein provided for, and any person so closing a cart-way in violation of this provision shall be guilty of a misdemeanor.

Cart-ways changed or discontinued.

Gates across cart-way.

Forfeit for injury to gates.

Misdemeanor.

Proviso: cart-ways by mutual consent.

Misdemeanor.

SEC. 19. All laws and clauses of laws in conflict with this act, in so far as they apply to Wake County, are hereby repealed.

Conflicting laws repealed.

SEC. 20. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 2d day of March, A. D. 1905.

CHAPTER 668.

AN ACT TO CHANGE THE LINE BETWEEN WILKES AND ALLEGHANY COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That the line between Wilkes and Alleghany Counties be changed so as to include the whole of F. H. Alexander's and C. N. Hunt's mountain farm in Alleghany County, to-wit, beginning in present county line on the top of Raven Rock Ridge, running thence down said ridge to Wild Cat Trap; thence northeasterly to the branch in Big Laurel in Air Bellows road; thence a straight line to the Mahogany Rock on the top of the Blue Ridge in present county line.

County line changed.

New line.

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 2d day of March, A. D. 1905.

CHAPTER 669.

AN ACT TO ERECT CONVENIENT GATES IN THE NO-FENCE TERRITORY, EIGHTH AND NINTH TOWNSHIPS, CRAVEN COUNTY.

*The General Assembly of North Carolina do enact:*Fence commis-
sioners to erect
gates.

SECTION 1. That it shall be the duty of the fence commissioners of Numbers Eight and Nine Townships in Craven County to cause to be erected or constructed across the public roads in said territory whereon gates are now erected, within ninety days from the ratification of this act, self-opening gates, or gates so constructed that the same may be conveniently opened by travelers upon said roads from vehicles without the necessity of alighting therefrom either for the purposes of opening or closing said gates in passing through the same; the cost of the same to be paid out of the fence 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 2d day of March, A. D. 1905.

CHAPTER 670.

AN ACT TO REQUIRE THE ESTABLISHMENT AND MAINTENANCE OF FISH-WAYS IN CERTAIN STREAMS IN BUNCOMBE COUNTY.

*The General Assembly of North Carolina do enact:*Owners of dams to
erect fish-ways.

SECTION 1. It shall be the duty of every person, firm, city or corporation owning or maintaining a dam or dams, or who may hereafter erect or maintain a dam or dams across the French Broad River or the Swannanoa River within Buncombe County to erect therein such chutes, slopes, fish-ways or gates as the Board of Commissioners of Buncombe County may decide to be necessary to enable fish to ascend and descend said rivers between the first day of April and the first day of November of each year; and any person, firm, company or corporation neglecting or refusing to comply with the provisions of this section shall be guilty of a misdemeanor and shall be punished in the discretion of the court.

Failure a misde-
meanor.
Penalty.Unlawful to
obstruct fish-ways.
Or fish within one
hundred yards.Misdemeanor.
Penalty.

SEC. 2. It shall be unlawful for any person to obstruct any fish-way provided for in this act, or to fish with nets of any kind or with rod, hook and line or hand-line within one hundred yards of such fish-way; and any person violating the provisions of this section of this act shall be guilty of a misdemeanor and fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

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

In the General Assembly read three times, and ratified this the 2d day of March, A. D. 1905.

CHAPTER 671.

AN ACT TO PROVIDE A FUND FOR ERECTING SCHOOL BUILDINGS IN GUILFORD COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Education of Guilford County is hereby authorized to set aside an amount not exceeding fifteen per cent. of the total school fund of said county for the next two years for the purpose of creating a fund to be used by them for building and equipping school buildings in said county: *Provided, however,* that it shall be the duty of said board of education to maintain a four-months school in each school district. Appropriation for building and equipping school-houses.
Proviso: school term to be four months.

SEC. 2. That the said board of education may in its discretion appropriate such proportion of the amount necessary to build school buildings as it may think just and proper out of the fund hereinbefore created: *Provided,* that the school districts of Greensboro and High Point shall not be discriminated against in the appropriation of said fund. Board of education to apportion fund.
Proviso: discrimination forbidden.

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 2d day of March, A. D. 1905.

CHAPTER 672.

AN ACT TO CREATE TWO NEW TOWNSHIPS IN MITCHELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That from Hollow Poplar Township be and the same is hereby cut off the following territory by and with the following line, viz.: Beginning opposite the mouth of Cane River and running a northeast course with the high top of the mountain, though by the Sam Edwards place; thence with the high top of the mountain the same course to the gap of the mountain or the public road above Mose Hughes' house; thence up the mountain with the path From Hollow Poplar.
Boundaries.

Name.
Voting place.
From Toe River and Linville.
Boundaries.

to the top; thence with the top of the mountain to the Big Springs; thence up the ridge to the right of the springs and with the main top of the mountain to the Rich Lands; thence to Edwards' mill; thence to the Buchanan place, including the Buckeye Cove; thence to the Big Bald at the State line; thence with the State line to Toe River; thence up the river to the beginning. So included, shall be created a separate township known as Lower Hollow Poplar Township. Voting precinct shall be established at John N. Peterson's store.

Name.
Voting place.
Township subject to general law.

SEC. 2. That from Toe River and Linville Townships shall be and the same is hereby cut off the following territory by and with these lines, viz.: Beginning in the Burke County line near the high part of Camp Creek Mountain; thence a westerly direction by way of Isaac Johnson's and R. M. Vann's to Byard Benfield's on Elk Mountain; thence south to the high part of Buck Hill; thence a southeasterly direction to the McDowell County line at Mitchell Burleson's; thence with the lines of McDowell and Burke Counties to the beginning, which territory so included shall be created a separate township known as Lower Linville Township. One voting precinct to be established at Altamont and one at Pyatt.

SEC. 3. That the townships hereby created shall be subject to all the rules and regulations as other townships in Mitchell 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 2d day of March, A. D. 1905.

CHAPTER 673.

AN ACT TO PROVIDE ADDITIONAL REGULATIONS FOR THE WORKING OF PUBLIC ROADS IN CLAYTON TOWNSHIP, JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

Road commis-
sioners.
Chairman.
Duty of board.
Monthly meetings.

SECTION 1. That M. G. Gulley, J. H. Johnston and D. L. Jones be and they are hereby appointed and constituted as the Board of Road Commissioners of Clayton Township, and that M. G. Gulley shall be chairman of said board. The duty of the said board is to have charge, control and supervision of the public roads of Clayton Township and to have the same worked with either convict labor or free labor, or both, as they may see fit. The said board shall meet regularly once a month upon a day set, and at some public place in Clayton designated by resolution of said board, for the purpose of hearing complaints and of receiving and passing upon requests and suggestions from any citizen of Clayton Township with regard to the improvement of the roads thereof;

to consider and pass upon all work performed during the preceding month; to pass upon and approve or disapprove any contracts made, and to audit and approve or disapprove, wholly or in part, any accounts, orders or vouchers given by the chairman as hereinafter provided. The said board shall have complete control of the working of said public roads and may hire a superintendent, guards and any necessary help, at wages to be fixed by the board.

Board to have control of work, Superintendent, guards and help.

Sec. 2. That the chairman of the board shall keep at all times a book showing the number and names of hands being worked and the road on which they are worked, and he shall file a monthly report with the board showing the amount of expenses each day and how incurred. He shall go over the roads once a week, and his salary shall be fifteen dollars (\$15) per month.

Duties of chairman.

Salary.

Sec. 3. That the other two commissioners shall each receive one dollar (\$1) per month. They shall each personally inspect the roads once each month, and they shall meet with the chairman at his call whenever necessary, but no other compensation shall be paid them for such special meetings.

Salary of other commissioners. Duties.

Sec. 4. That the money arising from the special tax levied for road purposes in Clayton Township shall be paid by the Sheriff of Johnston County to the treasurer of the Clayton Township road fund, whose appointment shall be hereinafter provided for. The sheriff shall make a settlement of said taxes with the board of road commissioners, and after settling the amount of tax due shall pay the same over to the said treasurer, taking his receipt for the same; and the sheriff's settlement with the board of road commissioners and his receipt for the amount found to be due, signed by the chairman of the board of road commissioners and by the treasurer of the Clayton Township road fund, shall be a complete and full discharge of the sheriff and his bond from any and all liability for the collection of said taxes.

Special tax paid over.

Sheriff to settle with road commissioners.

Sec. 5. The said board of road commissioners, at its first meeting, shall appoint some person or corporation as treasurer of the Clayton Township road fund. The person or corporation so designated shall give a bond in such form as shall be required by the said board and payable to the said board, in the penal sum of five thousand dollars (\$5,000), for the faithful performance of his or its duties as treasurer and for the faithful holding and disbursing of the said fund in accordance with the orders and directions of the said board. The said treasurer shall hold office during the pleasure of the said board. No salary or compensation shall be paid to the said treasurer, but the premium required to be paid upon the bond of the said treasurer shall be paid out of the Clayton Township road fund.

Treasurer of road fund.

Bond.

No salary to treasurer.

Sec. 6. The commissioners appointed in section one hereof shall, within ten days after the ratification of this act, hold a meeting in the town of Clayton and qualify as such commissioners by taking the oath of office prescribed by the laws and Constitution

Commissioners to meet and qualify.

Form of oath. of this State, and in addition thereto shall take and subscribe the following oath: "I., do solemnly swear that I will well and truly perform all the duties imposed upon me as a member of the Board of Road Commissioners of Clayton Township, and that I will well and faithfully discharge all of such duties to the best of my ability; that I will not during my term of office have or carry on any business or dealings which will conflict with the performance of my said duties, and I will not be concerned, directly or indirectly, in any trades, dealings or contracts, with regard to the said roads whereby I may have or secure a personal benefit to myself: so help me, God." Both the oath of office and the oath as member of the board shall be subscribed and recorded in the book containing the minutes of the board of road commissioners.

Oaths to be recorded.

Terms of office. SEC. 7. That the members of the board of road commissioners appointed by section one of this act shall hold office from their qualification, as provided for in the preceding section, until twelve o'clock M. on the first Monday in December, one thousand nine hundred and six, and until their successors are elected and qualify by taking the oaths prescribed herein.

Election of successors. SEC. 8. That at the election for members of the General Assembly to be held in November, one thousand nine hundred and six, and at every such succeeding election for members of the General Assembly, there shall be elected by the qualified voters of Clayton Township three road commissioners, one of whom shall be designated upon the ballot as chairman. The election shall be held in all respects like the election for magistrates and constable of the said township, but the ballot shall be deposited in a separate and distinct box marked "Board of Road Commissioners." The ballots shall be in the following form, but the size, dimensions and style of such ballot shall not be prescribed, other than that they shall be printed or written, or partly printed and partly written, on white paper:

Separate box.

Form of ballot.

FORM OF BALLOT.

*For Members of the Board of Road Commissioners
of Clayton Township.*

FOR CHAIRMAN:

.....

FOR COMMISSIONERS:

.....

.....

Returns made and canvassed. The persons, respectively, receiving the highest number of votes for the said position shall be declared elected. The returns of said election shall be made and canvassed by the said board and in the same manner as the returns for the election of justices of the peace and constable of the said township are canvassed and declared.

Secretary of State to send copies of act.

SEC. 9. That immediately after the ratification of this act the Secretary of State shall send a certified copy thereof to M. G. Gul-

ley, J. H. Johnson and D. L. Jones, Board of Road Commissioners of Clayton Township, Clayton, N. C., and the said chairman or any member thereof, upon receipt of the same, shall notify the other two members of the board and call a meeting for the purpose of qualifying as is required in this act.

SEC. 10. That in case any one of the members of the board as Vacancies. appointed in the first section of this act shall decline to serve or shall fail and neglect to qualify as provided for hereinbefore, the other two members of said board, upon their qualification, may elect a third person to fill the vacancy so caused, and the person so chosen by them shall qualify as if he had been originally appointed in this act; and after qualifying, if any member should die or resign, his successor shall be elected by the remaining members, and the person so chosen shall qualify and enter upon the discharge of his duties. If any of the persons named in the first section of this act shall fail to qualify within ten days after having either been notified of the passage of this act or after having been notified to meet and qualify thereunder, he or they shall be deemed to have declined the appointment. Failure to qualify.

SEC. 11. That the said board of road commissioners shall hold their meetings at a regular time and place, and public notice of said meetings shall be given so that any citizen of the said township may attend and hear the proceedings. The said board shall Meetings of road commissioners. Notice to be given. keep a full and true account of all of its proceedings, showing the receipts and disbursements, the number of persons employed and all other matters in any way connected with or relating to the said roads, the improvements and expenditures thereon and the condition thereof. The said book shall be left with the treasurer Records. hereinbefore provided for, and shall at all times be subject to the inspection of any tax-payer of Clayton Township. Record subject to inspection.

SEC. 12. 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. 1905.

CHAPTER 674.

AN ACT TO AMEND CHAPTER 580, PUBLIC LAWS OF NORTH CAROLINA, 1903, ENTITLED "AN ACT TO AMEND CHAPTER 581 OF THE PUBLIC LAWS, 1903, SO FAR AS IT AFFECTS ROCKINGHAM COUNTY."

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter five hundred and eighty. Public Laws of one thousand nine hundred and three, be amended by adding to the end thereof these words: "And any person becoming a citizen of Rockingham County or becoming twenty-one Liability to road duty.

years of age after the first day of April of each and every year, shall not be liable to road duty under this act for the current year.

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 2d day of March, A. D. 1905.

CHAPTER 675.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF JACKSON COUNTY TO LEVY A SPECIAL TAX FOR THE PURPOSE OF BUILDING A ROAD IN CANADA TOWNSHIP IN SAID COUNTY.

The General Assembly of North Carolina do enact:

Special tax authorized.

Limit.

Purpose of act.

Surveyor to locate road.

Levied and collected as other taxes.

SECTION 1. That the board of commissioners for the county of Jackson are hereby authorized and empowered at the regular time for levying taxes, to levy a special tax not to exceed five cents on the one hundred dollars worth of property and fifteen cents on the poll, for the purposes of building and constructing a public road in Canada Township in said county from some point near where the Wesley Phillips road intersects Tennessee Creek in said township over the most practical route in the direction of Lake Toxaway to the Transylvania County line. For the purpose of carrying out the provisions of this act and the proper location and construction of said road the said commissioners are hereby authorized and empowered to employ a competent surveyor and pay for his services out of the levy herein authorized.

SEC. 2. That the tax herein authorized to be levied shall be collected and accounted for by the sheriff or tax collector of said county in the same manner and under the same penalties as now prescribed by law for the collection of other taxes in said county.

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

CHAPTER 676.

AN ACT TO AMEND CHAPTER 483 OF THE PUBLIC LAWS OF 1899, THE SAME BEING AN ACT TO PROVIDE A DISPENSARY FOR THE COUNTY OF WARREN.

The General Assembly of North Carolina do enact:

SECTION 1. That section sixteen of this act be stricken out and the following substituted therefor: "That any time after the ratification of this amendment, upon the petition of one-third of the qualified voters of the town of Warrenton, North Carolina, the town commissioners of said town shall call an election as provided by chapter two hundred and thirty-three of the Public Laws of one thousand nine hundred and three, at which election shall be submitted to the qualified voters of said town of Warrenton, North Carolina, the question whether the aforesaid dispensary as provided for in chapter four hundred and eighty-three, Public Laws of one thousand eight hundred and ninety-nine, shall be continued or not; those who favor the continuance of said dispensary shall vote a ticket upon which shall be printed or written the words 'For Dispensary,' and those who oppose the continuance of said dispensary shall vote a ticket upon which shall be printed or written the words 'Against Dispensary.' If the majority of the votes cast shall be against dispensary, then within ninety days after said election the said dispensary, as provided for in chapter four hundred and eighty-three, Public Laws one thousand eight hundred and ninety-nine, shall be closed in the town of Warrenton, and it shall therefore be unlawful for any person or persons, corporation or corporations to sell or offer to sell in any manner whatsoever in the town of Warrenton or within four miles of the corporate limits thereof any vinous, spirituous or malt liquors."

Election to be called by petition.

Question submitted.

Form of ballots.

Dispensary to be closed if majority against dispensary."

Prohibition.

SEC. 2. The said dispensary commissioners provided for in chapter four hundred and eighty-three, Public Laws of one thousand eight hundred and ninety-nine, shall not establish any dispensary in the county of Warren except in an incorporated town and not in said county except upon the petition of one-third of the qualified voters of said town to the town commissioners thereof, who shall call an election in said town as provided in chapter two hundred and thirty-three, Public Laws of one thousand nine hundred and three; at which election the qualified voters shall vote "For Dispensary" or "Against Dispensary," and in case the majority of said votes shall be "For Dispensary," then and in that event only shall the aforesaid commissioners establish a dispensary in said town.

No dispensaries but in towns.

Elections to be called by petition.

Form of ballots.

Dispensary established if voted for.

SEC. 3. Any violation of this act shall be a misdemeanor punishable by fine or imprisonment, or both, at the discretion of the court.

Misdemeanor. Penalty.

SEC. 4. That section two of chapter four hundred and eighty-three, Public Laws of one thousand eight hundred and ninety-nine,

County board of
control.

Dispensary com-
missioners.

Conflicting laws
repealed.

entitled "An act to provide a dispensary for the county of Warren" be stricken out and the following substituted therefor: "SEC. 2. A board consisting of the mayor of the town of Warrenton in said county, the chairman of the board of county commissioners of said county and the chairman of the board of education of the said county is hereby constituted, to be known as 'The County Board of Control.' That the board of county commissioners of said county, the board of education of said county and the town commissioners of Warrenton, North Carolina, shall each on the first Monday in July, one thousand nine hundred and five, and every two years thereafter, elect from the citizens of said county one person of good moral character and not addicted to the use of intoxicants; which said three persons shall be known as 'The Dispensary Commissioners of Warren County'; said dispensary commissioners shall hold their office for a term of two years and until their successors shall be elected and qualified, and shall be subject to removal for any incompetent or unlawful misconduct in office by the aforesaid board of control."

SEC. 5. All laws and parts of laws in conflict with this act are hereby repealed.

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

In the General Assembly read three times, and ratified this the 2d day of March, A. D. 1905.

CHAPTER 677.

AN ACT TO MAKE FISHING WITH NETS, ETC., IN W. K. PHILLIPS' MILL-POND IN FRANKLIN COUNTY UNLAWFUL.

The General Assembly of North Carolina do enact:

Fishing without
written consent
unlawful.

Misdemeanor.
Penalty.

SECTION 1. That it shall be unlawful for any person or persons to fish with seines, tram-nets, set-nets or any other kind of nets, or to shoot fish in the mill-pond on Moccasin Creek in Wake and Franklin Counties now owned by W. K. Phillips without a written permission first had and obtained from the owner thereof. And any person so offending shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten nor more than fifty dollars or imprisoned not less than ten nor more than thirty days.

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. 1905.

CHAPTER 678.

AN ACT TO ALLOW THE COUNTY OF YADKIN TO ISSUE
BONDS FOR AN ELECTRIC RAILWAY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of County Commissioners of Yadkin County is hereby authorized and empowered to issue bonds in the name of the county of Yadkin in such denominations and forms as said board may determine, to an amount not exceeding fifty thousand dollars, payable at such time and places as the said board may prescribe: *Provided*, that the time of payment of said bonds shall not be less than fifteen and not more than fifty years.

Bond issue authorized.

Amount.

Proviso: time of payment.

SEC. 2. That said bonds shall not bear a greater rate of interest than five per centum per annum and that the interest shall be due and payable annually; and the said bonds shall in no case be sold or disposed of for less than their par value.

Interest.

Bonds not to be sold below par.

SEC. 3. That said bonds shall be signed by the chairman of the board of county commissioners, attested by the register of deeds for said county.

How bonds attested.

SEC. 4. That for the purpose of paying said bonds at maturity and the interest as it becomes due, it shall be the duty of said board of commissioners and they are hereby empowered so to do, to levy and collect each year a sufficient special tax upon all polls and property subject to taxation in the manner and at the same time as other taxes are collected for State and county purposes.

Special tax.

SEC. 5. That the board of commissioners shall not issue said bonds nor any of them, nor levy nor collect said tax until they shall have been authorized and empowered to do so by a majority of the qualified votes cast at an election to be held at such times and places as the said board shall appoint, of which notice shall be given at the court-house door in Yadkinville, and at each voting place or precinct in said county for twenty days; and at said election those favoring the issue of said bonds and the levy and collection of said taxes for the payment of said bonds and interest shall vote "For Issue" and those opposing it shall vote "Against Issue."

Bonds not to issue until voted on.

Notice of election.

Form of ballot.

SEC. 6. That said commissioners shall have the power to call an election under this act at any time they see proper within two years from the ratification of this act after giving notice as required in section five (5) of this act, and shall call said election upon the petition of one hundred taxpayers of the county, and that said election shall be held under the same rules and laws governing elections for members of the General Assembly—except the registrars shall be required to attend at the polling place only on the second Saturday before the election.

Time for election.

Petition for election.

Registration.

SEC. 7. That said bonds or the proceeds from the sale thereof shall be used for the purpose of paying for fifty thousand dollars

Specific appropriation.

Subscription to railway. worth of stock in an electric railway from Winston-Salem, North Carolina, to Yadkinville, North Carolina, and for no other purpose; and said county is authorized and empowered to subscribe and own stock in such electric railway to the amount of said fifty thousand dollars: *Provided, however,* said bonds shall not issue until said road is completed for running cars to some point in Farbush Township in Yadkin County.

Proviso; road to be completed.

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 2d day of March, A. D. 1905.

CHAPTER 679.

AN ACT TO INCORPORATE NEW RIVER BAPTIST CHURCH IN ASHE COUNTY.

The General Assembly of North Carolina do enact:

Prohibition.

SECTION 1. That it shall be unlawful for any person or persons to manufacture, sell or give away any spirituous, vinous or malt liquors within two miles of New River Baptist Church in Ashe County.

Penalty.

SEC. 2. That any person or persons violating this act shall be fined not less than ten dollars or imprisoned at the discretion of the court.

Exception.

SEC. 3. That this act shall not apply to family use.

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. 1905.

CHAPTER 680.

AN ACT TO PLACE TABLETS TO NORTH CAROLINA TROOPS AT BETHEL AND CHICKAMAUGA.

Preamble.

WHEREAS, at the battle of Bethel, Va., on the tenth of June, eighteen hundred and sixty-one, Henry L. Wyatt, a private soldier from North Carolina, was the first Confederate soldier killed in battle, and at Chickamauga North Carolina troops made the farthest advance, both on the nineteenth and twentieth September, eighteen hundred and sixty-three; and whereas, there is no memorial to mark these historic spots save a pine board tacked to a telegraph pole at Chickamauga, on which field the positions held

First at Bethel.

Foremost at Chickamauga.

by other troops from our sister Southern States are marked by costly and appropriate memorials: now therefore

The General Assembly of North Carolina do enact:

SECTION 1. That in honor of so much valor, tablets with appropriate inscriptions shall be erected to mark the farthest advance of the North Carolina troops at Chickamauga, at a cost not exceeding five hundred dollars for said tablets, including all accompanying expenses, and Judge A. C. Avery, chairman, James M. Ray, M. C. Toms, Isaac H. Bailey and Henry A. Chambers are hereby appointed special commissioners to prepare suitable inscriptions and procure and supervise the erection and placing the tablets. Tablets "For Valor."
Commissioners for Chickamauga.

SEC. 2. That for the purpose of erecting a tablet to mark the spot where Wyatt fell, Major E. J. Hale, chairman, Captain W. E. Kyle, Captain John H. Thoppe, Captain W. B. Taylor and R. H. Ricks are hereby appointed a special commission to prepare suitable inscriptions and supervise the erection and placing of the tablets to mark the appropriate spot at Bethel, Va., at a cost not exceeding two hundred and fifty dollars for said purpose, including all attendant expenses. Commissioners and appropriation for tablet at Bethel.

SEC. 3. The above sums are hereby appropriated for said purposes to be paid on the order of the chairman of the respective commissions and approved by the Governor. Appropriation to be paid on order of chairman.

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. 1905.

CHAPTER 681.

AN ACT TO PROHIBIT THE MANUFACTURE AND SALE OF INTOXICATING LIQUORS WITHIN THREE MILES OF BETHESDA CHURCH IN MOORE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons to manufacture or sell any spirituous, vinous or malt liquors within three miles of Bethesda Church in Moore County: *Provided*, that nothing in this act shall prohibit the manufacture of wine for shipment in packages of not less than five gallons each. Prohibition.
Proviso: exception.

SEC. 2. That any person or persons violating the provisions of this act shall be guilty of a misdemeanor and punished 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 the 4th day of March, A. D. 1905.

CHAPTER 682.

AN ACT TO PROTECT TROUT AND RED BREAST IN
LUMBER RIVER.*The General Assembly of North Carolina do enact:*

Unlawful to kill
trout or red breast
during bedding
season.

SECTION 1. That it shall be unlawful for any person or persons to shoot or otherwise kill any trout or red breast during their bedding season in Lumber River in Robeson or Columbus Counties.

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 five nor more than ten dollars or imprisoned not more than ten 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 4th day of March, A. D. 1905.

CHAPTER 683.

A BILL TO BE ENTITLED AN ACT TO PREVENT COMMERCIAL
BUSINESS OR DRIVING STOCK UPON THE PUBLIC
HIGHWAYS UPON THE SABBATH DAY IN ASHE COUNTY.*The General Assembly of North Carolina do enact:*

Unlawful to buy,
sell, swap or drive
loose stock or
cattle.

SECTION 1. That it shall be unlawful for any merchant to sell, exchange or swap, buy or drive any loose stock or cattle upon the public highways upon the Sabbath day.

Unlawful to open
store.

SEC. 2. That it shall be unlawful for any merchant to open his store, selling or contracting to sell any goods of any description, except in case of sickness or death, upon the Sabbath day.

Misdemeanor.

SEC. 3. Any one violating any provision of this act shall be guilty of a misdemeanor and shall upon conviction before any justice of the peace be fined not less than five nor more than ten dollars for each offense.

Penalty.

Limited to Ashe
county.

SEC. 4. This act shall apply only to Ashe 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 4th day of March, A. D. 1905.

CHAPTER 684.

AN ACT TO PROTECT FISH IN SAPPONY CREEK IN NASH COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That any person who shall place in the waters of Sappony Creek in Nash County, or in any of its tributaries within three hundred yards of said stream any wire, wood or twine trap for the purpose of catching fish shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars nor more than twenty-five dollars for each offense: *Provided*, this act shall not apply to set-nets and seines.

Wire, wood and twine trap forbidden.
Misdemeanor.
Penalty.
Proviso: set-nets and seines.

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. 1905.

CHAPTER 685.

AN ACT TO EMPOWER THE BOARD OF COMMISSIONERS OF ROBESON COUNTY TO BORROW MONEY FROM THE SCHOOL FUND OF THE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of Robeson County are hereby empowered to borrow money on the note of the county from the public school fund of the county when in their judgment it shall be wise to do so: *Provided*, said commissioners shall always keep a sufficient amount of money on hand to the credit of the county to pay any and all just claims made on the school fund of the county: *Provided further*, the county shall pay six per cent. per annum on all money so borrowed.

To borrow money on note of county.
Proviso: school claims to be paid.
Proviso: interest on loan.

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. 1905.

CHAPTER 686.

AN ACT TO ESTABLISH A STOCK LAW TERRITORY IN BEAUFORT COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the following described territory in Richland Township, Beaufort County, be and is hereby made and declared a stock law territory, to-wit: Beginning at the northwest corner

Stock law territory.
Boundaries.

of the farm formerly owned by the late G. W. Guilford, deceased, running north to the Murry farm road and with said road north to A. Stille's home place, thence westwardly with the Murry field and Edward road to a private road near F. J. Cox's house, thence northwest to the main road leading to Bonnerton and with the said road to the avenue of the late C. W. Bonner, Sr., thence westwardly to Durham's Creek, thence with said creek to Pamlico River, thence down said river to the mouth of South Creek, thence up said creek to the fence of the stock law territory which is now on the same side of said creek, and with said fence to the beginning.

Fence tax.

SEC. 2. That a tax not to exceed ten cents per acre is hereby levied on all the taxable lands lying within said territory for the purpose of establishing and maintaining necessary fences and gates around said territory, to be collected by the Sheriff of Beaufort County, who shall have and is hereby given all the rights and powers for the collection of the same as for other State and county taxes and whose bond shall in like manner be liable therefor. The said sheriff shall pay the same to the treasurer of the board of fence commissioners, hereinafter provided for, whose receipt shall be a sufficient voucher therefor. The said board of

Fence commissioners to levy tax.

fence commissioners shall, before the first day of September, one thousand nine hundred and five, ascertain the number of acres of land within said territory as a basis for the determination of the necessary total amount to be levied and collected for the building and maintaining the fences and gates, and the number of acres belonging to each land-owner severally, together with the names of such land-owner subject to the tax, and fix the amount of the tax levied and to be collected within the limits hereinbefore defined and report the same to the sheriff in writing, signed by the chairman, in the form of a carefully prepared list, and the said report in the hands of the sheriff shall constitute a lien on the said lands, and in all respects proper authority for the collection of said tax in as full and ample manner as the general tax list of the county for the collection of State and county taxes under the general law of the State.

Lien on lands.

County commissioners to appoint fence commissioners.

SEC. 3. That the Board of Commissioners of Beaufort County shall appoint three discreet land-owners within said territory as a board of fence commissioners, who shall hold office for two years from date of their appointment and until their successors are appointed, and shall biennially appoint their successors and fill all vacancies on said board; which said board of fence commissioners shall meet as early as practicable after their appointment and elect a chairman and treasurer for their term and report their said election in writing to the sheriff, and shall fix the

Organization of fence commissioners.

Treasurer's bond.

amount of the treasurer's bond not less than the total amount of the tax they may levy, who shall receive from the sheriff and disburse all funds collected under the levy herein provided for. The

bond of the said treasurer shall be approved by the Clerk of the Superior Court of Beaufort County and filed by him with other bonds in his office and conditioned for the faithful accounting under the provisions of this act of all moneys received by him. He shall pay out said funds on the order of the board of fence commissioners, signed by its chairman, and shall receive two and a half per cent. commissions on receipts and nothing on disbursements.

Bond to be approved by clerk superior court.

Duty and pay of treasurer.

SEC. 4. That the said board of fence commissioners are hereby empowered to borrow such an amount of money, not exceeding five hundred dollars, as may be necessary to build and construct the fences and gates around the said territory, and may issue therefor the bond or note of the board signed by the chairman, which said note or bond shall constitute a valid legal demand against the first funds collected under the levy in the hands of the said treasurer, and shall be paid by him from the said funds. The said board shall proceed at once, on the making of said loan or receipt of the said taxes if no loan be made, to build and establish good and sufficient fences and gates as hereinbefore provided for, and any fence of any other stock law territory now on the line fixed in the first section of this act shall remain and constitute a boundary thereto, and may be joined to in the construction of the fence herein provided for. The amount of the tax levy for any year after one thousand nine hundred and five shall be only so much as may be necessary to keep up and maintain the fences and gates.

Fence commissioners to borrow money.

Board to build fences and gates.

Amount of tax levy.

SEC. 5. That after the establishment of the fences herein provided for it shall be unlawful for any person, firm or corporation to allow live stock or destructive fowls to run at large within said territory, and all persons within the same shall keep their live stock confined. Any person violating this provision shall be guilty of a misdemeanor and fined not to exceed five dollars for each offense. All rights of impounding stock running at large within this territory in violation of this act as provided for in chapter twenty, volume two of The Code, are hereby given to the land-owners within this territory.

Unlawful to allow live stock or destructive fowls to run at large.

Misdemeanor.

Penalty.

Impounding stock.

SEC. 6. That any person, firm or corporation who shall willfully damage, tear down or destroy or leave open any fence or gate around this territory shall be guilty of a misdemeanor and fined or imprisoned in the discretion of the court.

Damaging fence or leaving gate open a misdemeanor.

Penalty.

SEC. 7. That the rights of condemnation of lands for the purpose of establishing the fences and gates herein provided for are hereby vested in said board of fence commissioners in as full and ample manner as is given railroad companies for the condemnation of lands under the general law of this State, and the procedure to that end shall be the same, and shall condemn a space of ten feet wide which shall vest in said board, its agents and employees

Right of condemning land.

Procedure.

a right to enter upon the same and do all things necessary to the establishment and maintenance of the said gates and fences.

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 4th day of March, A. D. 1905.

CHAPTER 687.

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

The General Assembly of North Carolina do enact:

Special tax authorized.

SECTION 1. That the Board of Commissioners of Greene County be and they are hereby authorized, for the purposes hereinafter named, to levy a special tax for the years nineteen hundred and five and nineteen hundred and six, respectively, at the time for levying the general taxes for said county, which special taxes shall be levied upon taxable property and polls and other subjects of taxation in said county, and may amount to but shall not exceed the sum of eight thousand dollars (\$8,000); and that one-half of the same be levied and collected in each of said years, observing the equations prescribed in the constitution.

Amount.

Purposes of tax.

SEC. 2. That the said special taxes are authorized and are to be levied and collected only for the purposes of paying off the indebtedness for construction and repairing of county bridges and highways and public buildings and of making necessary provisions to secure the public health in said county.

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

CHAPTER 688.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF COURT STENOGRAPHERS FOR FRANKLIN COUNTY.

The General Assembly of North Carolina do enact:

County commissioners to appoint court stenographer.

SECTION 1. That it shall be the duty of the Board of Commissioners of Franklin County, as soon after the ratification of this act as practicable, to appoint a court stenographer for Franklin County Superior Court, who shall be an officer of the court and shall attend all the regular or special terms of said court.

SEC. 2. No person shall be appointed to the position of official stenographer for said court without being first examined as to his or her competency by at least three members of the bar practicing in said court, such members to be designated by said board of commissioners. The committee of the bar so appointed shall, upon the request of said board of commissioners, examine any person as to his or her qualifications whom said board of commissioners may wish to appoint as official stenographer, and no person shall be appointed to said position upon whose qualifications said committee shall not have reported favorably. The party examined must write in the presence of said committee at the rate of at least one hundred and twenty-five words per minute for five consecutive minutes upon matter not previously written by or known to him or her. If the party pass such examination satisfactorily the committee shall furnish him or her with a written certificate of the fact, signed by a majority of the members of the committee, a copy of which certificate shall be filed among the records of said board of commissioners.

Stenographer examined by committee of bar.

Committee to examine and report.

Requirements.

Certificate.

SEC. 3. After the appointment by the board of commissioners, and before entering upon the duties of such office, the official stenographer shall take and subscribe an oath faithfully, correctly, honestly and conscientiously to discharge the duties of such office as prescribed by this act.

Stenographer to qualify.

SEC. 4. Such official stenographer shall take full stenographic notes in every case tried or heard during any term of said superior court of all oral testimony, the admissions made by either side, the objections to the introduction of testimony, the rulings of the court thereon and the exceptions taken to such rulings, all motions and matters heard and passed upon by the court upon matters controverted by parties, and the charges of the court to the jury; and shall make notes of all documentary evidence introduced by either party, and of all other proceedings such as the court may direct. The judge shall not be required to take any notes of the evidence; and whenever required by the judge the stenographer shall read his notes to the jury. Such stenographic notes shall be filed with the clerk of said court and shall become a part of the record of the case.

Duties of stenographer.

Judge not required to take notes. Stenographer's notes read to jury and filed with clerk.

SEC. 5. In all cases of appeal to the Supreme Court, and in all other cases where required by the court, the official stenographer shall, as soon as practicable and within five days after the adjournment of the court, unless further time be granted, furnish to the clerk of said court and to counsel for each party one copy of each of the entire record as reported by him or her. The copy so furnished the clerk shall be used by him in making up the case on appeal, and a charge of five cents per copy sheet shall be made by said clerk for that part of the case on appeal so furnished by said official stenographer, instead of the usual charge of ten cents per copy sheet. In all cases in which the official stenographer is

Stenographer to furnish copies on case of appeal.

Charge for copies.

Fees for copies. To be taxed as costs.	required to furnish typewritten copies of the record he shall be allowed as compensation for making such copies a fee of five cents per copy sheet counted on one copy; said fee to be taxed as an item in the bill of costs in such case, and to be in addition to the compensation hereinafter provided for: <i>Provided</i> , that in no case shall this additional compensation exceed fifteen dollars for one case.
Limit to extra pay.	
Substitute stenographer.	SEC. 6. In case of the unavoidable absence of the official stenographer from any term of said court the clerk of said court shall appoint some competent stenographer in place of said official stenographer, who shall have the duties and receive the compensation of the official stenographer for the time the official stenographer is so absent. Such person so appointed shall take and subscribe the oath prescribed for the official stenographer before entering upon the discharge of the duties of such office.
Term of office.	SEC. 7. The official stenographer shall hold office for two years unless removed by the board of commissioners for cause; and in case of a vacancy from any cause the board of commissioners shall proceed to fill the vacancy as provided for the appointment of the official stenographer.
Commissioners to order pay of stenographer.	SEC. 8. At the meeting of the board of commissioners next ensuing upon each term of said court, an order shall be made by said board of commissioners directing the county treasurer to pay to the official stenographer or to the acting official stenographer such sum of money for said services as the Board of Commissioners of Franklin County shall deem adequate and just, not to exceed in the aggregate the total amount of tax fees for the term herein provided to be taxed. And in the event such stenographer shall not be a resident of the county-seat there shall be an additional order made allowing him or her the sum of two dollars per day and mileage to and from the county-seat for actual expenses. And to reimburse the county for said expenditure there shall be taxed by the clerk of the court and paid to the county a fee of three dollars as a part of the cost in all civil actions wherein a jury is empaneled, and in all criminal actions there shall be taxed as a part of the cost and paid to the county a fee of two dollars, except that in cases of capital felonies the fee shall be five dollars.
Expenses.	
Tax fees.	
Certified copy of stenographer's notes evidence.	SEC. 9. Whenever it shall become necessary in any court in the State to prove the testimony of a witness at the trial of any former case in Franklin County, the certified typewritten copy of the notes of such testimony taken by the official stenographer at the court where said witness testified shall be evidence to prove the same.
SEC. 10 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. 1905.	

CHAPTER 689.

AN ACT TO PREVENT THE SMUGGLING OF INTOXICATING LIQUORS INTO THE COUNTY OF RUTHERFORD.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person acting as agent or otherwise of any other person to take into the county of Rutherford from the town of Marion, or elsewhere in North Carolina, any package of spirituous, vinous or malt liquors of more than one gallon, and not more than one gallon in any one day: *Provided*, it is not for drug stores or to be used for medicinal purposes. Unlawful to take liquors into county.
Proviso: drug stores or medicinal use.

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 more than fifty dollars and imprisoned not more than thirty days. Misdemeanor.
Penalty.

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

CHAPTER 690.

AN ACT TO REPEAL CHAPTER 493, PUBLIC LAWS OF 1893.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter four hundred and ninety-three of the Public Laws of one thousand eight hundred and ninety-three be and the same is hereby repealed. Hunting and fishing by non-residents in Brunswick 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 4th day of March, A. D. 1905.

CHAPTER 691.

AN ACT TO SUBMIT TO THE QUALIFIED VOTERS OF THE CITY OF ASHEVILLE THE QUESTION OF ESTABLISHING A DISPENSARY.

The General Assembly of North Carolina do enact:

SECTION 1. There shall be held at the usual voting places within the city of Asheville on Thursday, the 6th day of April, 1905, an election of the voters of said city to determine the question as Election to be held.
Date fixed

- Dispensary election. to whether spirituous, vinous and malt liquors shall be sold by saloons or by one or more dispensaries. Said election is hereinafter designated as dispensary election.
- Registration books. SEC. 2. For the purpose of holding and conducting said election the registration books used in the election for State officers at the election held in November, 1904, for the several precincts within the city of Asheville, shall be used, and all persons whose names appear upon the said registration books and who were qualified to vote in said election held in November, 1904, according to the Constitution and laws of North Carolina, shall be eligible to vote in said dispensary election, provided they now reside in the same precinct as at said election of November, 1904: *Provided, however,* that all persons whose names do not appear upon said registration books, but who since the said election in November, 1904, become qualified to vote by reason of having become twenty-one years of age, or who have since that time acquired a citizenship of two years in the State, six months in the county of Buncombe and four months in the city of Asheville, and who are otherwise qualified, as required by section six of the Constitution, shall be allowed to register for said dispensary election: *Provided further,* that every person whose name appears upon said registration books and who has since the date of the holding of said November election moved into a precinct other than the one in which he resided at the time he so registered, shall be permitted to obtain from the registrar of the precinct in which he formerly resided a certificate of transfer and to register in the precinct in which he resides at the time he applies for registration: *Provided, however,* that such person has resided in the precinct to which he has moved for a period of four months prior to his application for registration, and should he not have resided in said precinct for a period of four months at the time he applies for registration, he shall be permitted to vote in the precinct in which he resided at said November election.
- Eligible voters.
- Proviso: persons entitled to register.
- Proviso: certificates of transfer.
- Proviso: residence in new precinct.
- Form of registration oath.
- SEC. 3. Every voter whose name does not appear upon said registration books who applies for registration upon such certificate of transfer, or who has become qualified as provided in the preceding section since the closing of the registration books for the election held in November, 1904, shall take the following oath: "I,, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of North Carolina not inconsistent therewith; I also swear that I have been a resident of the State of North Carolina for two years, of the county of Buncombe for six months and of precinct No. in the city of Asheville for four months, and I do further swear that at the time of the election held in November, 1904, for State officers I was not entitled to vote at said election for the reason that I was not then twenty-one years of age, or (as the case may be) for the reason that I had not then resided in the State two years, the county six months and the city

four months), but that since said time I have become qualified to vote according to the Constitution and the laws of the State of North Carolina, and I further swear that I paid the poll tax for which I was liable at the time on or before the first of May, 1904, so help me, God." When the applicant for registration takes the said oath he shall be entitled to register, provided he is otherwise qualified as prescribed in article six of the Constitution.

SEC. 4. It shall be the duty of the County Board of Elections of Buncombe County to assemble in the court-house in the city of Asheville at twelve o'clock on Monday, the twentieth day of ^{County board of elections to appoint registrars and judges of election.}

March, one thousand nine hundred and five, and they are hereby directed and required to appoint one registrar for each of the several precincts in the city of Asheville and two judges of election, one of whom shall be in favor of saloons and one in favor of dispensary, for each of the several precincts in said city, to conduct said election. Said registrars and judges shall be men of good ^{Qualification for registrars and judges of election.}

moral character and they shall be qualified electors to vote in the said dispensary election, and before performing their duties they shall take and subscribe an oath before the Clerk of the Superior Court of Buncombe County, or his deputy, that they will perform the duties as registrars and judges honestly, fairly, impartially and according to the Constitution and the laws of the State of North Carolina and the provisions of this act. Said county board of elections shall cause the names of said registrars and judges to be posted at the doors of the county court-house and of the city hall for five days preceding the day said registration books open. ^{Names of election officers to be posted.} The Register of Deeds of Buncombe County is hereby required and directed to deliver to the registrars appointed by the county board of elections the registration books herein referred to, the same to be used for the purpose herein provided. ^{Register of deeds to deliver books.}

SEC. 5. The election authorized under the provisions of this act shall be held at the usual voting places within the city of Asheville. The polls shall open at sunrise and close at sunset. The county board of elections shall provide boxes for the holding of the same and have general supervision and charge thereof, and the registrars and judges shall receive the ballots into their own hands from the voters and deposit the same in the box, and at the close of the election they shall count the ballots and certify to the county board of elections the result of the number of votes cast "For Saloons" and the number cast "For Dispensary." They shall keep ^{Method of holding election prescribed.} poll books upon which shall be written the names of all persons who vote, and at the close of the election the registrar shall deliver said poll books, together with the registration book, to the Register of Deeds of Buncombe County. ^{Poll books.}

SEC. 6. It shall be the duty of the county board of elections to prepare and furnish the ballots for said election, and the ballots shall all be the same size, and shall be four inches long and two and one-half inches wide. They shall be of thick white paper, the ^{County board of elections to prepare ballots.} ^{Description of ballots.}

- weight to be prescribed by the county board of elections. The ballots to be voted at said election by those desiring to vote "For Dispensary" shall be of plain white paper and shall have printed thereon the words "For Dispensary." The ballots to be voted at said election by those desiring to vote "For Saloons" shall be of plain white paper and shall have printed thereon the words "For Saloons," and each and every voter desiring to vote for saloons shall cast one of said ballots with the words "For Saloons" printed thereon, and every voter desiring to vote for dispensaries shall cast one of said ballots with the words "For Dispensary" printed thereon. Any ballot of a different color, size or with any other words thereon, or different in any particular, except as herein provided, shall not be counted by the judges.
- For dispensary.**
- For saloons.**
- Different ballots not counted.**
- County board of elections to canvass returns.**
- Result to be filed with city clerk.**
- Result to be recorded.**
- Registration.**
- Challenge day.**
- Proviso: voter challenged to have notice.**
- Powers of judges of election.**
- SEC. 7. On the day after the election the county board of elections shall assemble at the court-house in the city of Asheville at twelve o'clock A. M. and canvass the vote and declare the result thereof, and the said county board of elections shall file the result of said election with the city clerk, whose duty it shall be to record the same on the minutes of the Board of Aldermen of the city of Asheville, and also shall cause the same to be recorded upon the minutes of the Board of Commissioners of Buncombe County.
- SEC. 8. The registration book for each precinct shall be kept open for three days in April, one thousand nine hundred and five, to-wit, Saturday, April first; Monday, April third, and Tuesday, April fourth, from nine o'clock A. M. until seven o'clock P. M., at the usual voting places, and every person qualified to register under the provisions of this act shall be entitled to register at the proper polling place, but only between the hours hereinbefore named, and it shall be unlawful for any person to register at any other time or at any other place except as provided in this section.
- SEC. 9. The registration books shall, on the day after the closing of the same, to-wit, on Wednesday, the fifth day of April, one thousand nine hundred and five, be open to the inspection of voters, and the registrar and judges of election of each precinct shall assemble at the voting places of their respective precincts at ten o'clock A. M. for the purpose of permitting and allowing challenges to be made against any voter whose name may appear upon the registration books. The challenges may be heard and tried on the day they are made, or they may be heard and tried upon the day of election: *Provided, however*, that the voter has notice of the time when the trial is to be had.
- SEC. 10. The judges of election shall have the power and they are hereby authorized and directed to administer oaths, examine witnesses and call for papers and documents whenever any voter is challenged; and if it should appear to them that such voter is not entitled to vote they shall strike the name of such voter from the registration books, and any person who makes a false state-

ment under oath before such registrars and judges shall be guilty of perjury and punished as prescribed by law.

SEC. 10½. It shall be unlawful to open any saloon or to sell or dispose of, for gain, any spirituous, vinous or malt liquors in said city on said fourth day of April and on said fifth day of April. Any violation of this section shall be a misdemeanor and punishable in the discretion of the court.

Sale of liquor forbidden.

Misdemeanor.
Penalty.

SEC. 11. The county board of elections shall appoint at least three and not more than five special policemen for each precinct, whose duty it shall be to preserve order at the voting places at each precinct, and said special policemen are hereby invested with all powers now conferred or which may hereafter be conferred upon police officers of the city of Asheville. Said board of county elections shall also appoint two clerks for each precinct, one representing each side, whose duty shall be to keep the poll books herein referred to.

Special policemen.

Powers.

Precinct clerks;
duties.

SEC. 12. The registrars and judges, the members of the county board of elections, said special policemen and said clerks shall each receive for their services the sum of two dollars per day, two-thirds of which shall be paid by the city of Asheville and one-third of which shall be paid by the county of Buncombe.

Pay of election officers.

SEC. 13. If any person, firm or corporation, or any person in behalf of any firm or corporation, shall either directly or indirectly contribute, give, expend, pay, offer, loan or promise any money, whiskey or other thing of value to any person or to the chairman, secretary or manager of any campaign committee working for saloons or for dispensary, or against saloons or against dispensary, to be used in any way in connection with said election, or to influence voters for saloons or for dispensary, or against saloons or against dispensary at said election, or shall hire or offer to hire any person to work on election day or at any other time for saloons or for dispensary, or against saloons or against dispensary, or shall handle or have in his possession any money, whiskey or other thing of value for such purpose, any such person, firm or corporation shall be guilty of a felony, and upon conviction shall be fined not less than five hundred dollars or imprisoned not less than one nor more than five years, in the discretion of the court, and shall also be subject, in addition thereto, to a penalty of five hundred dollars, to be recovered in a civil action to be brought

Conduct in connection with election constituting felony.

Punishment.

Penalty.

in the name of the State by any person suing therefor, one-half of the recovery to be paid to the party bringing suit and the other one-half to be paid to the county school fund: *Provided, however,* that no expenditure by the chairman, manager or secretary of any campaign committee, or by any person, firm or corporation, or by any person in behalf of any firm or corporation, for the purposes of printing, circulating literature, office rent and office expenditures which are actually incurred in connection with the management and conduct of said office, hire of stenographers and type-

One-half penalty to party bringing suit.

Proviso: legitimate expenses.

writers, telephone rent, postage, telegrams, stationery and express charges, buttons, badges and hiring carriages to take to the polls on election day aged, sick and disabled voters, shall be considered illegal, but all other expenditures for all other purposes shall be illegal.

Itemized sworn statements of election contributions and expenses to be filed.

SEC. 14. Every person, firm or corporation, its agents or employees who shall directly or indirectly contribute, expend, pay, promise, give or loan any money, whiskey or any other valuable thing to the chairman, secretary or manager of any executive committee or to any organization or body of men who shall be in favor of saloons or for dispensary, or to any other person, any money, whiskey or other thing of value to be used in any way in connection with said election or to influence the vote of any person in said election, or shall handle or shall have in his possession any money, whiskey or other thing of value for such purpose, and also every chairman, manager or secretary of any campaign committee or organization working for saloons or for dispensary, shall within five days after the said election make out and file with the Clerk of the Superior Court of the county of Buncombe an itemized statement, in writing, sworn to by the maker before an officer authorized to administer oaths, setting forth in detail all sums of money, quantity of whiskey or other thing of value contributed, expended, promised, given, loaned, handled or offered by him to any person in connection with said election, showing the dates when, the person to whom and the purpose for which all such sums of money were paid, expended, given or promised. Such statements shall set forth that the same is a full, complete and explicit statement, and the oath attached to such statement shall be as follows: "I do solemnly swear the statement herewith filed by me embraces all moneys, whiskey or other thing contributed, expended, paid, promised or handled by me at the dispensary election held in the city of Asheville on the sixth day of April, one thousand nine hundred and five; and I further swear that it contains the correct names of the persons to whom the same were given: so help me, God."

Form of oath.

Failure or refusal to file statement a misdemeanor.

SEC. 15. If any chairman, secretary or manager of any campaign committee working for saloons or for dispensary, or against saloons or against dispensary, or if any other person, firm or corporation shall fail or refuse to file the itemized sworn statement and oath mentioned in the preceding section of this act within the time and in the manner and form prescribed, he shall be guilty of a misdemeanor and subject to a fine of not less than five hundred dollars or to imprisonment for not less than one nor more than two years, and in addition thereto he shall be liable to a fine of not exceeding five thousand dollars, to be recovered in the name of the State by any person suing therefor, and one-half of such fine so collected shall be paid to the person bringing the suit and one-half shall be paid into the school fund of Buncombe

Punishment.

One-half fine to persons bringing suit.

County. If any person, firm or corporation, or any person in behalf of such firm or corporation, shall willfully file a false statement or shall willfully file an incorrect statement, verified by his oath aforesaid, he shall be guilty of perjury. False statement perjury.

SEC. 16. Said statement and oath shall at all times be open to public inspection and copies of the same furnished any applicant, and in addition thereto the statements and oath filed by such chairman, secretary, manager, person, firm or corporation shall, within two days after the same are filed with said clerk of the superior court, be published in one of the daily papers in the city of Asheville, and two-thirds of the cost thereof shall be paid by the city of Asheville and one-third of the cost by the county of Buncombe. The clerk of the court shall make out a certified copy of said statement and oath and furnish the same to said daily paper. Statements and oath subject to public inspection. Statements and oath to be published. Clerk of court to furnish copy.

SEC. 17. Any person who shall, for money, whiskey or other thing of value, vote or agree or promise to vote at said election for saloons or for dispensary, or against saloons or against dispensary, shall not be permitted to vote at said election, and whenever any judge of election or other person believes or has reason to believe that any voter has sold or has agreed or promised to sell his vote for a consideration, it shall be the duty of such judge or other person to challenge such voter when he offers himself to vote, and such judges shall immediately try and determine the question as to whether such person shall be entitled to vote. Said judges shall have power to swear witnesses and take their testimony, and any person who falsely swears upon the investigation before such judges shall be guilty of perjury, and should the judges, upon all the testimony, be satisfied that such person has sold or has agreed or promised to sell his vote, they shall decline to permit such person to vote. Person selling vote disqualified. Suspected voter to be challenged. Judges to try question. Power of judges.

SEC. 18. If any official, registrar or judge of elections required or authorized to perform any duty required by this act shall willfully fail or refuse to perform the same, he shall be guilty of a misdemeanor and punished in the discretion of the court. Election officers failing to perform duty guilty of misdemeanor. Punishment.

SEC. 19. If any person shall willfully and unlawfully register for said election, or shall willfully and unlawfully vote at said election, he shall be guilty of a felony and punished in the discretion of the court. Unlawful registering felony. Punishment.

SEC. 20. In any investigation or trial of any alleged crime, misdemeanor or felony under the provisions of this act no person shall be excused from answering any question concerning or in relation to such crime, misdemeanor or felony upon the ground that the answer to any question propounded may tend to incriminate him, but should such person testify he shall be excused and fully pardoned of any offense. Persons compelled to testify. Person testifying pardoned.

SEC. 21. If a majority of the votes cast at said election shall be "For Dispensary," it shall be unlawful from and after the first Prohibition if dispensary carry.

Proviso: druggists excepted.	day of September, one thousand nine hundred and five, for any person, firm or corporation to sell or otherwise dispose of for gain any spirituous, vinous or malt liquors or any intoxicating bitters within the county of Buncombe, except as herein permitted: <i>Provided</i> , this act shall not be construed to forbid the sale of such spirituous, vinous or malt liquors or intoxicating bitters by druggists for sickness, upon the written prescription of a legally qualified physician having such persons under his charge; <i>And provided further</i> , that this act shall not be construed to apply to wine or cider manufactured from grapes, berries or fruits raised on the lands of the persons so manufacturing and sold by such manufacturer in original packages of not less than one quart: <i>And Provided further</i> , that this act shall not be construed to prohibit the sale to dealers licensed under the laws of North Carolina, or to an institution authorized by law, by any person, firm or corporation operating a grain distillery of whiskey, sold in original packages containing at least four and three-quarter gallons. If any person, firm or corporation shall willfully violate any of the provisions of this section he shall be guilty of a misdemeanor and shall be punished in the discretion of the court. Should a majority of the votes cast be "For Dispensary," and any person, firm or corporation desire to take out or renew license to sell spirituous, vinous or malt liquors until said first of September, one thousand nine hundred and five, the Board of Aldermen of the city of Asheville and the Board of Commissioners of Buncombe County are authorized to prorate the special license tax due said city, county and State for said period from July first, one thousand nine hundred and five, to said first day of September, one thousand nine hundred and five.
Proviso: wine and cider.	
Proviso: sale to dealers.	
Misdemeanor. Penalty.	
License to 1st September.	
Dispensary commissioners named.	SEC. 22. If a majority of the votes cast at said election be "For Dispensary," then and in that event Henry Redwood, Virgil S. Lusk, Joseph S. Adams, J. R. Rich and Philip C. Cocke be and they are hereby appointed a board of dispensary commissioners for Buncombe County, whose terms of office shall begin on the first day of September, one thousand nine hundred and five. The said Henry Redwood shall be chairman and shall hold office for six years; the said Virgil S. Lusk and Joseph S. Adams shall hold for four years, and the said Philip C. Cocke and J. R. Rich shall hold for two years. The successors to said commissioners and any vacancy on said board shall be filled by appointment of the Governor of the State of North Carolina. The members of said board, before entering upon their duties of office, shall take and subscribe to an oath before the Clerk of the Superior Court of Buncombe County that they will well and truly carry out to the best of their ability all the provisions of this act. Any member of said board may be removed from office by the board of aldermen of said city if it shall appear that he has violated his oath or been guilty of malfeasance. The said board shall appoint one of their number as secretary. They shall meet once each week and shall
Chairman—terms of office.	
Successors and vacancy.	
Commissioners to qualify.	
Removal of commissioner.	
Secretary.	
Meetings.	

keep a record of all their proceedings. They shall receive as com- Pay.
 pensation for their services the sum of three hundred dollars per
 year, except the chairman, who shall receive a salary of nine hun-
 dred dollars per year. They may elect one of their number as Treasurer.
 treasurer and may pay said treasurer an additional compensation
 of not exceeding two hundred dollars. The treasurer to be so
 appointed shall give a bond in sum of twenty-five thousand dol- Bond of treasurer.
 lars for the faithful performance of his duties, the cost of said
 bond to be paid out of the profits from the said dispensary. Said
 board of dispensary commissioners may employ an attorney and Attorney.
 fix his salary at not exceeding two hundred dollars per year, and
 Dillon M. Luther is hereby appointed attorney for said board, to
 hold office for the first year. Said attorney shall act as advisor Duties of attorney.
 to said board and the manager of said dispensary; he shall prose-
 cute all persons for violating any of the provisions of this act and
 for violating any of the laws of this State for the unlawful sale
 and manufacture of whiskey in said city and county. Said board
 of dispensary commissioners and their successors shall be and it Commissioners a
 is hereby declared to be a body politic, with right to sue and be body politic.
 sued.

SEC. 23. Said board of dispensary commissioners shall, if a Dispensary to be
 majority of the votes cast at said election be "For Dispensary," established.
 on the first day of September, one thousand nine hundred and five,
 open and establish not less than one nor more than three dis- Number.
 pensaries for the sale of spirituous, vinous and malt liquors. The
 said board shall elect a manager for said dispensaries, who shall Manager.
 be a man of good character and sobriety, who shall have charge
 of the same under the supervision of the board, and shall hold his
 position at the pleasure of the board. Said manager shall give Bond of manager.
 bond, payable to the State of North Carolina, in a sum to be fixed
 by the board, conditioned upon the proper accounting for all
 moneys that may come into his hands as such manager and for
 the faithful performance of his duties as such manager as pre-
 scribed by this act and by all the rules and regulations which may
 be adopted by said board for the management and control of said
 dispensary. The cost of said bond shall be paid by the board.
 The salary of said manager shall be fixed by the board of dis- Salary of manager.
 pensary commissioners, but it shall not exceed twelve hundred dol-
 lars for the first year nor fifteen hundred dollars for the second
 year. Said board may appoint such assistants, clerks and laborers Assistants, clerks
 as may be necessary. Said board shall purchase all spirituous, and laborers.
 vinous and malt liquors which may be needed by said dispensary, Board to purchase
 and may purchase the same from any person or persons or firm or liquors.
 corporation as to said board may seem best and most advantageous.

SEC. 24. That said board of dispensary commissioners may em- Further powers of
 ploy detectives, may borrow money and shall have power to do board.
 all other things not contrary to law to carry out the true intent
 of this act and to make the management of said dispensary a suc-

Rules and regulations to be published and posted.	cess. Said board shall have power and it is hereby authorized to adopt such rules and regulations governing and controlling said dispensaries and the sale of liquors by the same as may to it seem best. Said rules and regulations shall be published for one week in both Asheville papers and shall also be posted in each dispensary, and if any person willfully violates any such rule or regulation he shall be guilty of a misdemeanor and punished in the discretion of the court.
Violation of rule a misdemeanor. Punishment.	
Manager to settle weekly.	SEC. 25. The manager of said dispensaries shall, at least once a week or oftener, pay to the treasurer of the board of dispensary commissioners all moneys which he may hold as said manager, and shall keep a strict account of all liquors received by him, the amount sold and the amount on hand. The treasurer shall hold and disburse all the funds belonging to said dispensary, and after paying all expenses and after reserving such sum as the board may deem necessary to carry on the dispensary, shall, on the first day of October, January, April and July of each and every year, pay over to the Treasurer of the city of Asheville sixty-five per cent. of the profits of said dispensaries, and he shall pay over to the Treasurer of the county of Buncombe thirty-five per cent. of the profits of said dispensaries. Ten per cent. of the amount paid to said city treasurer shall be applied for the purposes of encouraging and promoting immigration to said city, encouraging the building and operation of manufacturing plants in said city or the vicinity thereof, and for advertising the advantages of said city as a resort and promoting its general welfare. The said amount shall be applied under the direction of a committee of three members, who shall be appointed by the Board of Aldermen of the city of Asheville upon the recommendation of the board of trade of said city. Said committee shall hold their offices at the pleasure of said board and shall receive no compensation for their services. After deducting from said city's part of said profits the said ten per cent., the remaining portion paid to said city treasurer shall be applied as follows: One-third thereof shall belong to and constitute a part of the city school fund and the remaining two-thirds thereof shall belong to and constitute a part of the city's general fund; one-third of the amount paid to the county treasurer shall go into the county school fund and the remaining two-thirds of the county's portion of said profits shall go into and be a part of the fund for building and improving the county roads.
Accounts kept.	
Duties of treasurer.	
Quarterly settlements.	
Division of profits.	
Apportionment of profits to city.	
Apportionment of profits paid county.	
Rules for government of dispensary.	SEC. 26. Said dispensaries shall open at sunrise and close at sunset. No liquor of any kind shall be sold in said dispensaries on Sunday or election day. No liquor shall be sold except in unbroken packages or bottles, and said packages or bottles shall never contain more than one quart. No loafing, loitering or drinking shall be allowed in said dispensaries. If any person drinks any intoxicating liquors in said dispensaries or refuses or fails to leave the premises after being ordered so to do by the manager, he shall be

guilty of a misdemeanor and fined not more than ten dollars or imprisoned not more than thirty days. The prices at which liquor shall be sold shall be fixed by the board of dispensary commissioners, and all sales shall be for cash. Only pure liquors shall be sold, and it shall be the duty of the board of dispensary commissioners to purchase and keep on hand only such liquors as are of a pure quality.

SEC. 27. Said manager and board shall make an itemized statement, on January first and July first of each year, of all receipts and expenditures on behalf of said dispensary and publish the same one time in one of the Asheville daily papers and also post the same at the court-house door.

SEC. 28. All laws and clauses of laws in conflict with any of the provisions of this act are hereby repealed: *Provided*, this act shall not be construed to repeal any prohibitory law already in force, or shall not be construed to prevent the manufacture of whiskey in the city of Asheville or the sale thereof in original packages to licensed dealers or institutions authorized by law as permitted by an act of the present General Assembly entitled "An act to regulate the manufacture of whiskey in the city of Asheville."

SEC. 29. This act shall be in force and effect from and after its ratification.

In the General Assembly read three times, and ratified this 4th day of March, 1905.

CHAPTER 692.

AN ACT TO PROTECT FISH IN STONY CREEK IN NASH COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons to set, erect or maintain any fish-trap, slide or other device for catching fish that will obstruct the free passage of fish in Stony Creek in Nash County from its mouth to the N. W. Boddie mill.

SEC. 2. Any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars (\$5) nor more than twenty-five dollars (\$25) or imprisoned not more than thirty (30) days.

SEC. 3. 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. 1905.

CHAPTER 693.

AN ACT TO PROHIBIT HUNTING WITH STEEL-TRAPS IN CHOWAN COUNTY.

The General Assembly of North Carolina do enact:

Limit.

SECTION 1. That it shall be unlawful for any person or persons to hunt with steel-traps in Chowan County except to the high-water mark of creeks, rivers and mill-ponds.

Penalty.

SEC. 2. That all persons found guilty of the violation of the provisions of this act shall be fined not exceeding fifty dollars nor imprisoned more than thirty days.

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

CHAPTER 694.

AN ACT TO AMEND SECTION 1847 OF THE CODE BY PERMITTING OWNERS OF PUBLIC MILLS OPERATED BY GASOLINE, STEAM OR ANY OTHER MOTIVE POWER TO CHARGE A TOLL OF ONE-SEVENTH IN PERSON COUNTY.

The General Assembly of North Carolina do enact:

Mill tolls in Person county.

SECTION 1. That section eighteen hundred and forty-seven (1847) of The Code be amended by adding at the end of said section the following: "It is further provided that owners of public mills in Person County, when operated by gasoline, steam or any other motive power, may charge as toll one-seventh part of wheat and Indian corn."

SEC. 2. This act to take effect from its ratification.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

CHAPTER 695.

AN ACT TO EMPOWER THE BOARD OF COUNTY COMMISSIONERS OF WATAUGA COUNTY TO LEVY A SPECIAL TAX.

The General Assembly of North Carolina do enact:

Purpose of tax.

SECTION 1. That the Board of County Commissioners of Watauga County, for the purpose of paying the interest on the bonds issued for the purpose of building and furnishing a new court-house for

said county and for a sinking fund to pay said indebtedness when the same becomes due, shall have the power and are hereby authorized to levy and collect a special tax of thirteen and one-third (13 $\frac{1}{3}$) cents on the one hundred dollars (\$100) worth of property listed for taxation in said county and forty (40) cents on each and every poll listed in said county; and that said authority shall continue until the year one thousand nine hundred and sixteen (1916), the time of maturity of said court-house bonds.

Tax authorized.
Rate.

Power to terminate.

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. 1905.

CHAPTER 696.

AN ACT TO CONSTRUCT A GRADED ROAD IN ASHE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That James C. Bowie, James Cox and Wake Goodman are hereby appointed commissioners and authorized, empowered and required to build and construct a public road leading from D. W. Adams' store on the top of the Blue Ridge, by way of the mouth of Obid's Creek, to intersect with the Jefferson and Wilkesboro road near Mrs. Faws on Beaver Creek, adopting the survey made by S. T. Kelsey.

Commissioners appointed.

Road to be built.

SEC. 2. That said commissioners shall supervise the construction of said road and shall be vested with the same powers that the supervisors of the public roads of Ashe County are invested with, and the further power to summon all hands subject to road duty within five miles of the nearest point of any point of said road, first giving them three days' notice preceding the time they are 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 two days on said road in any one year. That the said commissioners shall receive one dollar (\$1) per day for the time they are actually engaged in warning hands to work said road, and one dollar (\$1) per day for every day exceeding ten days they are superintending the construction of said road each year.

Commissioners to supervise construction.

Vested with powers.
Warning to hands.

Work required.

Pay of commissioners.

SEC. 3. That all claims for damages by parties over whose lands said road shall run shall be made and settled according to the provisions of the present road law for Ashe County.

Claims for damages.

SEC. 4. That the refusal of any commissioner named in this act to comply with any and all of its provisions shall be punishable by a fine of not less than ten dollars (\$10) nor more than twenty-five dollars (\$25); and any road hand who comes under the provisions of this act who shall fail to work as required by said act

Punishment on commissioner failing to perform duty.

Punishment on road hand failing to work.

shall be punished by a fine of not less than five dollars (\$5) nor more than ten dollars (\$10). The money so collected shall be used by the said commissioners to aid in the construction of the said road.

Commissioners to receive road.

Road to be inspected.

SEC. 5. That when said commissioners shall have completed said road they shall report the same to D. W. Adams and John V. Miller, who are hereby appointed commissioners to receive the same, and whose duty it shall be to inspect said road and see that the same is constructed and completed as required by law, and they shall then discharge the commissioners named in section one (1) of this act, and the duties of the commissioners named in this section shall be at an end.

SEC. 6. 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. 1905.

CHAPTER 697.

AN ACT TO ESTABLISH AN ADDITIONAL SCHOOL DISTRICT IN HERTFORD COUNTY.

The General Assembly of North Carolina do enact:

School district established.

Boundaries.

SECTION 1. That the territory in Hertford County embraced within the following boundaries be and the same is hereby made a free-school district in said county, viz.: Beginning at Stony Creek bridge; thence along the Powellsville road to the Bertie line; thence along said line to Sesson's mill-pond; thence to mill; thence along the Pitch Landing road to mill path; thence along said path to Powellsville road; thence along said road to Long Branch; thence in a straight line to the dividing line between the Moore and Hoggard line; thence along said line to Bear Swamp; thence up said swamp to the beginning.

Board of education to appoint committeemen and apportion school funds.

SEC. 2. That the Board of Education of Hertford County shall appoint committeemen for said school under the general school law and apportion the school funds to said district under the same rules as to other free-school districts in said county.

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

In the General Assembly read three times, and ratified this 4th day of March, A. D. 1905.

CHAPTER 698.

AN ACT TO AMEND CHAPTER 550, PUBLIC LAWS OF 1889,
RELATING TO THE NUMBER OF GRADES IN THE PUB-
LIC SCHOOLS OF RALEIGH TOWNSHIP.*The General Assembly of North Carolina do enact:*

SECTION 1. That section four (4) of chapter five hundred and fifty (550) of the Public Laws of one thousand eight hundred and eighty-nine (1889) be and the same is hereby amended by striking out all of said section after the word "eighty-five" in line fourteen (14) thereof.

Limit as to grades
stricken out.

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. 1905.

CHAPTER 699.

AN ACT TO INCORPORATE THE SANDY RIDGE PUBLIC
SCHOOL DISTRICT, No. 10, WHITE RACE, IN BUFORD
TOWNSHIP, UNION COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That all the territory embraced within the following boundaries shall constitute a public school district, to-wit: Beginning at J. J. Lockhart's plantation on the Plyler Mill road near Emeline Milton, including said J. J. Lockhart's plantation; thence to and including L. C. Bickett place; thence to and including the A. A. Laney place, known as the Mine tract; thence to and including S. M. Rogers' place; thence to and including Thomas E. Williams' place; thence to and including T. N. Gay, Jr.'s, place; thence to and including John Broom place, thence to and including Mrs. Queen Helms' place; thence to and including J. H. Edwards' place; thence to and including Miss Julia and Patterson Belk's heirs' land; thence with a straight line to and including S. H. Rogers' place; thence to and including Columbus Belk's place; thence to and including the J. J. Lockhart and C. H. Richardson place; thence to and including J. P. Aycoth place; thence to and including A. Cook's place, known as the Jacob Starnes place; thence to and including C. L. Youngblood place, known as the Simpson and Sikes place; thence to and including W. S. Brantley place; thence to and including W. L. Griffin place; thence with the Plyler Mill road and Mount Prospect school district line to the beginning. The said territory so bounded shall constitute a public school district for the white race, to be known as the Sandy Ridge

School district
established.

Boundaries.

School District, Number Ten, in Buford Township, Union County, North Carolina.

School committee appointed.

Term of office.

Vacancies.

Committee incorporated.

Apportionment of school funds.

SEC. 2. That W. G. Griffin, D. C. Montgomery and G. J. Richardson are hereby appointed a public school committee for said district; W. G. Griffin for a term of six years, D. C. Montgomery for a term of four years, and G. J. Richardson for a term of two years; said committee so appointed to hold office from the first Monday in July, one thousand nine hundred and five, and until their successors are elected and qualified. All vacancies occurring by expiration of term of office shall be filled by the county board of education for a term of six years. Other vacancies shall be filled by the said county board of education for the unexpired term of office. And the committee herein appointed is hereby constituted a body corporate, having the general powers now conferred by law on corporations, and shall also have complete control of the public school property, all public school funds and all the public school interests of said district not inconsistent with the public school laws of North Carolina. They shall have the powers now conferred on the county board of education in regard to the apportionment of the school funds among the schools of said district in such manner as shall equalize school facilities; and said committee shall have such other powers and duties not inconsistent with the law as shall enable them to carry on an efficient system of public schools for said district.

SEC. 3. 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. 1905.

CHAPTER 700.

AN ACT TO FACILITATE THE COLLECTION OF TAXES IN THE COUNTY OF HAYWOOD.

The General Assembly of North Carolina do enact:

When taxes due.

SECTION 1. That all State, county and special taxes, including all and any taxes levied on the first Monday of June, one thousand nine hundred and five, and each year thereafter, for the payment of which any person or persons, firm or corporation in Haywood County is liable, shall be due and payable on or before the first Monday of September of the present year and each year thereafter.

Collection by levy and sale.

SEC. 2. The Sheriff and Tax Collector of Haywood County is hereby authorized and empowered to levy upon and sell any personal property of any delinquent tax-payer, after due advertisement as by law now provided, for the purpose of satisfying the

amount due by such delinquent: *Provided*, no sale of such personal property of such delinquent shall be made before the first Monday of October of the present year and each year thereafter. Proviso: time for sale of personal property.

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. 1905.

CHAPTER 701.

AN ACT TO AMEND AN [ACT] SUPPLEMENTAL TO CHAPTER 483 OF THE PUBLIC LAWS OF 1903 AND THE ACTS AMENDATORY THEREOF, ENTITLED "AN ACT TO AMEND CHAPTER 486 OF THE PUBLIC LAWS OF 1889 AND THE ACTS AMENDATORY THEREOF, ENTITLED 'AN ACT IN RELATION TO THE PUBLIC SCHOOLS 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-three (483) of the Public Laws of one thousand nine hundred and three and the acts amendatory thereof be and the same is hereby amended as follows: By striking out the figures "1889" in the second line of the caption of said chapter and inserting in lieu thereof the figures "1899"; that the figures "1889" in line two, section one, be stricken out and the figures "1899" be inserted in lieu thereof. Verbal errors corrected.

SEC. 2. That section two (2) of said chapter be amended by striking out after the word "viz." in line four the following words: "Beginning on a stake in Old and New Hollow road and runs with the New Hollow road 150 feet to a stake; thence northeast to fork of Lynchburg and Forge road," and inserting in lieu thereof the following words: "Beginning on a stake in fork of Lynchburg and Westfield road." That section two (2) of said chapter be further amended by striking out after the words "Dodson's mill" in line twenty-one (21) the following words: "thence eastward with said Mill road to J. F. Stephens' line; thence northward with said Stephens' line to Stephens' and A. H. Cook's corner in Lynchburg Street; thence in a northwest course to the beginning," and insert in lieu thereof the following words: "thence with Lynchburg road as it meanders to the fork of the Lynchburg and Westfield roads at the beginning corner." Boundary changed.

SEC. 3. That this act and chapter four hundred and eighty-three of Public Laws of one thousand nine hundred and three be construed together. Construction.

Conflicting laws
repealed.

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

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

CHAPTER 702.

AN ACT TO CREATE A HIGH SCHOOL DISTRICT IN HERTFORD COUNTY.

The General Assembly of North Carolina do enact:

Town of Mur-
freesboro.

SECTION 1. That the town of Murfreesboro in Hertford County shall constitute a free-school district in said county and be entitled to the same privileges as other free-school districts in said county allotted under the general law of North Carolina.

Committeemen.

SEC. 2. The board of education of said county shall appoint the committeemen for said school district.

Act to be ratified
by board of educa-
tion.

SEC. 3. The above sections of this act shall not go into effect unless adopted by the said board of education appointed by this session of the General Assembly.

Code re-enacted.

SEC. 4. That section two thousand five hundred and ninety-four and the succeeding sections down to and including section two thousand six hundred and nine of chapter fifteen, volume two of The Code, be and the same is hereby re-enacted, but shall only be in force in Hertford County.

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

In the General Assembly read three times, and ratified this 4th day of March, A. D. 1905.

CHAPTER 703.

AN ACT TO FIX SALARIES FOR THE OFFICERS OF BUN- COMBE COUNTY AND TO INCREASE THE ROAD FUND AND TO CREATE THE OFFICE OF AUDITOR OF BUN- COMBE COUNTY.

The General Assembly of North Carolina do enact:

Officers to collect
fees.

SECTION 1. That the Sheriff, Tax Collector, Clerk of the Superior Court and Register of Deeds of Buncombe County and their respective deputies and the Constable of Asheville Township shall collect and receive and account for all the fees to which they are entitled by virtue of their respective offices and pay the same on

the first of every calendar month into the treasury of Buncombe County; and they shall be responsible for and chargeable with all moneys of every kind which are to be, or by law should be, paid into their respective offices, and shall be held to strict account therefor; and the moneys so paid in shall be kept by the treasurer of said county in a separate fund to be known as the salary fund.

For use of county.
Responsibility of officers.

SEC. 2. That the said officers shall faithfully collect all fees, commissions, profits and emoluments of all kinds now belonging or appertaining to, or which may hereafter by any law belong or appertain to, their respective offices; and they shall receive as compensation for their services only such salaries, commissions and compensation as is hereinafter provided; and for any abstraction, concealment or misapplication of any of the moneys payable into their respective offices, or which any of them have collected, any one of them so abstracting, concealing or misapplying the same shall be guilty of a felony, and upon conviction shall forfeit their said office or offices and be punished as is now provided by law in cases of embezzlement by public officers.

Salary fund.

Officers to collect faithfully.

Compensation.

Punishment for abstraction, concealment or misappropriation.

SEC. 3. That each and all of said officers shall open and keep a separate set of account books consisting of a daily journal and a ledger in which shall be promptly, correctly, truly and accurately entered itemized accounts of all moneys collected or receivable by said officers, or which by law are or may be payable into their respective offices; and all of said books shall at all times be opened to the inspection of the public upon demand; and said books shall be safely and securely kept so as to prevent loss or destruction by theft, fire or any accident.

Officers to keep books.

Books open for inspection.

SEC. 4. That within five days after the end of each and every calendar month a true and accurate transcript shall be transmitted by each of the officers of Buncombe County to the Auditor of Buncombe County; said transcript to contain and show in detail all of the entries made upon said books during the preceding calendar month, which shall be sworn to and duly verified by the officer whose duty it is to make said entries and keep the book of accounts pertaining to his respective office.

Transcripts to auditor.

SEC. 5. The said books shall be opened and kept in a manner to be prescribed and authorized by the Auditor of Buncombe County who shall have constant supervision of the same.

Books under supervision of auditor.

SEC. 6. That the Sheriff of Buncombe County shall receive a salary of two thousand one hundred dollars per annum; and he shall be allowed three salaried deputies, one of whom shall be the jailer, and who shall each receive the sum of sixty dollars per month for their services, all of whom shall truly, faithfully and diligently perform the duties of said office as provided by law. The said sheriff may appoint one extra deputy for each township in said county other than Asheville Township, and said sheriff and said deputies shall account for and pay over to the treasurer of said county all fees, commissions, etc., which may come into their

Salary of sheriff.

Deputies.

Extra deputies.

Pay of extra deputies.	hands by virtue of their offices as required by section one of this act. Each deputy for the townships outside of Asheville Township shall be paid by the board of county commissioners in the manner other salaries are to be paid as provided by this act, as full compensation for all services rendered by him, one-half of the lawful fees which he may earn and collect, the same to be in lieu of all salary and other compensation. Said sheriff shall also pay over to the said treasurer all fees, mileage and other allowances paid to him by the State of North Carolina or by State institutions for taking prisoners to the State's Prison or insane persons to the State hospital, deducting from the amounts paid to him the actual necessary expenses thereof.
Sheriff to pay over allowance from State.	
Commission of tax collector.	SEC. 7. That the Tax Collector of Buncombe County shall receive as full compensation for his services and for the services of all deputies, three and one-half per cent. of all moneys collected by him or them according to law.
Salary of clerk superior court.	SEC. 8. That the Clerk of the Superior Court of Buncombe County shall receive a salary of two thousand four hundred dollars per annum as full compensation for his services, and he shall be
Deputy.	allowed one deputy clerk who shall receive a salary of nine hundred dollars per annum, the same to be paid said deputy by the county.
Salary of register of deeds.	SEC. 9. That the Register of Deeds of Buncombe County shall receive a salary of two thousand one hundred dollars per annum as full compensation for his services, and he may be allowed if necessary two deputies who shall each receive a salary of not exceeding four hundred dollars per annum.
Salary of constable.	SEC. 10. The Constable of Asheville Township shall receive a salary of sixty dollars per month to be paid by Buncombe County in the same manner as other salaries are to be paid as required by this act: <i>Provided</i> , that the total amount of fees collected by said constable for the preceding month is equivalent to or exceeds that sum, but should the total amount of fees collected and received by him be less than sixty dollars per month, the salary paid to him shall be equivalent to the total fees collected by said constable and paid to said treasurer.
Proviso: salary limited by fees.	
Auditor appointed.	SEC. 11. That R. J. Stokely be and he is hereby appointed, constituted and created the Auditor of Buncombe County until the next general election or his successor is qualified, which office is
Salary of auditor.	hereby instituted and created: and the auditor of said county shall receive a salary of twelve hundred dollars per annum, and shall
Bond.	execute an undertaking with good and sufficient sureties, to be approved by the board of commissioners of said county, in the sum of five thousand dollars, payable to the State of North Carolina, conditioned that he shall diligently, truly and faithfully perform all of the duties of his office, and that he shall be responsible for any penalties or any moneys of other kinds which may be recov-

ered against him for any negligence, default, malfeasance or misconduct in office.

SEC. 12. That it shall be the duty of the Auditor of Buncombe County to make out one copy of the tax list of each township and deliver the same to the county tax collector, and to perform all duties required by section seventy-four of the Public Laws of one thousand nine hundred and five, by the register of deeds, to make out and prepare for publication all annual statements required by law, to investigate and inquire for all delinquent taxpayers and to require all delinquent property, including polls, to be placed upon the tax list; to act as accountant for the county in settling with the county treasurer and tax collector; to supervise, scrutinize and examine at least once in every calendar month all books, accounts, receipts and vouchers and other records of all of the officers of Buncombe County, which show fees and commissions collected and received by them; to examine at least once each year the dockets of all justices of the peace of said county, and he is hereby authorized to administer oaths on verification of claims which may be filed against the county, and to open a set of account books in which shall be shown the total monthly receipts of fees and commissions of all of the officers of said county in an expert and intelligent manner, assigning distinct and separate accounts for each and every of said officers, which books shall be permanently kept as the records of his office and always open to public inspection; he shall likewise visit at least once in every calendar month the county jail and examine the same, also the books and accounts kept by the jailer; it shall likewise be his duty to audit all bills and claims presented to the board of county commissioners of said county for payment, which said bills and claims shall first be verified on oath by the persons to whom they are due; and no claim or bill filed with said board of commissioners shall be allowed or paid until it has been audited and approved by said auditor; and all warrants drawn upon claims or bills allowed by said board of commissioners shall be countersigned and approved by said auditor before they shall be honored or paid by the treasurer of said county.

SEC. 13. That the Auditor of Buncombe County shall be elected by the qualified voters of Buncombe County in the manner and at the time provided for the election of members of the General Assembly; and shall hold office for two years next after his election or until his successor is legally qualified; and he shall open and keep an office, to be selected and furnished by the board of commissioners of said county, in which shall be safely and securely kept the records of his office. Any vacancy occurring in said office shall be filled by the board of commissioners of said county.

SEC. 14. That all of the salaries herein provided for be paid by the Treasurer of Buncombe County to the persons entitled to receive the same in monthly installments upon warrants drawn by

Duties of auditor.

Election of auditor.

Term of office.

Office room.

Salaries payable monthly.

- Jail expense. the board of commissioners of said county and countersigned by the auditor of said county; and the actual expenses of maintaining the public jail of said county shall be paid by the treasurer of said county upon warrants authorized by the board of commissioners of said county and countersigned by the Auditor of Buncombe County.
- Officers to perform duties. SEC. 15. That the officers hereinbefore mentioned shall faithfully and truly perform all of the duties of their several offices which are now or may hereafter be imposed upon them by law; and shall receive no other compensation or allowance of any kind whatsoever for any extra or additional service rendered to the county or State or other governmental agencies, and they shall be liable to all the pains and penalties now or hereafter provided for failure to perform the duties of their several offices.
- No other compensation or allowance.
- Appropriation to roads. SEC. 16. That all moneys coming into the hands of the Treasurer of Buncombe County by virtue of this act shall be held by him as a separate and distinct fund; and this fund shall be applied to the permanent improvement of the roads of Buncombe County.
- Separate accounts. The said treasurer shall open a separate account with each of the several officers of said county, showing the amounts received from each and the amount paid as salaries to each, which said accounts shall be at all times open to the public for their inspection.
- Non-collection of fees a misdemeanor. SEC. 17. Any officer, clerk or assistant herein mentioned who shall fail or refuse to collect any fee, commissions or emoluments of any kind belonging to his office shall be guilty of a misdemeanor; and all fees, commissions or emoluments shall be demanded and collected in advance unless otherwise provided by law.
- Fees collected in advance.
- Fees in civil actions collected in advance. SEC. 18. That no civil action shall be hereafter instituted in Buncombe County unless the fees for the issuance and service of process shall be collected by the clerk of the superior court in advance of issuing said process except in actions brought in *forma pauperis*.
- Premiums on bonds to be paid by county. SEC. 19. All officers of Buncombe County including the treasurer, who are required by law to give bond for the faithful performance of their duties shall give bond in a surety company, and the costs of said bond shall be paid by said county of Buncombe. The provisions of this section, however, shall apply to officers who shall succeed the present county officers.
- Conflicting laws repealed. SEC. 20. That all laws and clauses of laws in conflict with this act are hereby repealed.
- Term of auditor to begin. SEC. 21. That the term of office of the auditor herein referred to shall begin on the first day of July, one thousand nine hundred and five.
- When act to take effect. SEC. 22. That this act shall be in full force and effect from and after the expiration of the terms of office of the officeholders elected for said county at the election held in November, one thousand nine hundred and four.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

CHAPTER 704.

AN ACT TO AMEND JOINT RESOLUTION RATIFIED FEBRUARY 3, 1875, RELATIVE TO SCHOOL PROPERTY IN MURPHY, CHEROKEE COUNTY, TO BE FOUND ON PAGE 392, LAWS OF 1875, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

SECTION 1. That joint resolution entitled "Resolution Concerning Educational Interest of Cherokee," ratified February third, one thousand eight hundred and seventy-five, and to be found on page three hundred and ninety-two, Laws of one thousand eight hundred and seventy-five, be amended as follows: In line five of section one strike out the words "County of Cherokee" and insert the words "the School Committee of District Number One, Murphy, North Carolina." Amend section two as follows: Strike out all after the word "property" in line six of said section and insert the following words, "or part of the same or other property belonging to the same or acquired by the School Committee of District Number One, Murphy, North Carolina."

Property transferred to school district.

SEC. 2. That the title to the said property is hereby vested in the School Committee of District Number One, Murphy, North Carolina.

Title vested in school committee.

SEC. 3. That the title to that piece, parcel or lot of land adjoining the property of the Methodist Episcopal Church, South, and the property formerly owned by the Presbyterian Church in Murphy and known as "the Boot lot," and conveyed by Joshua Harshaw to Mt. Pleasant Academy or trustees of Mount Pleasant Academy, or other person by whatever name known or called, is hereby vested in the School Committee of District Number One, Murphy, North Carolina.

Title to Boot lot vested in school committee.

SEC. 4. That the School Committee of District Number One, Murphy, North Carolina, may sell any of the property above mentioned and make deed for same, which deed shall be signed by its chairman and duly attested by its secretary, with its seal attached, and said deed shall be acknowledged or proven for registration as provided for the proof or acknowledgment of deeds of corporations under chapter two of the Public Laws of North Carolina for one thousand nine hundred and one.

School committee may sell property.

How deed attested.

SEC. 5. All money received by the School Committee of District Number One, Murphy, North Carolina, from the sale of any property above mentioned shall be used and expended only for the purchase of other real estate for the benefit of School District Number One, as incorporated under chapter three hundred and thirty, Public Laws of North Carolina, one thousand eight hundred and ninety-one.

Investment of proceeds.

SEC. 6. 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. 1905.

CHAPTER 705.

AN ACT TO REGULATE THE USE OF TRACTION ENGINES
ON MACADAMIZED ROADS OF DURHAM COUNTY.*The General Assembly of North Carolina do enact:*Traction engines
forbidden on mac-
adamized roads.Misdemeanor.
Penalty.Proviso: chartered
rights saves.Proviso: engines
used in road work.Proviso: threshing
machines.Limited to Durham
county.

SECTION 1. That it shall be unlawful for any person, firm or corporation to run, use, operate or propel, or cause to be run, used, operated or propelled, any traction engine, whether propelled by steam or other motive power, upon, along, over or across any of the macadamized public highways or roads of the county of Durham; and any one violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days for each offense: *Provided*, that this act shall not interfere with any franchise granted to the Durham Traction Company, to the Raleigh and Durham Passenger and Power Company, nor to the franchise granted to any other corporation: *Provided further*, that the provisions of this act shall not apply to the use and operation of any traction engine upon said macadamized highways or roads when used for the purpose of constructing or repairing any of said highways or roads by the superintendent of roads of the county of Durham or any one under his direction or control, nor when used upon said highways or roads by any person, firm or corporation under contract with the board of commissioners of said county of Durham for the construction or repairing of any of said highways or roads: *Provided further*, that this act shall not prevent the use of any traction engine upon said highways or public roads when such traction engine is used in connection with any grain threshing machine, whether said engine be actually drawing any such threshing machine or not at the time of its use in going along, upon, over or across said highways or public roads to reach the place where grain is to be threshed nor in returning therefrom.

SEC. 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 4th day of March, A. D. 1905.

CHAPTER 706.

AN ACT FOR THE PROTECTION OF FISH IN LANE'S CREEK
IN ANSON COUNTY.*The General Assembly of North Carolina do enact:*

Unlawful fishing.

SECTION 1. That it shall be unlawful for any person or persons to catch, capture, take or kill any fish in or from Lane's Creek in Anson County, except with hooks and lines or hook and line, and

it shall be unlawful to fish with hook and line or hooks and lines without the consent or permission of the owner of the land upon which such fishing is done.

SEC. 2. Any persons violating the provisions of this act shall be Misdemeanor. guilty of a misdemeanor, and upon conviction shall be fined not Penalty. less than five nor more than fifty dollars or imprisoned not less than five (5) nor more than thirty (30) days.

SEC. 3. This act shall be in force from and after the first day in In force from 1st April. April, one thousand nine hundred and five (1905).

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

CHAPTER 707.

AN ACT TO PROMOTE THE PRODUCTION AND PUBLICATION OF SCHOOL BOOKS RELATING TO THE HISTORY, LITERATURE OR GOVERNMENT OF NORTH CAROLINA FOR USE IN THE PUBLIC SCHOOLS.

The General Assembly of North Carolina do enact:

SECTION 1. That for two years, nineteen hundred and five (1905) Appropriation. and nineteen hundred and six (1906), five thousand dollars (\$5,000) per annum of the appropriation for the public schools of the State be and the same is hereby appropriated, to be used by the State Board of Education as far as it may deem it needful, to encourage, stimulate and promote the production and to procure Purpose of appropriation. the control and publication of such school books as in the judgment of the board properly relate to the history, literature or government of North Carolina: *Provided*, that the five thousand dollars Proviso: how appropriation used. (\$5,000) per annum herein appropriated shall not be withdrawn from the public school fund except upon requisition of the State Board of Education for the purposes of this act, and then only in such amounts as may be needed at the time of each requisition; and that an amount equal to such part of the appropriation as shall not be withdrawn during the years aforementioned is hereby appropriated as the same may be needed for the purposes of this act out of the appropriation for the public schools for any subsequent year: *Provided further*, that the State Board of Education Proviso: board of education to appoint committee. is hereby authorized to select a committee to examine any manuscript that may in the judgment of the board be sufficiently meritorious for critical examination, and to call such committee together for conference, and to pay out of the funds herein provided the members of said committee their expenses and such reasonable compensation for their services as the board shall fix.

SEC. 2. That the Board of Education shall fix the prices at Board of education to fix prices. which the books published under the authority of this act shall be

Proceeds to school fund.

Books used in public schools.

sold to the children in the public schools; and the proceeds of such sales not further needed, in the judgment of the board for the purposes of this act, shall belong to and be a part of the public school fund. The books published by authority of this act shall be used in all the public schools under such rules and regulations as the said board shall prescribe.

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. 1905.

CHAPTER 708.

AN ACT TO EMPOWER THE BOARD OF COMMISSIONERS OF NEW HANOVER COUNTY TO ISSUE BONDS FOR ROAD IMPROVEMENT.

The General Assembly of North Carolina do enact:

Election to be called.

SECTION 1. That the Board of Commissioners of New Hanover County, in order to continue and complete the repairing, constructing and improving the public roads in said county, be and they are hereby authorized and empowered to submit to a vote of the qualified voters of New Hanover County on such a day as may be fixed by the said board of county commissioners, after thirty (30) days' notice, during the year A. D. nineteen hundred and five or the year nineteen hundred and six, as they may elect, the question "Shall New Hanover County, North Carolina, issue fifty thousand dollars (\$50,000) of its bonds with interest coupons attached, to continue and complete the repairing, constructing and improving the public roads in said county?" Said board of commissioners shall for at least thirty (30) days preceding said election give public notice of said election and the purpose thereof by publication in one or more newspapers published in said county.

Question to be voted on.

Notice of election.

Conducted under general law.

Proviso: appointment of election officers.

New registration optional. Count and return of votes.

Canvass of returns and record of result.

SEC. 2. That said election shall be held and be conducted in the same manner as prescribed by law for holding elections for members of the General Assembly: *Provided, however*, that said board of commissioners shall appoint the registrars of election and the judges and inspectors of election and any other election officers, and registration of and challenge of voters shall be conducted in like manner as is provided for in election of the members of the General Assembly, and said commissioners may or may not order a new registration for said election. The vote shall be counted at the close of the polls and returned to said board of commissioners on Thursday 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 Form of ballots. qualified electors shall have written or printed upon them "For continuing and completing the construction and improvement of the public roads of the county" or "Against the continuing and completing the construction and improvement of the public roads of the county." All qualified electors who favor the issue of said bonds shall vote "For continuing and completing the construction and improvement of the public roads of the county." All qualified voters who are opposed to the issue of said bonds shall vote "Against the continuing and completing the construction and improvement of the public roads of the county."

SEC. 4. In the event that the requisite majority of the qualified Bonds to be issued. electors of said county shall vote "For continuing and completing the construction and improvement of the public roads of the county" 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 Description. thousand dollars and not less than one hundred dollars, the total amount not to exceed that provided for in the first section of this act, and said bonds shall bear a rate of interest not exceeding five per centum per annum, with interest coupons attached, payable semi-annually on the first 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 Board of Commissioners of New Hanover County may determine, said bonds and coupons shall be payable at the Atlantic National Bank in the city of Wilmington, North Carolina, said bonds and coupons shall be signed by the How bonds attested. chairman of the said board of commissioners and countersigned by the clerk of said board, and said bonds shall have upon them the seal of said county, and shall be styled "New Hanover Road Bonds," and issued as such.

SEC. 5. That none of the bonds issued by this act shall be disposed of by sale, exchange, by hypothecation or otherwise for a Bonds not to be sold below par. 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 Specific appropriation. 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 the coupon attached, must be recorded in said minutes. Record of bonds.

Funds to be kept
separate.

Separate accounts.

Treasurer to give
bond.

Special road tax.

Separate fund.

Fund appropriated.

Expenses.

Audit of accounts.

Manner of using
funds.

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 an accounting in respect thereto, and in all things holding and disbursing and accounting for the same as required by law, which bonds shall be received by said county commissioners as they pass upon, accept and receive other like bonds, and all orders directed to said county treasurer for payment of money under this act shall state on their face that they are road orders and to what account they are chargeable.

SEC. 7. That in case the result of said election shall be in favor of issuing bonds as aforesaid said Board of Commissioners of New Hanover County shall levy annually on the first Monday in June of each year a special road tax for said county of not exceeding ten cents on the one hundred dollars worth of property and not exceeding thirty cents on each poll; the 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; the taxes so levied shall be collected as other taxes are paid and the same shall be a separate fund, applied first to the payment of interest on said bonds and then to the creation of a sinking fund for redemption of said bonds not exceeding two thousand dollars per annum, and the balance to be applied to the roads of the county as provided for in section ten of this act.

SEC. 8. That all expenses incurred by the county commissioners on account of meetings held by reason of duties imposed by this act shall be paid on their order out of the funds provided for by this act.

SEC. 9. The Board of Commissioners of New Hanover County shall audit and ascertain the accounts of the sheriff for all taxes levied and collected under this act, and make settlement of the same between said sheriff and the county treasurer, and said board of commissioners may prosecute any necessary action for the recovery of any such road taxes against any officer failing to account for the same.

SEC. 10. That said board of county commissioners shall use the funds derived from the sale of said bonds for the purpose of constructing and improving the public roads in said county in such manner as to them may be deemed most beneficial and effective and in all other respects as provided for in the act entitled "An act to provide for the better working of the public roads and

highways of the State," the same being chapter five hundred and eighty-one of the Public Laws of one thousand eight hundred and ninety-nine, or any other road law passed by the General Assembly of North Carolina for New Hanover County.

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

CHAPTER 709.

AN ACT TO AMEND CHAPTER 443, PUBLIC LAWS OF 1903, RELATING TO THE PUBLIC ROADS IN DAVIDSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter four hundred and forty-three, Public Laws of one thousand nine hundred and three, be amended by inserting in section seventeen, page seven hundred and eighty-seven, after the word "highway" in line four of said section the words "*Provided*, the words 'court-house' in line three of said section shall be understood and construed to mean from the court-house building, instead of the corporate limits of the town of Lexington." Court-house to mean building.

In the General Assembly read three times, and ratified this 4th day of March, A. D. 1905.

CHAPTER 710.

AN ACT TO REGULATE ATTENDANCE UPON PUBLIC SCHOOLS IN YADKIN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That at the next regular election for members of the General Assembly and county officers in Yadkin County the question of the adoption of this act regulating attendance upon the public schools shall be submitted to the qualified voters of said county. At said election a special box shall be provided, and all those who desire the adoption of this act shall vote a ticket of white paper upon which shall be written or printed the words "For Compulsory School Attendance," and all those who do not favor the adoption of this act shall vote a ticket upon which shall be written or printed the words "Against Compulsory School Attendance." The election so held shall be conducted by the same officers and under the same rules and regulations as govern the election of members of the General Assembly and other county Act to be submitted to people.

Special box.

Form of ballots.

Under general law.

Effect of vote.	officers, and the result declared in like manner. If a majority of the qualified voters voting in said election vote for the adoption of this act, the attendance upon the public schools shall be regulated under the provisions of this act, but if a majority of the qualified voters voting vote against the adoption of this act, then
Proviso: townships may adopt act.	the same shall be of no force or effect: <i>Provided</i> , that any township in said county may avail itself of the provisions of this act in like manner as those provided for its adoption by the county.
Children to attend school.	SEC. 2. That all the children of Yadkin County between the ages of nine (9) and fifteen (15) years shall attend school for at least ten weeks during each scholastic year.
Parent or guardian permitting absence guilty of misdemeanor. Penalty.	SEC. 3. That any parent or guardian who permits a child to violate the foregoing section shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned in the discretion of the court.
Teachers to report monthly.	SEC. 4. That it shall be the duty of each teacher of a public school to report at the end of each month to the committee of the district the names of all children in his school, and the number of days attended by each during the month; and it shall be the duty of each school committee to prosecute all persons or guardians violating the provisions of this act.
School committee may excuse children.	SEC. 5. That the school committee of each district shall have power to excuse any child or children from the requirements of this act on account of poverty, infirmity, suitable instruction at home or in a private school for not less than ten weeks in each year, or other good cause to them appearing, and when so excused the parent or guardian of such child shall not be subject to indictment under this act.
Act in force when adopted.	SEC. 6. That this act shall be in force and effect from and after its adoption as provided in section one (1) hereof.
	In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

CHAPTER 711.

AN ACT FOR THE PROTECTION OF GAME IN MACON COUNTY.

The General Assembly of North Carolina do enact:

Close season established.	SECTION 1. That it shall be unlawful for any person or persons to hunt, capture, kill or destroy in any manner any wild turkey, quail, partridge, pheasant or dove between the first day of March and the fifteenth day of November of each year.
Misdemeanor.	SEC. 2. That any person found guilty of violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars nor more than
Penalty.	fifty dollars.

SEC. 3. That all laws and parts of laws in conflict with this act Conflicting laws repealed. 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. 1905.

CHAPTER 712.

AN ACT TO TAX DOGS ON ROANOKE ISLAND, DARE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That each and every resident of Roanoke Island in the county of Dare who may own any dog or dogs shall pay upon such dog or dogs an annual tax of seventy-five cents on males and a dollar and a half on females, and such resident shall be construed to be the owner of all dogs owned by any member of his family residing with him and having such dog or dogs in their possession. Seventy-five cents for males, one dollar and a-half for females.

SEC. 2. That it shall be the duty of the owner of such dog or dogs to list the same for taxation at the time he or she lists their other taxable property or poll of each year, which tax shall be placed upon the tax list and collected as other taxes, and after being collected shall be paid into the school fund of Dare County, to be applied to the use of schools on Roanoke Island. Dogs to be listed.

SEC. 3. That any person failing to list said dog or dogs shall be guilty of a misdemeanor, and it shall be the duty of the sheriff of the county to kill such dog or dogs unlisted on such island after the first day of September in each and every year. Failure to list a misdemeanor
Sheriff to kill dogs.

SEC. 4. That this act shall be in effect on and after June first, one thousand nine hundred and five. In effect from 1st June.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

CHAPTER 713.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF ANSON AND UNION COUNTIES TO HAVE THE LINE BETWEEN SAID COUNTIES SURVEYED AND ESTABLISHED.

The General Assembly of North Carolina do enact:

SECTION 1. That the County Commissioners of Anson and Union Counties are hereby authorized and empowered in their discretion to appoint a competent surveyor or surveyors and a commissioner County commissioners to appoint surveyor and commissioners.

for each county to survey and locate the dividing line between said counties and mark the same by a suitable stone on one side of each public road crossed by said line and erect suitable corner-stones between said counties, to be inscribed as the commissioners of both counties may direct.

Surveyor and commissioners to run and mark line.

SEC. 2. That the surveyor or surveyors and commissioners so appointed shall, within ninety (90) days after their appointment, survey and mark out said line and erect or have erected suitable stones at the corners and where the said line crosses any public road and at such other points in said line as they may deem necessary to perpetuate the line between said counties, and make report to the commissioners of both counties as soon as practicable. Said report shall be accompanied by a map or plat showing the location of the line between said counties.

Report.

Map.

Expense to be paid jointly.

SEC. 3. That the expenses incurred in making said survey and erecting corners and stones as above directed shall be paid jointly by the counties of Anson and Union.

Report and map when adopted to be recorded.

SEC. 4. That said report and map or plat, when accepted by the commissioners of both counties, shall be ordered by [them] to be recorded and entered in the office of the register of deeds of their respective county, and when so recorded the same shall be competent evidence in any court.

Report when recorded evidence.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

CHAPTER 714.

AN ACT FOR THE BETTERMENT OF THE PUBLIC ROADS OF PITT COUNTY.

The General Assembly of North Carolina do enact:

Special tax.

SECTION 1. That the Board of Commissioners of Pitt County, in order to provide for the proper construction, improvement and maintenance of the public roads and bridges of said county, at their regular meeting in June, one thousand nine hundred and five (1905), and at each annual meeting thereafter, shall levy a special tax on all property subject to taxation under the law in said county of not less than five (5) cents nor more than twenty (20) cents on the one hundred dollars (\$100) worth of property, and not less than fifteen (15) cents nor more than sixty (60) cents on the poll, the constitutional equation to be observed at all times; said taxes to be collected as all other taxes are, and the amount levied and collected in each township shall be kept separate on the tax books of the county, to be set aside as a special road fund to be used in the construction, improvement and main-

Tax limits.

To be kept separate. Specific appropriation.

tenance of the public roads and bridges of said county: *Provided*, Proviso: permanent improvements. however, that the money raised under this section shall, as far as possible, be used for permanent improvement of the roads. That the money expended for the purchase of tools, machinery and general equipment shall be taken as a whole *pro rata* from all the townships of the county, but all other moneys received for property General equipment. or poll shall be expended for the improvement of the roads of the township in which the same was collected. Township funds.

SEC. 2. That the board of county commissioners, at their regular meeting in June of each year, shall appoint a county road superintendent, whose salary shall be fixed by said board, to be paid out of the county road fund; and it shall be the duty of said superintendent, subject to the approval of said board, to supervise and have charge of the maintenance and building of all public roads and bridges of Pitt County, and he shall submit to said board a monthly report concerning the work in progress and the expenses incurred, and he shall submit a quarterly report on the condition of the public roads and bridges, with plans for their improvement. County road superintendent. He shall include in his quarterly report an inventory of the tools, implements and other equipments on hand. If in the opinion of said board the employment of a county road superintendent is not consistent with the best interest of the county, then said board shall not be required to employ one, but in lieu thereof they may appoint a township superintendent for one or all townships in the county, whose duties and responsibilities in such townships shall be the same as those provided in this act for county board superintendent, and he shall be paid and his salary fixed by said board, and the said board may discharge him upon ten days' notice. Duty of superintendent. Monthly reports. Quarterly reports. Inventory. Employment of superintendent optional. Township superintendents. Salary. Subject to discharge.

SEC. 3. That the superintendent of roads, with the approval of said commissioners, shall have power to employ and discharge such guards as may be needed to take charge of the convict forces and such other laborers as may be employed. He shall have the power to appoint one or more persons in each township to be known as township supervisors, who, acting under the supervision of the county road superintendent and county commissioners, shall supervise the road work in the township for which he is appointed. Guards. Township supervisors. Prisoners worked on roads.

SEC. 4. That all prisoners confined in the county jail under final judgment of any court having jurisdiction, for crime or imprisonment for the non-payment of costs or fines, or under vagrant acts, and all insolvents who may be imprisoned by any court of competent jurisdiction in Pitt County for the non-payment of costs, and all persons who may be sentenced in said county to the State's Prison for a term less than ten years, may be worked on the public roads: *Provided*, that said commissioners may arrange with the commissioners of other counties for such an exchange of prisoners during alternate months or years as will enable them to increase the number of prisoners at work on its public roads at any given time, and that upon application of the chairman of Proviso: exchange of prisoners.

Convicts sentenced to work on roads. board of county commissioners to the judges of the superior court, the justices of the peace and the principal officers of any municipality or other inferior courts, it shall be the duty of the said judge, justice of the peace or said principal officer to sentence such person convicted in such court to work on the public roads of said county; all such convicts to be fed, clothed and otherwise cared for at the expense of the county, to be paid out of the road fund, in the direction of the board of county commissioners.

Convicts from other counties. SEC. 5. That when the Commissioners of Pitt County shall have made provision for the expense of supporting and guarding, while at work on its public roads a larger number of prisoners than can be supplied from the courts of said county, then upon application of the commissioners of said county to the judges holding courts in other counties in the same or adjoining judicial districts, such judges may sentence such able-bodied male prisoners as described in section four of this act from such other counties to work on the public roads of Pitt County, and the cost of transferring, guarding and maintaining such prisoners as may be sent to Pitt County shall be paid by said county: *Provided*, that any and all such prisoners from any other county may be at any time returned to the keeper of the jail of such other county at the expense of said Pitt County.

At cost of Pitt county. Width of road. SEC. 6. That no road laid out and constructed under this act shall be less than fifteen feet wide nor more than thirty feet wide, in the discretion of the superintendent of roads or the board of county commissioners, the same to be laid out or surveyed by or under the direction of the county road superintendent or township road superintendent.

Entrance on land and taking material. SEC. 7. That for the purpose of carrying out the provisions of this act the said county or township superintendent is hereby authorized to enter upon any land near to or adjoining any road to cut and carry away timber, except trees or groves on improved land planted or left for ornament or shade, to dig or cause to be dug and carry away any gravel, sand, clay or stone which may be necessary to construct, improve or repair said road, and to enter upon any land adjoining or lying near said road, in order to make such drains or ditches through the same as he may deem necessary for the betterment of the road, doing as little injury to said land and timber and improvements thereon as the nature of the case and the public good will permit; and the drains and ditches so made shall be conducted to the nearest ditch, water-course or waste place and shall be kept open by the road superintendent and shall not be obstructed by the owner or occupant of said land or other person. When the owner of land or the agent of such owner having in charge any land from which timber or other material shall have been taken for road purposes shall present an account through the road superintendent at any regular meeting

Accounts for material.

of the county commissioners within sixty days from the taking and carrying away of such material, it shall be the duty of said commissioners to pay for the same a fair price, to be determined by a jury of three freeholders, one to be selected by such land-owner or his agent, one to be selected by the road superintendent, the third to be chosen by those two; said jury to be appointed by the board of county commissioners, when selected in the manner aforesaid, which jury shall report in writing their decision to the board of county commissioners for revision or confirmation: *Provided*, that said land-owner or his agent shall have the right of appeal as provided by this act. How price determined.

SEC. 8. That, subject to the approval of said board, the county superintendent of roads is hereby empowered, with the aid of a competent engineer or surveyor, to locate, relocate or change any part of any public road in Pitt County when in his judgment the same will prove advantageous to public travel; and when any person or persons on whose land the new road or part of the road is to be located claims damages therefor, and within sixty days file their petition before said board asking for a jury to assess such damages, the said board, within not less than twenty days nor more than sixty days after the completion of said road, shall order a jury of three disinterested freeholders to be summoned by the sheriff or constable as provided by law, who shall give said land-owner or his local representative forty-eight hours' notice of the time and place when and where said jury will meet to assess damages; and said jury, being duly sworn, in considering the question of damages shall also take into consideration the benefits to the owner of said land, and if such benefits shall be considered equal to or greater than the damages sustained, then the jury shall so declare and report in writing its finding to the board of county commissioners for revision or confirmation: *Provided*, that if said land-owner be a non-resident of the county and have no local representative it shall be deemed a sufficient service of such notice for the sheriff or constable to forward by mail a written notice of the purpose, time and place of such meeting of such 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 for seven days at the court-house door in the town of Greenville. Superintendent to locate and change roads.

SEC. 9. That in case the land-owner or his local representative shall be dissatisfied with the finding of the jury and the decision of the county commissioners as aforesaid, he may appeal from their decision to the superior court of the county; all such appeals being regulated by the law governing appeals from justices of the peace, and the same shall be heard *de novo*; but the judge in his discretion may require the land-owner to give bond when the case is taken by appeal to the Supreme Court. Damages assessed.

SEC. 10. That no land-owner or tenant shall turn field water upon the county roads without the consent of the superintendent Judge may require bond.

Water not to be turned on roads.

of roads, and any land-owner who has heretofore, by ditches or drains constructed by him, turned the water from his field upon the public road shall, within ten days after notice to do so, given by the said superintendent in writing, change the course of his ditches or drains so that the water shall not flow into or over said road.

Unlawful to take material from road. SEC. 11. That it shall be unlawful for any one to take and carry away sand, clay, soil or gravel from a public road in Pitt County or from the ditches along the side of public roads in said county without the written consent of the superintendent in charge of such roads.

Moneys collected and paid out. SEC. 12. That the moneys collected from the taxes levied under the provisions of this act shall by the proper officers be paid into the hands of the county treasurer and paid out upon the warrant of the board of county commissioners as are other public moneys; and on the first Monday in June and December of each and every year the said board shall make a written report, giving a statement of the disbursements and receipts of the several road funds during the preceding six months, which reports, or the substance thereof, the said board shall cause to be published at least once in one of the newspapers published in the town of Greenville.

Annual reports. SEC. 13. That no land-owner or tenant shall cut a ditch across a public road in Pitt County without the written consent of the superintendent of roads of said county or township; and any one cutting a ditch across the public road of said county may, with the consent of the superintendent or supervisor of roads, tile the same with pipes of the size designated by the said superintendent or supervisor.

Report to be published. SEC. 14. That it shall be unlawful for any person to plow, to cut up or otherwise unlawfully injure any public road in said county.

Ditches across roads. SEC. 15. That upon petition of a majority of the freeholders of any township in Pitt the board of commissioners of said county shall levy such additional tax upon the taxable property of said township as may be prayed for, not to exceed sixteen and two-thirds (16 $\frac{2}{3}$) [cents] on the one hundred dollars worth of property and not to exceed fifty cents on the poll, to be used and expended in connection with the tax provided in section one in working and improving the public roads of said township.

Unlawful injury to roads. SEC. 16. That this act shall not repeal or change the present system of working roads in Pitt County, except that if the Board of Commissioners of Pitt County deem it advisable they may put the overseers of the roads of Pitt County and the manner and method of working the roads of said county under the direction and supervision of the road supervisors herein provided for.

Additional tax on petition. SEC. 17. That the Board of Commissioners of Pitt County are hereby authorized, if they see fit to do so, to take from the funds raised by the tax herein provided for, and return the same to the

Limit.

Effect upon present road system.

Rebate to general fund.

general fund of the county, such sums as may have been already expended in working the convicts in any township in Pitt County since September first, one thousand nine hundred and four.

SEC. 18. That any person violating any of the provisions of this Misdemeanor. act or failing to perform or discharge any duty imposed by this act shall be guilty of a misdemeanor, and upon conviction thereof shall be imprisoned not to exceed thirty days, or shall be fined a Penalty. sum not exceeding fifty dollars.

SEC. 19. That any officer appointed under this act shall be Bonds of officers. required by the said county commissioners to execute a bond, with sufficient security, in such sum as the commissioners may deem just and proper, conditioned for the faithful performance of his duties.

SEC. 20. 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. 1905.

CHAPTER 715.

AN ACT TO REPEAL CHAPTER 189 OF THE PUBLIC LAWS OF NORTH CAROLINA OF 1899, ESTABLISHING A DISPENSARY IN THE TOWN OF JACKSON, NORTHAMPTON COUNTY, NORTH CAROLINA, BUT LEAVING THE MATTER TO A VOTE OF THE PEOPLE OF JACKSON TOWN AND TOWNSHIP.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and eighty-nine of the Public Laws of North Carolina, session of one thousand eight hundred and ninety-nine, entitled "An act to establish a dispensary at Jackson, North Carolina," be and the same is hereby repealed. Dispensary abolished.

SEC. 2. That this act shall not go into effect until the same be submitted to and be endorsed by the qualified voters of the town of Jackson and Jackson Township; and in order to ascertain the will of the people of said town and township it shall be the duty of the Board of County Commissioners of Northampton County to order an election to be held in said town and township of Jackson, Election to be held. under the law governing the election of county officers, on Tuesday Date. after the first Monday in May, one thousand nine hundred and five, and all persons desiring to approve and endorse this act shall vote a ballot on which is printed or written the words "Against the Dispensary," and all persons desiring to oppose the same shall vote a ballot on which is printed or written the words "For the Dispensary"; and if upon ascertaining the result of said election it shall appear that a majority of the voters voting in said election Act not effective until endorsed by vote. Form of ballots.

have cast their ballots "Against the Dispensary," then this act shall be in full force and effect; otherwise it shall remain inoperative until it shall be so approved by the majority of the voters of said town and township of Jackson.

Time for dispensary to close out stock.

SEC. 3. If it shall appear that a majority of the voters voting in said election have cast their ballots "Against the Dispensary," the dispensary shall be allowed the term of sixty days from the day of said election in which to close out and get rid of the stock that may be on hand at the time of said election.

Act in force after ratification by people.

SEC. 4. That this act shall be in full force and effect from and after its ratification, subject to the foregoing provisions as set out in sections one and two of this act.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

CHAPTER 716.

AN ACT AMENDING CHAPTER 375, PUBLIC LAWS OF 1903,
RELATIVE TO PUBLIC ROADS IN WAYNESVILLE TOWNSHIP,
HAYWOOD COUNTY.

The General Assembly of North Carolina do enact:

Semi-annual sworn reports.

SECTION 1. That section eighteen of chapter three hundred and seventy-five of Public Laws of one thousand nine hundred and three be amended by adding at the end of said section the following words, to-wit: The said road commissioners, or their successors in office, are hereby directed and required to make and furnish on the first Monday of June and January hereafter a sworn report to the Board of County Commissioners of Haywood County showing in detail what amounts of money said road commissioners have received by virtue of their office and from what sources, and also what sums of money they have expended by virtue of their office. The statement of said expenditures shall be in detail and itemized; and when said reports shall have been examined and approved by the board of county commissioners the said road commissioners shall cause said report to be published in some newspaper of general circulation in said county, and said reports shall be filed in the office of the Register of Deeds of Haywood County. A failure on the part of the said road commissioners to comply with the above requirements, they and each of them shall be guilty of a misdemeanor and shall be punished in the discretion of the court. All able-bodied male persons between the ages of eighteen and forty-five, except residents of incorporated cities and towns, residing in Waynesville Township, shall work each year, beginning June first, one thousand nine hundred and five, on the public roads of said township six days of nine hours each

Report to be published.

Failure to report a misdemeanor.

Penalty.

Road duty.

anywhere in said township which the said board of road com-
missioners and at such time and place as said board of road com-
missioners may designate: *Provided*, two days' notice shall be
given by said road commissioners, which notice shall specify the
time and place where such work is to be performed, and also
designating in such notice the implement or tool with which such
person shall be required to work. Any person who is liable to
road duty as above set out, and after having been duly notified to
work said public roads refuses or fails to work as above provided,
shall be guilty of a misdemeanor, and upon conviction shall be
fined not less than five dollars: *Provided further*, that any person
may, in lieu of working six days on said public roads, pay, on or
before the first day of June of each year, to the said board of road
commissioners the sum of four dollars, and upon such payment
said board of road commissioners shall issue a receipt to the per-
son paying the same, stating the amount and year for which the
same is paid, and said board of road commissioners shall account
for all moneys so paid in their semi-annual reports.

Warning.

Failure to work a
misdemeanor.
Penalty.Proviso: cash com-
mutation.

SEC. 2. That the said Road Commissioners of Waynesville
Township are hereby authorized to employ a road overseer, who
shall have charge of persons working or repairing the public roads
of said township, which overseer shall be paid out of the funds
in the hands of said road commissioners. Said road commis-
sioners are hereby empowered to locate or relocate any road or
roads in said township outside of incorporated towns, and any
relocation of roads heretofore made by said Board of Road Com-
missioners of Waynesville Township outside of incorporated towns
is hereby approved, and the board of road commissioners shall
have the same power and authority in respect to cart-ways in said
township as the County Commissioners of Haywood County have
in respect to cart-ways under the general road law of Haywood
County.

Road overseer.

Roads located and
changed.

Cart-ways.

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

In the General Assembly read three times, and ratified this
4th day of March, 1905.

CHAPTER 717.

AN ACT IN REGARD TO THE STOCK LAW IN A PORTION OF FAISON TOWNSHIP, DUPLIN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the territory embraced within the following
boundaries shall continue and be a stock law territory within the
county of Duplin and shall be known as "Faison Stock Law Terri-
tory," and all general laws applicable to such territory, except

Faison stock-law
territory.

Boundaries. as herein altered and amended, shall be in full force therein, the said territory being described as follows, 'to-wit: Beginning at Sampson County line at point where line crosses stream known as Goshen, and running thence south with said Sampson County line to Rowland Lumber Company's railroad; thence southeasterly with said road and Warsaw Township line to stream known as Bear Swamp; thence down said Bear Swamp to point where it enters into stream known as Goshen; thence up said Goshen to the beginning.

Fence commissioners to report annually. SEC. 2. That it shall be the duty of the fence commissioners of said stock law territory to report annually to the Board of Commissioners of Duplin County, at their regular meeting in June, conditions of the fences and gates around and about the said territory, the cost of building and repairs for the preceding year and the estimate of the cost of the following year, and any indebtedness, its cost or any indebtedness on account of erecting such fences. The said Board of Commissioners of Duplin County shall levy a tax upon the real estate within said boundaries

Tax limit. according to the tax valuation thereof, not to exceed fifty cents on the one hundred dollars valuation of the said estate, to raise such funds as the commissioners shall report is necessary, which tax shall be collected by the Sheriff of Duplin County in the same manner as other taxes.

Conflicting laws repealed. SEC. 3. That all laws and clauses of laws in conflict with this act are hereby repealed in so far as they affect the territory herein described.

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. 1905.

CHAPTER 718.

AN ACT TO PROHIBIT THE SALE OF ALL INTOXICATING LIQUORS NEAR GOLDSTON HIGH SCHOOL IN CHATHAM COUNTY.

The General Assembly of North Carolina do enact:

Prohibition. SECTION 1. That it shall be unlawful for any person or persons, firm or corporation to sell, trade or exchange or in any manner dispose of, for profit or advantage of any sort or kind, any wine, cider, peruna, peruvia, checkers, watt sine, coca-cola, beerine or any other substance or thing which will in any way, manner or degree intoxicate, within one-half of a mile of Goldston High School in Chatham County.

SEC. 2. Any person violating any provision of this act shall be Misdemeanor, guilty of a misdemeanor, and upon conviction thereof shall be Penalty, 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 4th day of March, A. D. 1905.

CHAPTER 719.

AN ACT AUTHORIZING THE BOARD OF EDUCATION OF BUNCOMBE COUNTY TO PAY CERTAIN DEBTS CONTRACTED BY ITS PREDECESSOR.

WHEREAS, the County Board of Education of Buncombe County, Preamble, prior to July first, A. D. one thousand nine hundred and three, became indebted to the Battery Park Bank of Asheville, North Carolina, for money advanced to pay teachers' vouchers in said county in a sum which amounted to one thousand four hundred and seventy-three dollars and thirty cents, on January first, one thousand nine hundred and five; and whereas, said County Board of Education of Buncombe County, prior to July first, one thousand nine hundred and three, became indebted to W. H. Westall of said county for material furnished to build certain public school-houses in said county in a sum which amounted to one thousand nine hundred and forty dollars and forty-four cents, on the tenth day of February, one thousand nine hundred and five; and whereas, the said sums are still due and owing from said county board of education to the persons above named: now, Preamble, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the said County Board of Education of Buncombe County be and it is hereby authorized and empowered to pay out of any funds in the hands of its treasurer or which may hereafter come into his hands and under the control of said county board of education the said sum of one thousand four hundred and seventy-three dollars and thirty cents with interest thereon from January first, one thousand nine hundred and five, to the said Battery Park Bank, and the said sum of one thousand nine hundred and forty dollars and forty-four cents, with interest thereon from February tenth, one thousand nine hundred and five, to said W. H. Westall of said county, in settlement of said debts. Debts to be paid.

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. 1905.

CHAPTER 720.

AN ACT AMENDING CHAPTER 407 OF THE PUBLIC LAWS OF 1903, RELATING TO THE PELHAM GRADED SCHOOL.

The General Assembly of North Carolina do enact:

Five trustees. SECTION 1. That chapter four hundred and seven of the Public Laws of one thousand nine hundred and three be and the same is hereby amended by striking out all of section two of said act and inserting in lieu thereof the following: "Sec. 2. That there shall be five trustees of the school in said district. That the persons now holding the position of such trustees shall continue in such office until the first day of June, one thousand nine hundred and five. That F. D. Swann and J. O. Fitzgerald be and they are hereby appointed as such trustees to serve for a term of two years from the said first day of June, one thousand nine hundred and five. That W. H. Baise be and he is hereby appointed as such a trustee to serve for a term of six years from the said first day of June, one thousand nine hundred and five. That on the second Tuesday in May, one thousand nine hundred and five, there shall be elected by the qualified voters of said school district two persons from among the qualified voters of said district to serve as such trustees for a term of four years from the said first day of June, one thousand nine hundred and five. That such election shall be conducted in the manner prescribed for elections of members of the General Assembly. That at the general election of county officers for said county in the year one thousand nine hundred and six there shall be elected by the qualified voters of said school district in the manner prescribed for the election of members of the General Assembly two persons from among the qualified voters of said district to serve as such trustees for a term of six years from the first day of the following June. That at the general election of county officers for said county in the year one thousand nine hundred and eight and each second year thereafter there shall be elected by the qualified voters of said school district from among the qualified voters of said district, in the manner prescribed for the election of members of the General Assembly, successors or a successor for the trustees or trustee whose term of office expires on the thirty-first day of the following May; the persons or person so elected to serve as such trustee for a term of six years from the first day of the following June. All vacancies in said board of trustees caused by resignation or otherwise shall be filled by the remaining members of the board by a majority vote until the next general election, when such vacancies shall be filled by election as hereinbefore provided."

Trustees continue in office.

Additional trustees appointed.

Trustees elected by voters of district.

Vacancies.

Branch school. SEC. 2. That said chapter four hundred and seven of the Public Laws of one thousand nine hundred and three be and the same is hereby further amended by adding at the end of section seven

thereof the following: "and to establish and maintain a branch school in said school district at such point as to them may seem best."

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. 1905.

CHAPTER 721.

AN ACT TO AMEND THE STOCK LAW OF JACKSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of the county of Jackson are hereby authorized and empowered to make any change in the stock law boundary of said county which in the judgment of said commissioners will shorten the line of any stock law fence or lessen the cost of building or repairing the same: *Provided*, such change shall not be made without the consent of the person or persons over whose lands the fence is to be built, and no person shall be brought within any stock law boundary without his consent.

County commissioners to change boundary.
Provido: consent of land-owners.

SEC. 2. That it shall be the duty of said commissioners to divide the fence around each stock law boundary and appoint for each section a "stock law commissioner," whose duty it shall be to keep his section in good and lawful repair, and he shall also keep itemized accounts of all work he shall authorize to be done, which accounts shall be verified by the person to whom the same is due before any person authorized to administer oaths; and the said accounts, when so verified and approved by the stock law commissioner, shall be allowed and audited by the board of commissioners. Said stock law commissioners shall receive for their services such compensation as may be allowed by the said board of commissioners.

Fence sections.
Stock-law commissioners.
Duty.
Accounts.
Pay of commissioners.

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

In the General Assembly read three times, and ratified this 4th day of March, A. D. 1905.

CHAPTER 722.

AN ACT TO PROHIBIT HOGS RUNNING AT LARGE BETWEEN NAG'S HEAD LIFE SAVING STATION AND NEW INLET IN DARE COUNTY.

The General Assembly of North Carolina do enact:

Unlawful to permit hogs at large. SECTION 1. That it shall be unlawful for any person or persons to allow or permit any hog or hogs to run at large between Nag's Head Life Saving Station and New Inlet.

Misdemeanor. SEC. 2. Any person or persons violating this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five dollars nor more than ten dollars for each and every offense, one-half of fine going to the informer and one-half to the general county fund: *Provided*, the unsupported testimony of one man shall not be sufficient testimony to convict.

One-half fine to informer. Proviso: unsupported testimony insufficient to convict. Separate offenses. SEC. 3. For the purposes of this act every hog found running at large in the above-named territory shall constitute a separate offense.

SEC. 4. This act shall be in force from and after its ratification. In the General Assembly read three times, and ratified this 4th day of March, A. D. 1905.

CHAPTER 723.

AN ACT TO PROHIBIT FISHING WITH NETS AND SEINES IN TYSON'S MARSH MILL-RUN, GREENE COUNTY.

The General Assembly of North Carolina do enact:

Close season for nets. SECTION 1. That it shall be unlawful for any person or persons to fish with nets of any kind in the waters of Tyson's Marsh mill-run between the first day of March and the first day of October of each year.

Seines forbidden at all times. SEC. 2. That it shall be unlawful for any person or persons to fish in said waters at any time with any hand or drag seine.

Limits of run. SEC. 3. That for the purposes of this act the Tyson's Marsh mill-run shall embrace that portion of said run lying and included between the mouth of said river and the dam of the Tyson's Marsh mill-pond, and no further.

Misdemeanor. SEC. 4. That any person or persons violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not more than twenty dollars nor less than five dollars, or shall be imprisoned not more than thirty days nor less than ten days, at the discretion of the court.

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

CHAPTER 724.

AN ACT CONCERNING FOWLS RUNNING AT LARGE IN
CHATHAM COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That any person permitting his chickens, geese, ducks or other fowls to run at large shall be liable for any damage done by such fowls upon the lands, crops or property of another. Owner of fowls liable for damage.

SEC. 2. This act shall apply only to Chatham 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 4th day of March, A. D. 1905.

CHAPTER 725.

AN ACT TO REPEAL CHAPTER 108, PUBLIC LAWS OF 1874
AND 1875 AND ACTS AMENDATORY THEREOF.*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred and eight (108), Public Laws of one thousand eight hundred and seventy-four (1874), and one thousand eight hundred and seventy-five (1875), and all acts and laws amendatory thereof, be and the same are hereby repealed. Dogs bitten by mad dogs, sheep-killing dogs.

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. 1905.

CHAPTER 726.

AN ACT CONCERNING DRAINAGE OF LANDS ON INDIAN
CREEK FROM SHULL'S BRIDGE TO CROUSE'S BRIDGE.*The General Assembly of North Carolina do enact:*

SECTION 1. That Indian Creek in Lincoln and Gaston Counties, from Crouse's Bridge to Shull's Bridge near Washington Shull's, is hereby constituted a drainage for the purposes mentioned in this act. Drainage district established.

SEC. 2. That C. M. Eaker, G. H. Dellinger, and J. F. Moose are hereby appointed commissioners, who shall, on or before August first, one thousand nine hundred and five (1905), lay said creek off in sections as a section and shall appoint overseer or overseers, who shall hold office for two years. Commissioners. Creek to be laid off in sections.

- Commissioners to make estimates. SEC. 3. That said commissioners shall estimate the amount of bottom lands in said district to be drained, making a list of the owners and the number of acres owned by each as nearly as may be practicable by estimation. They shall likewise determine the number of acres for which a land-owner shall be required to furnish a hand to work: *Provided, however,* that each land-owner shall furnish the overseer the number of hands required from each land-owner.
- Proviso: land-owner to furnish lands. SEC. 4. Any land-owner may pay the overseer one dollar per day in lieu of each hand that he is required to furnish: *Provided,* payment is made at least three days before the day appointed to work.
- Cash payment in lieu of hands. SEC. 5. The overseer may accept laborers offered as a substitute for the land-owners if he approve the same. He shall also apply all money paid in lieu of work or collected as penalties in hiring hands to work on said stream.
- Substitute hands. SEC. 6. Any person owning lands in said drainage district who shall fail when notified by the overseer to work or furnish hand or hands required of him to work, or pay the one dollar per day for each day and hand required of him, shall be deemed guilty of a misdemeanor, and upon conviction before a justice of the peace of either Gaston or Lincoln Counties shall be fined not less than five nor more than twenty dollars, or imprisoned not less than ten nor more than twenty days in the common jail of either county, for each and every offense.
- Land-owner failing to work or furnish hands or pay guilty of misdemeanor. SEC. 7. Overseers shall be liable to penalties as prescribed by law for overseers of public roads. All penalties from those liable for non-compliance with the provisions of this act shall be collected by and paid to the overseer or overseers.
- Penalties. SEC. 8. Overseers shall give five days' notice to land-owners, as above prescribed, of the time and place of working and the kind of tool required of each hand.
- Overseers liable to penalties. Penalties paid to overseer. SEC. 9. Nothing in this act shall be construed to exempt persons therein mentioned from working on public roads.
- Notice to land-owners. SEC. 10. This act shall be in force from and after its ratification.
- No exemption from road duty. In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

CHAPTER 727.

AN ACT TO AUTHORIZE THE BOARD OF EDUCATION OF CLEVELAND COUNTY TO BORROW MONEY.

The General Assembly of North Carolina do enact:

- Authority to borrow money. SECTION 1. That the Board of Education of Cleveland County be and they are hereby authorized and empowered to borrow money to an amount not exceeding three thousand five hun-
- Amount.

dred dollars (\$3,500) for a period of not exceeding two years, said fund to be used for the sole purpose of defraying the balance due Purpose. on new school buildings and equipment in Cleveland County.

SEC. 2. That the Treasurer of Cleveland County, who is also Treasurer to execute notes. the treasurer of the school fund, is authorized and empowered, when ordered to do so by the Board of Education of Cleveland County, to execute a note or notes, signed by him as treasurer of the school fund of Cleveland County, for an amount not exceeding three thousand five hundred dollars (\$3,500), as mentioned in the preceding section, and to pledge the credit of the school fund of Cleveland County for the payment of this money; said notes not to run for a longer period than two years: *Provided*, Proviso: limitation. that no greater amount shall be borrowed than is necessary to discharge the obligations already made in the building of school-houses and the equipping of same: *And provided further*, that in no event shall the amount to be borrowed exceed three thousand five hundred dollars (\$3,500), as mentioned above: *Provided further*, that the amount borrowed as above provided shall be paid out of the fund for building and repairing school-houses and equipment annually set aside for these purposes under section twenty-four (24) of the public school law. Proviso: further limitation. Proviso: provision for payment.

SEC. 3. 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. 1905.

CHAPTER 728.

AN ACT CONCERNING STOCK LAW IN PARTS OF CHATHAM AND MOORE COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That upon the petition of one-third of the qualified voters in that portion of Chatham County known as Bear Creek Township, except that part of the same that is now under stock law, and that portion of Moore County adjoining the same and lying north of Deep River, the Board of Commissioners of Chatham County are hereby authorized, directed and empowered to call an election in said territory upon the question of "Stock Law" or "No Stock Law." Commissioners of Chatham county to call election.

SEC. 2. That thirty days' notice of such election, if ordered, shall be given in some newspaper published in said county of Chatham and also in the county of Moore, and at such election all the qualified voters in said territory shall be entitled to vote. Notice of election.

SEC. 3. In order to carry out such election the Commissioners of Chatham County are hereby empowered and directed to appoint one registrar, duly qualified under the general election law to act, Commissioners of Chatham to appoint registrar and one pollholder.

Commissioners of Moore county to appoint one pollholder.

Commissioners of Chatham to receive and canvass returns.

Voting place.

Commissioners of Chatham to furnish registration book.

Stock law established if majority for it.

No other election within one year.

Apportionment of expense.

Fees of officers.

whose duty it shall be to register all qualified voters in said territory who may apply for such registration. The said board will also appoint one pollholder, and the Board of Commissioners of Moore County shall likewise appoint one pollholder from that part of said territory which lies in Moore County, which said registrar and pollholders shall constitute the officers to conduct said election. They will make their returns to the Board of Commissioners of Chatham County, which said board is hereby empowered to canvass such returns and declare the result of said election, which election shall be held at Harper's Cross Roads in Bear Creek Township, said county of Chatham.

SEC. 4. The said Board of Commissioners of Chatham County, in case said election is ordered, are directed to provide the said registrar herein provided for with a proper book for registering the qualified voters of said territory, such registration and the record of the same to be used only for the purpose of such stock law election.

SEC. 5. If at such election a majority of the votes cast shall be "For Stock Law," then the stock law shall be established in said territory in the said two counties, and the provisions of chapter twenty, volume two, of The Code, shall be in force therein; otherwise such stock law shall not prevail in said territory until such majority of votes cast shall be in favor thereof, and no election shall again be called therein within one year after such election has been held.

SEC. 6. That the expenses for holding said election shall be paid by the counties of Moore and Chatham in proportion to the number of voters in said territory belonging to each county, respectively, and that the fees allowed the officers for holding the same shall be the same as those allowed in holding general elections for members of the General Assembly.

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. 1905.

CHAPTER 729.

AN ACT TO AMEND CHAPTER 498, PUBLIC LAWS OF 1903, RELATIVE TO THE ANTI-JUG LAW OF PENDER COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter four hundred and ninety-eight of the Public Laws of one thousand nine hundred and three be amended by adding at the end of section one the following words: "*Provided also*, that nothing in this act shall be construed to prevent the delivering of intoxicating liquors upon a physician's prescrip-

Physician's prescription.

tion as provided under the Watts act, or upon a certificate obtained from a justice of the peace in the township in which the person to whom the liquors are delivered resides; the said certificate to set forth that the order shall not be for over two quarts of liquor and that the said person is getting the same in good faith for medicinal purposes only. Any one making a false affidavit to any justice of the peace shall be guilty of a misdemeanor.”

Certificate of justice of the peace.

False affidavit to justice a misdemeanor.

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

Conflicting laws repealed.

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

CHAPTER 730.

AN ACT TO AMEND CHAPTER 95, LAWS OF 1901, ESTABLISHING A GRADED SCHOOL IN THE TOWN OF EAST BEND IN YADKIN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That all of section one (1), chapter ninety-five (95), Laws of one thousand nine hundred and one (1901), be stricken out after line twelve (12) and the following added thereto: “to J. F. Williams’ old home place; then northwestward to John Matthews’; then northward to James Wilhelm’s; then northward to D. C. Nance’s; then northeastward to William Spencer’s; then northeastward to Sarah Angel’s, the beginning, including lines.”

Boundaries of district.

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 and after June the first, one thousand nine hundred and five.

In effect from 1st June.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

CHAPTER 731.

AN ACT TO PROHIBIT THE RETAILING OF SPIRITUOUS LIQUORS WITHIN ONE MILE OF WALNUT GROVE CHURCH IN MORAVIAN FALLS TOWNSHIP, WILKES COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons to manufacture or retail any spirituous, vinous or malt liquors within one mile of Walnut Grove Church in Moravian Falls Township in Wilkes County.

Prohibition.

- Misdemeanor. SEC. 2. That any person or persons violating this act shall be deemed guilty of a misdemeanor, and upon conviction thereof
- Penalty. shall be fined not to exceed twenty-five dollars or imprisoned not to exceed thirty days, or both, at the discretion of the court.
- Conflicting laws repealed. SEC. 3. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.
- SEC. 4. That this act 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. 1905.

CHAPTER 732.

AN ACT TO AMEND SECTION 2, CHAPTER 582, PUBLIC LAWS OF 1903, SO AS TO TAKE NEILL L. McFAYDEN OUT OF THE CROSS CREEK STOCK LAW TERRITORY IN CUMBERLAND COUNTY.

The General Assembly of North Carolina do enact:

- Commissioners to change fence line. SECTION 1. That the stock law fence commissioners of that portion of Cross Creek stock law territory in Seventy-first Township be and they are hereby empowered and directed to change the line of said stock law fence so as not to include the farm and residence of Neill L. McFadyen.
- 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. 1905.

CHAPTER 733.

AN ACT TO ESTABLISH A DISPENSARY IN THE TOWN OF DUNN IN HARNETT COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

- Secretary of State to send copy of act. SECTION 1. That within fifteen days after the ratification of this act the Secretary of State for the State of North Carolina shall cause to be delivered to the Board of Commissioners of the town of Dunn a copy of this act, certified under the great seal of the State of North Carolina, and thereupon it shall become the duty
- Town commissioners to order election. of the said board of commissioners to order an election immediately and without unnecessary delay to carry out the provisions of this act. The election shall be ordered and held under the same rules and regulations provided by the laws of North Carolina regulating municipal elections. Notice of the election shall be duly
- Laws governing elections.

published and the election held within four months from the ratification of this act.

SEC. 2. That at the time and place provided for by the Board of Commissioners of the town of Dunn for holding the elections under the provisions of this act two boxes, which shall be placed and kept together, shall be provided by said board to be voted in to determine whether a dispensary shall be established in the town of Dunn, Harnett County, North Carolina.

Two voting boxes provided.

SEC. 3. That any person entitled to vote for members of the General Assembly shall have the right to vote at the election held under this act, provided for by the Board of Commissioners of said town of Dunn, in the box so provided, and every such voter who is in favor of the establishment of a dispensary in the town of Dunn shall vote a ticket on which shall be written or printed the words "For Dispensary," and all opposed to the establishment of a dispensary in the town of Dunn shall vote a ticket on which shall be written or printed the words "Against Dispensary." Such tickets shall be of white paper and without device and shall be as near as practicable the same size.

Voters.

Form of ballots.

SEC. 4. That if a majority of the votes cast at the said election be "For Dispensary," then the Board of Commissioners of the town of Dunn shall establish a dispensary on some suitable and convenient street in the town of Dunn, and appoint three commissioners from the voters of the town of Dunn who in the election voted for the establishment of said dispensary. The three commissioners so appointed shall be known as "The Dispensary Board for the town of Dunn"; and it shall be the duty of said dispensary board to conduct the dispensary under such rules and regulations and with such officers and employees as may be prescribed and allowed by said Board of Commissioners of the town of Dunn.

Dispensary to be established.

Dispensary commissioners.

The Board of Commissioners of the town of Dunn shall fix the compensation of the members of the said dispensary board and their officers and employees.

Dispensary board to conduct dispensary.

Town commissioners to prescribe regulations and fix salaries.

SEC. 5. 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 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 the manager of said dispensary, or any other person, to open any package or bottle on the premises; and the said manager shall not allow loafing, loitering or drinking on the premises, and any person drinking liquor on the premises, and any person refusing or failing to leave said premises after being ordered to do so by said manager, shall be guilty of a misdemeanor and fined not more than

General regulations for conduct of dispensary.

Register.

fifty dollars or imprisoned not more than thirty days. 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 further*, that said register shall be open only to the inspection of the dispensary board and its employees, and the contents thereof shall not be published. No intoxicating liquor shall be sold to any minor, and the dispensary board shall make such rules and regulations, not inconsistent with this act, as may be proper for the management of the dispensary. If the manager or clerk shall procure any intoxicating liquor from any person other than those that the dispensary board shall direct, and offer the same for sale, or adulterate, or cause to be adulterated, any intoxicating, spirituous, vinous or malt liquor by mixing with coloring matter or any other 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.

Dispensary board to make rules and regulations.
Misconduct of manager a misdemeanor.

Unlawful sale of liquor.

SEC. 6. That it shall be unlawful for any person, firm or corporation to sell, or otherwise dispose of, for gain, any intoxicating liquor other than in the manner provided for sales in the dispensary as aforesaid. Any person violating this section shall be guilty of a misdemeanor and fined or imprisoned, or both, in the discretion of the court. The dispensary board may employ counsel to enforce the provisions of this section.

Misdemeanor.
Penalty.
Dispensary board may employ counsel.
Quarterly settlements.

Division of profits.

SEC. 7. That said dispensary board shall make quarterly settlement with the Board of Commissioners of the town of Dunn, and the said board of commissioners shall, within fifteen days after such settlement, pay one-half of the net profits of said dispensary into the treasury of the town of Dunn, and the other half into the treasury of the county of Harnett for the benefit of the public schools of said county. The one-half of the net proceeds so paid into the treasury of the town of Dunn shall be used under the direction of the Board of Commissioners of said town of Dunn for educational and other public purposes.

Misconduct of officers or employees misdemeanor.

SEC. 8. That any officer or employee of the dispensary established under the provisions of this act who shall violate any of the rules and regulations prescribed by the Board of Commissioners of the town of Dunn, or by the dispensary board as herein provided for, which said rules and regulations are hereby declared to be ordinances of said town of Dunn, shall be guilty of a misdemeanor, and shall upon conviction be fined or imprisoned, or both, in the discretion of the court.

Penalty.

Terms of office.

SEC. 9. That the Board of Commissioners of the town of Dunn shall have power to fix the term of office of the members of the dispensary board provided for herein, and shall require good bonds from the members of the dispensary board and officers, and shall

Bonds.

Removal for cause. have the power to remove any or all of the members of the dis-

dispensary board and any officer or employee appointed, after good cause shown.

SEC. 10. That if a majority of the votes cast at the election herein provided for be "For Dispensary," then the dispensary shall be established as herein provided, and chapter one hundred and forty-one of the Public Laws of North Carolina for the year one thousand nine hundred and three, ratified the eighteenth day of February, one thousand nine hundred and three, and chapter six hundred and ninety-five, Public Laws of North Carolina for the year one thousand nine hundred and three, ratified the ninth day of March, one thousand nine hundred and three, be and the same are hereby repealed in so far as said chapters apply to the said town of Dunn in Harnett County, North Carolina; but if a majority of the votes cast at the election herein provided for shall be "Against Dispensary," then said chapter one hundred and forty-one of the Public Laws of North Carolina for the year one thousand nine hundred and three, ratified the eighteenth day of February, one thousand nine hundred and three, and chapter six hundred and ninety-five, Public Laws of North Carolina for the year one thousand nine hundred and three, ratified the ninth day of March, one thousand nine hundred and three, shall not be repealed.

Dispensary established if voted for.

Repeal of prohibition laws.

No repeal of vote against dispensary.

SEC. 11. That all laws and clauses of laws in conflict with any of the provisions of this act are hereby repealed.

Conflicting laws repealed.

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

In the General Assembly read three times, and ratified this 4th day of March, A. D. 1905.

CHAPTER 734.

AN ACT TO AMEND CHAPTER 481, PUBLIC LAWS OF 1903, RELATIVE TO THE STOCK LAW IN FAISON AND WOLFSCRAPE TOWNSHIPS IN DUPLIN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter four hundred and eighty-one, Public Laws of one thousand nine hundred and three, be and hereby is amended by striking out the word "twenty" in line six of section four of said chapter and inserting in lieu thereof the word "fifty."

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. 1905.

CHAPTER 735.

AN ACT REQUIRING STOCK LAW FENCE COMMISSIONERS TO PROVIDE HITCHING POSTS AT STOCK LAW GATES ON PUBLIC ROADS FOR THE CONVENIENCE AND PROTECTION OF THE PUBLIC.

The General Assembly of North Carolina do enact:

Fence commis-
sioners to provide
hitching-posts.

SECTION 1. That the fence commissioners of the several stock law territories in the county of Cumberland be and they are hereby required and directed to provide, as early as may be after the passage of this act, hitching-posts inside and outside of each and every gate on any public road for the convenience and protection of the traveling public, and upon failure so to do they shall be deemed guilty of a misdemeanor and fined not more than ten dollars (\$10), at the discretion of the court.

Misdemeanor;
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 4th day of March, A. D. 1905.

CHAPTER 736.

AN ACT TO AMEND THE PUBLIC ROAD LAW OF HALIFAX COUNTY.

The General Assembly of North Carolina do enact:

Purchasing agent.

SECTION 1. That chapter one hundred and eighty-six of the Public Acts of one thousand nine hundred and three be amended by adding the following at the end of said chapter as section twenty-six of said act, to-wit: "That the Board of Commissioners of Halifax County shall have power and authority to elect one member of their board as purchasing agent for said convict force, and to take charge of and have the general supervision and management of the said convict force, and the superintendent of said roads and the working of said roads. And said board shall have the power to fix his compensation at such salary as they may deem proper, not to exceed four hundred dollars per annum."

Compensation.

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. 1905.

CHAPTER 737.

AN ACT TO MAKE A CERTAIN GLADE IN PAMLICO
COUNTY A LAWFUL FENCE.

The General Assembly of North Carolina do enact:

SECTION 1. That the glade or swamp beginning at a point one-half mile from the northeast corner of Josephine Hardison's farm fence, known as the Harris tract, lying on the north side of the run of Duck Creek, and running thence the various courses of the swamp or glade to a point one-half mile an east course from the northwest corner of R. W. Hardison's farm near Arrapahoe in Pamlico County, be and is hereby declared a lawful fence.

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. 1905.

CHAPTER 738.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS
OF BEAUFORT COUNTY TO ISSUE BONDS AND LEVY A
SPECIAL TAX FOR THE PURPOSE OF BUILDING A
COURT-HOUSE.

The General Assembly of North Carolina do enact:

SECTION 1. That in order to provide necessary funds for the purpose of erecting a court-house therein, and such buildings as are necessary for holding the courts of Beaufort County and for the conduct of business of said county, the board of commissioners of said county is hereby authorized and directed to issue bonds of the county to the amount of twenty-five thousand dollars (\$25,000), to be dated on the first day of June, one thousand nine hundred and five, and to mature on the first day of June, one thousand nine hundred and fifty-five. The said bonds shall be signed by the chairman of the board of county commissioners and shall be countersigned by the clerk of said board, and shall have affixed thereto the county seal. The interest thereon shall not exceed five per cent. per annum and shall be payable semi-annually on the first days of June and December of each year until the maturity of said bonds, unless they have been sooner discharged. They shall be in denominations of not less than one hundred dollars nor more than one thousand dollars each, and shall have attached coupons representing semi-annual payments for interest due upon each respectively, said coupons to be identified by numbers corresponding to the bond to which they are attached, and shall have such other evidences of identity as the board of commissioners may

Purpose.

Bond issue directed.
Amount.

How bonds authenticated.

Interest.

Denominations.

Exempt from county and municipal taxation. Proviso: amount of issue optional.	prescribe; said coupons shall be signed by the chairman of the board of county commissioners; the bonds issued under this section shall be exempt from all county and municipal taxation, and this fact shall appear upon the face of the bonds: <i>Provided</i> , that the commissioners hereinafter named shall have the power to reduce the number and amounts of the bonds provided for in this act if in their opinion they can make the necessary improvements suitable to the needs of the county with a less amount.
Bonds not sold below par.	SEC. 2. 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 of said bonds accruing to the date of sale of said bonds shall be detached before said bonds are delivered.
Advertisement for bids.	SEC. 3. That before disposing of any of the said bonds provided for in this act the said Board of Commissioners of Beaufort County shall by public notice, to be printed in some newspaper published in said county for at least thirty days and in such other newspapers as in their discretion may be wise, invite bids therefor; said bids may be for the whole amount of said issue or any part thereof not less than one hundred dollars, and shall be securely sealed and deposited with the chairman of the board of county commissioners, and by him safely kept unopened until the date fixed in the 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 said commissioners shall proceed to award and allot to the said purchasers or any one of them as many of the bonds as they may then desire to dispose of: <i>Provided, however</i> , that the said commissioners may reject any or all of said bids in their discretion.
Award.	
Proviso: right of rejection.	
Specific appropriation.	SEC. 4. That the proceeds arising from the sale of the bonds issued under the provisions of this act shall constitute a separate and distinct fund to be applied and appropriated to the purpose for which they are issued as provided herein. And the said board of commissioners shall cause the treasurer of said county to open
Separate accounts.	and keep separate accounts of said funds.
Special tax.	SEC. 5. That in order to pay the interest on said bonds as it may accrue, and the principal thereof as it may mature, the board of commissioners of said county shall annually levy a special tax sufficient to meet these demands; the said tax shall be levied and collected as other county taxes are levied and collected, and shall be imposed upon such property, polls and other subjects of taxation as are now or may hereafter be subject to taxation under the laws of this State; and said tax shall be collected by the officers charged with the collection of other county taxes, and who shall in respect thereto be liable officially as well as personally to all the requirements of law now prescribed, or which may be herein prescribed, for the faithful collection of the payment of the other taxes.

SEC. 6. That the board of county commissioners shall appoint three citizens of the county to be known as the court-house commissioners, for the purpose of superintending the erection of said court-house and other public buildings provided for in this act, and for the improvement of the court-house grounds, and for the purpose of carrying out the provisions of this act with full power to sell the old court-house or provide for the use of 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; and they are authorized to contract for the erection of said new court-house for a sum not to exceed the amount realized from the sale of said bonds, and to pay for the same by means of orders upon the treasurer of said county of Beaufort, according to the terms of the contract which they may make: *Provided*, that said contract shall first be submitted to and approved by the board of county commissioners; that the Treasurer of Beaufort County shall pay out the funds realized from the bonds sold under the provisions of this act upon the orders of the aforesaid board of commissioners, signed by their chairman and countersigned by their secretary.

Court-house commissioners.

Disposition of old court-house.

Contract for new court-house.

Provide; contract approved by county commissioners.

SEC. 7. That said commissioners provided for in section six of this act shall organize by electing a chairman and secretary, and shall make such rules and regulations and provide for the payment of such agents and clerks as may be necessary to carry into effect the provisions of this act, and they are hereby created and declared to be a body politic and corporate under the name and style of the "Court-house Commissioners;" and their meetings shall be at such times and place as they may deem necessary and proper for the performance of their duties as provided for by this act, and their corporate existence shall cease and determine upon the erection and completion of the court-house, and its acceptance by them, and the discharge of all contracts created by them; that their compensation shall be such as may be fixed by the board of county commissioners.

Organization of court-house commissioners.

Commissioners incorporated. Meetings.

Term of corporation.

Compensation.

SEC. 8. That during the period of tearing down the old court-house now used by the county of Beaufort and erecting a new one, the Board of County Commissioners of Beaufort County shall provide a suitable place for holding the courts of said county and also a suitable office for the officers of said county. All sales and advertisements required by law to be made at the court-house door shall be made at the place designated for holding the courts of said county from the time the old court-house ceases to be occupied as such until the new court-house is received and accepted by the court-house commissioners.

Temporary court-house and offices.

Sales and advertisements.

SEC. 9. That the duties imposed and powers conferred by this act shall be construed to be mandatory and not directory, and any officer provided for under this act, or any duty imposed or power

Duties mandatory.

Failure to discharge duty misdemeanor.
Punishment.

conferred under this act upon any person failing to discharge such duty or exercise such authority, shall be guilty of a misdemeanor and fined and imprisoned at the discretion of the court.

Proviso: election.

SEC. 10. *Provided*, that this act shall be submitted to the qualified voters of Beaufort County at an election to be held on the fourth Tuesday in May, one thousand nine hundred and five; which election shall be ordered by the County Commissioners of Beaufort County at their meeting on the first Monday in April, one thousand nine hundred and five; which election shall be held under the same rules and regulations and restrictions as is provided by law for the election of members of the General Assembly and returns made and the result declared in accordance with the rules provided in the general election, voting on said questions.

Date.

Those favoring the issue shall vote a ticket on which shall be written or printed the words "For Court-House" and those opposing shall vote a ticket on which shall be written or printed the words "Against Court-House." That in the event there shall be a majority of the votes cast which are in favor of a court-house, then all the powers, privileges, authorities and duties shall be immediately conferred upon the persons and bodies herein named, and it shall be their duty to proceed at once under the provisions of this act; but if a majority of the votes cast shall be against a court-house, then this act shall be without effect.

Law governing elections.

Form of ballots.

Powers conferred if court-house voted for.

New registration to be ordered.

SEC. 11. That prior to the election to be held under this act, as provided for by section ten thereof, the Board of Commissioners of Beaufort County shall order a new registration of the voters of the county, which shall be had under the laws now in force with regard to the general election and registration of voters, and only those registering under this act shall be entitled to vote at the election held hereunder.

Compensation of county treasurer.

SEC. 12. That the County Treasurer of Beaufort County shall receive such compensation for performing the duties required of him under this act as may be fixed by the Board of Commissioners of Beaufort County: *Provided*, that said compensation shall not exceed the commissions allowed him by law.

Proviso: limit.

Supervisory power of county commissioners.

SEC. 13. That the Board of Commissioners of Beaufort County shall have supervisory direction and control of all work done and performed under this act by the court-house commissioners, and the said court-house commissioners shall report in writing at each monthly meeting of the said Board of Commissioners of Beaufort County the progress of the work done by them, showing an itemized statement of all disbursements made by them; and the said Board of Commissioners of Beaufort County, or any one of them, shall at all times have full and free access to any and all records of the said court-house commissioners.

Reports of court-house commissioners.

Election of court-house commissioners.

SEC. 14. That the said court-house commissioners provided for in this act shall be elected by the Board of Commissioners of

Beaufort County at their regular meeting on the first Monday in June after the adoption of this act.

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 4th day of March, A. D. 1905.

CHAPTER 739.

AN ACT TO REPEAL CHAPTER 144 OF THE PUBLIC LAWS OF 1903, RELATIVE TO FISHING IN PORTER'S SWAMP, COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and forty-four of the Fish law repealed. Public Laws of one thousand nine hundred and three be and the same is hereby repealed.

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. 1905.

CHAPTER 740.

AN ACT TO ALLOW AN ELECTION ON SPECIAL SCHOOL TAX IN SPECIAL TAX DISTRICT NO. 4 IN UNITY TOWNSHIP, ROWAN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That upon a petition of one-fourth of the freeholders Election on petition of freeholders. within Special Tax District Number Four in Unity Township, Rowan County, the board of county commissioners of said county shall, after thirty days' notice at the court-house door in Salisbury and three other places in said district, hold an election to ascertain the will of the people within said district, whether the special tax now in existence in said district be continued or not.

SEC. 2. That said election shall be held and conducted under Law governing election. the provisions of chapter seventy-two of the Public School Law of North Carolina.

SEC. 3. That said election shall not be held until some time in No election before February, 1907. the year one thousand nine hundred and seven, after the month of February of said year.

Act to be in force
from 1st March,
1907.

SEC. 4. That this act shall be in force and effect from and after the first day of March, one thousand nine hundred and seven.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

CHAPTER 741.

AN ACT TO AMEND CHAPTER 529, SECTION 2, PUBLIC LAWS OF 1897.

The General Assembly of North Carolina do enact:

Appointment of
commissioners.

SECTION 1. That chapter five hundred and twenty-nine (529), section two (2), be and the same is hereby amended by adding to section two the following words, "and at the expiration of the first term the said commissioner may be appointed thereafter as provided in 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 4th day of March, A. D. 1905.

CHAPTER 742.

AN ACT PROTECTING PEOPLE FROM BEAR TRAPS AND BEAR GUNS IN PASQUOTANK, CAMDEN AND GATES COUNTIES.

The General Assembly of North Carolina do enact:

Persons setting
traps or guns to
provide protection.

Protection defined.

SECTION 1. That any person or persons setting bear traps or guns in either of the above-named counties shall provide a suitable protection for persons who may at any time go near the said traps or guns. That said protection shall be on all sides of said traps or guns and shall consist of logs, scantling or wire, and on same shall be placed a board or boards so as to be seen from either direction, with the words "Bear Trap" or "Bear Guns" painted on same in visible manner in Pasquotank, Camden and Gates Counties.

Misdemeanor.
Penalty.

SEC. 2. That any person failing to comply with the provisions of this act shall be deemed guilty of a misdemeanor and fined not less than fifty nor more than one hundred dollars or imprisoned not more than thirty days.

Conflicting laws
repealed.

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

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

CHAPTER 743.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF ONSLOW AND PENDER COUNTIES TO HAVE THE LINE BETWEEN SAID COUNTIES SURVEYED AND ESTABLISHED.

The General Assembly of North Carolina do enact:

SECTION 1. That the County Commissioners of Onslow and Pender Counties are hereby authorized and empowered to appoint one or more competent surveyors to survey the dividing line between the two said counties of Onslow and Pender. County commissioners to appoint surveyors.

SEC. 2. That the surveyor or surveyors so appointed shall within ninety (90) days after their appointment survey and mark out the line between Onslow and Pender Counties and make report to the commissioners of both said counties. Said report shall be accompanied by a map or plot showing the location of the line between the two counties. Surveyors to run and mark line and make report.

SEC. 3. That all expenses incurred in making the survey authorized by this act shall be paid jointly by the two counties concerned. Expenses paid jointly.

SEC. 4. That said report and map, when accepted by the commissioners of both counties, shall be ordered by them to be recorded in the office of the register of deeds of their respective counties, and when so recorded the same shall be competent evidence in any court having jurisdiction of such in this State. Report and map recorded when approved.

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

CHAPTER 744.

AN ACT TO PROHIBIT THE MANUFACTURE AND SALE OF LIQUOR WITHIN ONE MILE OF THE METHODIST CHURCH NEAR PALMYRA IN HALIFAX COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons or firm or corporation to sell or otherwise dispose of for gain, any spirituous, vinous or malt liquors or intoxicating bitters within Prohibition.

one mile of the Methodist Episcopal Church near Palmyra in the county of Halifax.

Misdemeanor.

SEC. 2. That any person, persons, firm or corporation violating this act shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned or both, for each and every offense.

Punishment.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws, in so far as they relate to the territory herein defined, 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. 1905.

CHAPTER 745.

AN ACT TO AUTHORIZE AND EMPOWER THE BOARD OF COUNTY COMMISSIONERS OF NEW HANOVER COUNTY TO DONATE AND CONVEY CERTAIN REAL PROPERTY TO THE WILMINGTON DIVISION, NORTH CAROLINA NAVAL BRIGADE.

The General Assembly of North Carolina do enact:

Power to donate land.

SECTION 1. That the Board of Commissionres of New Hanover County, by and with the assent of the board of justices of the peace of said county, are hereby authorized and empowered to donate and convey in fee-simple, or less estate, to the Wilmington Division, North Carolina Naval Brigade, or to any person in trust for it, such real property as said board of commissioners may own in the city of Wilmington, and as in their opinion may be necessary for an armory and general headquarters for the said Wilmington Division, North Carolina Naval Brigade; and upon an order of the majority of said Board of Commissioners of New Hanover County, approved by a majority of the board of justices of the peace of said county, the said board of commissioners are authorized and empowered to execute a good and sufficient deed for the same, without receiving consideration for the same.

Deed.

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. 1905.

CHAPTER 746.

AN ACT TO MAKE A PORTION OF PAMLICO COUNTY A STOCK LAW TERRITORY.

The General Assembly of North Carolina do enact:

SECTION 1. That the territory in Pamlico County embraced in the following lines, namely: Beginning at the glade at the head of Gales Creek, running to and with the said creek to Bay River, then up Bay River to Springs Creek, then up Springs Creek to John Morris' northwest corner, then with John Morris' line to D. H. Abbott's line to his northwest corner, then with his line to the Gibbs line, then with the Gibbs line, including the Gibbs land, to Charles Griggs' northwest corner, then with Charles Griggs' line to Big Vandemere Creek, then up said creek to the head thereof and to the glade, then with the glade to the beginning, be and the same is hereby declared to be a stock law territory. Boundaries.

SEC. 2. That it shall be unlawful for any person to allow his live stock to run at large within the limits of the above-described territory, and no person living within the limits of said territory shall permit any of his live stock to go or enter upon the lands of another without having obtained leave from the owner of such lands. Any person violating the provisions of this section or act shall be guilty of a misdemeanor and fined not less than ten dollars nor more than fifty dollars. Unlawful to allow stock to run at large.
Misdemeanor.
Penalty.

SEC. 3. That section two thousand eight hundred and sixteen and section two thousand eight hundred and twenty, chapter twenty, volume two of The Code of North Carolina, shall apply to and be in force in the above-described territory. Code to apply.

SEC. 4. That for the purposes of this act Gales Creek, Bay River, Big Vandemere Creek and Springs Creek, from its mouth to John Morris' northwest corner, and what is designated in section one of this act as the glade, is declared to be a lawful fence. The territory between Big Vandemere Creek and Gales Creek shall be designated as "Bear Creek Stock Law District," and the territory between Springs Creek and Big Vandemere Creek shall be designated as "Vandemere Stock Law District." Lawful fence declared.
Bear creek stock law district.
Vandemere stock law district.

SEC. 5. That the County Commissioners of Pamlico County shall at their first meeting held after the ratification of this act appoint three freeholders, residing in each of the above-described territories, as fence commissioners for said territory. Fence commissioners.

SEC. 6. That said fence commissioners shall have the power and it shall be their duty to contract for the building and maintaining of a gate across the county road at Gales Creek Bridge, a gate at Big Vandemere Creek Bridge and the fence necessary to connect said gates with said creeks, and also such gates and fences, if any, as may be necessary in the Bear Creek Stock Law District, and the necessary fence from Springs Creek to Big Vandemere Creek Gates and fences to be built.

Fence commis-
sioners to submit
estimates.

with a gate across the road leading from Cash corner to Vandemere, and other gates if necessary. Said fence commissioners shall certify to the county commissioners the amount of money necessary to build and maintain the gates and fences above mentioned, and it shall be their duty to do so.

Valuation for
assessment.

SEC. 7. That the county commissioners in making the assessment for carrying out the purposes of this act shall use the valuation made by the county assessors for taxation for the year one thousand nine hundred and four until a new assessment for taxation is made.

Bills certified by
fence commis-
sioners.

SEC. 8. That no accounts or bills for building or repairing gates or fences in said territory shall be allowed by the county commissioners unless certified to by at least two of the fence commissioners provided for in this act.

When act in force
in Bear Creek dis-
trict.

SEC. 9. That this act shall be in force in the Bear Creek Stock Law District forty days after the ratification of this act or as soon thereafter as the gates and fences mentioned in section six of this act shall be completed: *Provided*, that at the election to be held on the fourteenth day of March, one thousand nine hundred and five, a majority of the votes cast shall be in favor of the stock law.

When act in force
in Vandemere
district.

SEC. 10. That this act shall take effect and be in force in the Vandemere Stock Law District six months from the date of its ratification.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

CHAPTER 747.

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

The General Assembly of North Carolina do enact:

Road trustees ap-
pointed.

SECTION 1. That W. A. Cooke, S. C. Vann, J. O. Green, B. W. Ballard, J. W. Sandling, C. S. Williams, W. L. McGhee, B. T. Green, H. E. Pearce, John R. Mitchiner, R. O. Purnell, J. H. Wilder and I. H. Kearney are hereby constituted a board of trustees for the public roads of Franklinton Township in Franklin County. The first five shall hold the said position of trustees for six years, the next four for four years and the last four for two years. At the expiration of the terms of any, their successors shall be filled for six years by the County Board of Commissioners of Franklin County. All vacancies caused by death, resignation or removal from the said township shall be filled for the unexpired term by the remaining members of said board: *Provided*, that the position of trustee shall not constitute an office within the mean-

Terms of office.

Successors.

Vacancies.

Proviso: trustees
not officers.

ing of article seven, section fourteen, of the Constitution of North Carolina.

SEC. 2. That the said board of trustees and their successors shall be and are hereby constituted a body corporate by the name and style of "The Board of Road Trustees of Franklinton Township," and by that name may sue and be sued, make contracts, acquire real and personal property by gift, purchase or devise; hold, exchange and sell the same; and exercise such other rights and privileges as are incident to other municipal corporations.

Trustees incorporated.

SEC. 3. That it shall be the duty of the said board of trustees to take control and management of the roads of said Franklinton Township, and said trustees are hereby vested with all the rights and powers for such control and management as are now vested in and exercised by the Board of County Commissioners of Franklin County: *Provided*, nothing in this act shall be construed to apply to bridges over Tar River.

Trustees to control and manage road.

Rights and powers.

Proviso: bridges not affected.

SEC. 4. For the carrying out of the purposes of this act the said board of trustees shall annually appoint three of their number as members of "The Executive Committee" of said board, which committee shall meet at stated times, and may delegate to said executive committee any and all powers conferred on said board of trustees by this act. The said board shall annually elect a chairman and a secretary, and a treasurer, who shall have charge of all road funds of said township, and shall require of such treasurer a bond in sufficient amount to cover all funds that may come into his hands.

Executive committee.

Organization of trustees.

Bond of treasurer.

SEC. 5. The said board of trustees shall annually elect a superintendent of roads for Franklinton Township, who shall be paid such compensation out of the road fund of said township as may be fixed by said trustees, and who shall hold office for one year or until his successor shall be elected and qualified: *Provided*,

Superintendent.

Compensation.

that said superintendent may at any time be removed by said board, after having been given ten days' notice and a hearing, when in the opinion of the board there exists good and sufficient cause for such removal. It shall be the duty of said superintendent, subject to the approval of the board, to supervise, direct and have charge of the maintenance and construction of all public roads in Franklinton Township, and he shall submit to said executive committee a monthly report concerning the work in progress and the moneys expended, and such other reports as may be required of him. As a guarantee of the faithful and honest discharge of the duties of his office the said board may require of said superintendent such bond as may be deemed advisable.

Proviso: removal of superintendent.

Duties of superintendent.

Monthly reports.

Bond.

SEC. 6. The said board of trustees may purchase such machinery and implements as may be needed for the proper working and construction of the roads, may employ a competent engineer or surveyor, may divide the township into road districts, may require all male persons liable to road duty to work on said roads as is

Machinery and implements.

Engineer.

Road districts.

Road duty.

provided in the general road law of the State, and may exercise such other powers and privileges as may be needed for the carrying out of the purposes and provisions of this act.

Entrance on lands
for material.

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

Obstructing drains
a misdemeanor.
Penalty.

Accounts for ma-
terial.

Valuation.

Location and
change of roads.

SEC. 8. That subject to the approval of the board of trustees, the said superintendent of roads is hereby given discretionary power, with the aid of a competent engineer or surveyor, to locate, relocate or change any part of any public road in said township when in his judgment the same will prove advantageous to public travel.

Damages assessed.

That when any person on whose lands the new road or part of the road is to be located claims damages therefor, and within thirty days petitions said board of trustees for a jury to assess the damages, the said trustee shall, within not less than fifteen nor more than sixty days after the completion of said road, order a jury of three disinterested freeholders of Franklinton Township to be selected and summoned by the Sheriff of Franklin County as provided by law, who shall give said land-owner forty-eight hours' notice of the time and place when and where the said jury will meet to assess his damages; and said jury, in considering the question of damages, shall also take into consideration the benefits to the owner of the land, and if such benefits be considered equal to or greater than the damages sustained the jury shall so declare: and it shall report its finding in writing to said trustees for revision and confirmation: *Provided*, that such owner may

Proviso: appeal.

appeal to the Superior Court of Franklin County from the decision of said trustees.

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

Bond issue authorized.

Amount.

Description of bonds.

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

Special tax for bonds and roads.

Limits.

SEC. 11. That the provisions of all the preceding sections of this act except section one shall be submitted to a vote of the qualified voters of said Franklinton Township at an election to be held on a day to be designated by the County Board of Commissioners of Franklin County. For the holding of said election the said county commissioners shall appoint a registrar and two pollholders and any other officers necessary to said election, and the registration books of said township shall be delivered to said registrar by the Register of Deeds of Franklin County. Said registrar shall revise said registration book as to show only the names of persons entitled to vote in said township, and shall

Act to be submitted to vote.

County commissioners to appoint election officers.

Registration books.

Registration.

Count and canvass of vote.	register all duly qualified voters applying for registration whose names do not appear on said book. At the close of said election said registrar and pollholders shall count and canvass the vote
Report to county commissioners.	cast and declare the result thereof, and shall report such canvass to the board of county commissioners, which said report shall be recorded in the minutes of said board of commissioners and no other canvass, report or recording shall be necessary. At said election all voters who shall favor the issue of bonds, the levy of the special tax and the other provisions of this act shall cast
Form of ballots.	ballots on which shall be printed or written "For Good Roads," those opposed to such shall cast ballots on which shall be written or printed "Against Good Roads." In all other respects said election shall be held and conducted in the manner prescribed for the election of members of the General Assembly. If a majority of the qualified voters of said township shall vote "For Good Roads," then said bonds shall be issued and said tax levied and the other powers and duties exercised as provided for in this act:
Bond issue and tax levied.	<i>Provided</i> , that if a majority of said qualified voters shall fail to vote "For Good Roads," said board of county commissioners shall order another election or elections to be held in the manner and with the same effect as above provided at any time within four years of the date of the first election when requested to do so by said board of trustees.
Proviso: further elections.	
Specific appropriation.	SEC. 12. That all funds derived from the sale of any bonds by said board of trustees shall be paid over to the treasurer of said board of trustees and shall be used for the purpose of constructing and improving the public roads in said township, the purchase of such material, machinery and implements, and the employment of such officers and labor as may be found necessary in the carrying out of this work.
Labor.	SEC. 13. That in the working and construction of roads either convict labor or hired labor, or both, may be used as may be ordered by said board of trustees.
Streets.	SEC. 14. That no moneys shall be expended under this act on any road or street in any incorporated town.
Conflicting laws repealed.	SEC. 15. That all laws and parts of laws in conflict with the provisions of this act, so far as they relate to said Franklinton Township, are hereby repealed.
	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 4th day of March, A. D. 1905.

CHAPTER 748.

AN ACT FOR THE PROTECTION OF THE MULLET-FISHING INTEREST IN BRUNSWICK COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person, firm or corporation to fish for and catch any mullets with any purse-seine or purse-net in the waters within the limits of Brunswick County, extending to the extreme limits of the State's jurisdiction in and over said waters; and for the purpose of this act, any portion of any water within a distance of three (3) nautical miles from the outer shores of said county shall be deemed the waters of said county. Any person, firm or corporation violating this section shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned in the discretion of the court. Fishing regulated.
Misdemeanor.
Penalty.

SEC. 2. That it shall be unlawful for any steamboats engaged in fishing for menhaden or fatbacks to discharge from said boat fish offal, blood or slime within a distance of one-half of a mile of any established mullet fishery on the Brunswick County coast between the first of August and the thirty-first of December of each year. Any master of any steamboat violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned at the discretion of the court. Menhaden boats regulated.
Misdemeanor.
Penalty.

SEC. 3. That for the purposes of this act an established fishery is declared to be that point on the beach occupied by the surf boat and seine in regular use. Established fishery defined.

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. 1905.

CHAPTER 749.

AN ACT PERMITTING THE COMMISSIONERS OF JONES COUNTY TO LEVY SPECIAL TAX TO CONSTRUCT AN IRON DRAW OR BRIDGE ACROSS TRENT RIVER AT POLLOCKSVILLE.

The General Assembly of North Carolina do enact:

SECTION 1. That upon petition of a majority of the qualified voters of Jones County, asking for the construction of an iron draw or bridge across Trent River at Pollocksville by special taxes, the Board of Commissioners of Jones County may levy a special tax not to exceed fifteen (15) cents on the hundred dollars valuation of real and personal property in said county and not Special tax authorized.
Limit.

Purpose.

to exceed forty-five (45) cents on each poll annually, for two years, viz., 1905 and 1906, observing the constitutional equation at all times. That said special tax shall be levied and collected as are other taxes in said county, and said funds shall be used under the direction of the board of county commissioners in the construction of an iron draw or bridge across Trent River at Pollocksville, Jones 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 4th day of March, A. D. 1905.

CHAPTER 750.

AN ACT TO PERMIT THE WADESBORO TOWNSHIP CHAIN-GANG AND ROAD FORCE TO WORK ON THE DEPOT ROAD IN THE TOWN OF WADESBORO.

The General Assembly of North Carolina do enact:

County commissioners may hire road force to town.

SECTION 1. The Board of County Commissioners of Anson County are hereby expressly authorized, in their discretion, but are not required, to hire the Wadesboro Township chain-gang and road force, with all their stock, implements and tools, to the town of Wadesboro for the purpose of grading, working, macadamizing or gravelling, or in any manner improving or making, one road in the town of Wadesboro from some point to be selected by the commissioners of said town toward or to the depot of the railroad companies near said town. They are further authorized in like manner and to like extent to contract at a stipulated sum to build, make, construct or improve in the hereinbefore described manner such above-described road.

May build road on contract.

Town commissioners given reciprocal authority.

SEC. 2. The Board of Commissioners of the Town of Wadesboro are hereby authorized and empowered, but not required, to contract with the board of county commissioners for the purpose above set forth, and to assume on behalf of said town such obligation as may be necessary and to expend such sums as may be necessary for said purpose.

Town commissioners to lay out and select road.

SEC. 3. Said board of town commissioners shall lay out and select such road and have all powers necessary therefor.

Details settled by agreement of boards.

SEC. 4. The manner and time of working such road; the plans as to whether by contract, with a lump sum, or by hiring, and the amount to be paid; as to whether by gravel or macadam, and all other matters relating to such work, shall be agreed upon between said boards of commissioners.

No contracts if boards disagree.

SEC. 5. If said boards cannot agree with each other by a vote of a majority of each board as to the price, manner and other matters, then no such contracts shall be entered into.

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 May fifteenth, one thousand nine hundred and five. In force from 15th May.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

CHAPTER 751.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF BUNCOMBE COUNTY TO ISSUE BONDS FOR THE PURPOSE OF SECURING A SUITABLE SITE AND ERECTING THEREON A SUITABLE BUILDING FOR THE CARE OF THE POOR, AGED AND INFIRM.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of paying the balance due on the land heretofore purchased for a county home and erecting thereon a suitable building or buildings for the care and protection of the poor, aged and infirm of the county of Buncombe, the board of commissioners of said county is hereby authorized to issue the coupon bonds of said county to an amount not to exceed twenty thousand dollars and not to be in denominations of less than five hundred dollars nor more than one thousand dollars each. The said bonds shall be payable thirty years from date of issue and shall bear interest from their date until maturity at a rate of interest not greater than five per cent. per annum, payable semi-annually. The semi-annual payments of interest shall be represented by coupons attached to each one of said bonds, and shall be identified therewith by proper numbers and such other means as the said board of commissioners may determine. The bonds shall be signed by the chairman of the board of commissioners and attested by its clerk, and said coupons shall bear the lithographed signature of said chairman and clerk. Said bonds and coupons shall be payable at some bank in the city of New York to be designated by the said board of commissioners. Said bonds shall be designated as "Buncombe County County Home Bonds." Bond issue authorized. Amount. Description. How bonds attested. Designation.

SEC. 2. That in order to pay the interest on said bonds as it may accrue, and the principal thereof as it may mature, the board of commissioners of said county is hereby authorized to annually levy a special tax sufficient to meet these demands. Said tax shall be levied and collected as other county taxes are levied and collected, and shall be imposed upon such property, polls and other subjects of taxation as are now or hereafter may be subject to taxation under the laws of this State, and it shall be collected

by the officer or officers charged with the collection of other county taxes, and who shall in respect thereof be liable, officially as well as personally, to all of the law now prescribed or which may hereafter be prescribed for the faithful collection and payment of other taxes.

Bonds to be sold.

SEC. 3. That said board of commissioners shall sell said bonds and pay over the proceeds to the county treasurer, who shall keep the funds derived from the sale thereof separate and apart from other funds in his hands, and said funds shall be used for the purpose hereinbefore referred to. No bond shall be sold for less than par. The purchaser or purchasers of said bonds, or any of them, shall not be required to see to the application of the purchase-money thereof.

Proceeds kept separate.

Not to be sold below par.

Proceeds appropriated.

SEC. 4. The proceeds of said bonds shall be used to pay the balance due by the county of Buncombe on the purchase price of the tract of land to be used as a site for a county home, and the remainder of said proceeds shall be used to erect the building or buildings hereinbefore referred to, and shall not be used for any other purpose, temporarily or otherwise.

Female convicts to be worked.

SEC. 5. That the judges of the superior court and the police justices of the city of Asheville be and they are hereby authorized, upon the application of the Chairman of the Board of County Commissioners of Buncombe County, to order the confinement or imprisonment in the said county home of any female person who may be sentenced to the county jail of Buncombe County for a period of thirty days or more, to be worked at the said county home in such manner as the superintendent thereof may require.

Youthful convicts.

SEC. 6. That until the State of North Carolina establishes and opens a reformatory or other institution for the care and detention of boys and girls under fifteen years of age, the said judges of the superior court and the said police justices of the city of Asheville are authorized to order such boys and girls to be confined at said county home, to be employed and worked there at said county home in such manner as the superintendent thereof may require.

Safe-keeping of convicts.

SEC. 7. That it shall be the duty of the Board of Commissioners of Buncombe County, out of the proceeds of said bonds, to provide a suitable and safe place for the detention of such persons as may be ordered to be confined at said county home as herein provided, and when such persons are ordered by the court to be confined at said county home the superintendent thereof shall be responsible for their detention, and should any such person escape he shall be guilty of a misdemeanor and punished as now provided by law in cases of escape.

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 4th day of March, A. D. 1905.

CHAPTER 752.

AN ACT TO PROTECT FOXES IN ROCKINGHAM COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person to shoot or trap foxes in Rockingham County. Unlawful to shoot or trap foxes.

SEC. 2. Any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be less than five dollars nor more than fifty, or imprisoned not more than thirty days. Misdemeanor. Penalty.

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

CHAPTER 753.

AN ACT TO AMEND SECTION 1 OF CHAPTER 518 OF THE PUBLIC LAWS OF 1901.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter five hundred and eighteen of the Public Laws of one thousand nine hundred and one 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 J. J. Miller of the county of Alleghany be and are hereby appointed a board of supervisors for the road described in this act. Said board of supervisors shall hold office for a term of four years from April first, one thousand nine hundred and five, and until their successors shall be appointed and qualify. 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 this act shall begin at the ford of Meadow Fork Creek, near Washington Long's, in the county line road between Ashe and Alleghany Counties, and extend via Gray, North Carolina, across the Blue Ridge Mountains to first ford of Mulberry Creek in Wilkes County. 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 regular meeting after they have been notified of the vacancy by the surviving members of said board." Road supervisors. Term of office. Quorum. Road embraced in act. Vacancies.

SEC. 2. That section eight of the Public Laws of one thousand eight hundred and ninety-nine be amended by striking out of said Time limit.

section the following words: "at any time prior to the first day of November, one thousand eight hundred and ninety-nine."

SEC. 3. 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. 1905.

CHAPTER 754.

AN ACT TO PREVENT DANGEROUS DOGS FROM RUNNING AT LARGE.

The General Assembly of North Carolina do enact:

Unlawful to permit dangerous dogs to run at large. Proviso: exceptions. SECTION 1. That it shall be unlawful for any person, firm or any dog or bitch known to be dangerous or vicious to run at large: *Provided, however,* this section shall not be construed to prevent any person from turning such dogs loose from eight P. M. to six A. M. on the premises of the owner.

Misdemeanor. SEC. 2. That any person violating this act shall be deemed guilty of a misdemeanor.

Limited to Mitchell county. SEC. 3. That this act shall apply only to Mitchell 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. 1905.

CHAPTER 755.

AN ACT TO PREVENT THE SELLING OF LIQUOR WITHIN THREE MILES OF FALCON CAMP-MEETING GROUND IN CUMBERLAND COUNTY.

The General Assembly of North Carolina do enact:

Prohibition. SECTION 1. That it shall be unlawful for any person, firm or corporation to sell any wines or ciders or other intoxicating liquors within three miles of the Falcon Camp-meeting Grounds in Cumberland County, and any person violating the provisions of this act shall be guilty of a misdemeanor.

Misdemeanor. 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. 1905.

CHAPTER 756.

AN ACT TO PROTECT FISH IN BLACK RIVER, SOUTH RIVER, LITTLE COHARIE AND BIG COHARIE RIVERS AND THEIR TRIBUTARIES IN THE COUNTIES OF SAMPSON, PENDER AND BLADEN.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons to catch or take fish, either by rod and hook, line and hook, seines, nets, striking, muddying the pools or lagoons, feeling by hand, gigging, or any other method or in any manner whatsoever, during the months of June and July of each year in the waters of Black River, South River, Little Coharie and Big Coharie Rivers and their tributaries in the counties of Sampson, Pender and Bladen. Close season established.

SEC. 2. Any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction fined not less than five dollars (\$5) nor more than ten dollars (\$10) or imprisoned not more than thirty (30) days, one-half of the fine to be paid to the informer and one-half to the school fund. Misdemeanor. Penalty.

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. 1905.

CHAPTER 757.

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

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred and fifty-four of the Public Laws of one thousand eight hundred and ninety-one, entitled "An act to provide for working the public roads and highways of Clay and other counties," be and become applicable to any township in Chowan County, whenever a majority of the qualified voters in said township shall vote that said chapter three hundred and fifty-four of the Public Laws of one thousand eight hundred and ninety-one shall become applicable to such township. Clay county road law may be adopted by townships.

SEC. 2. That such election shall be called by the Board of County Commissioners of said Chowan County whenever as many as twenty-five voters of said township shall petition in writing to said board of county commissioners for such election, which election may be held at any time in accordance with the rules and

regulations and general provisions of the law for the holding of elections.

Form of ballots.

SEC. 3. That at said election those who vote for said law shall vote a ballot with the words "For the New Road Law," and those against said law shall vote a ballot with the words "Against New Road Law."

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

In the General Assembly read three times, and ratified this the 4th day of March, 1905.

CHAPTER 758.

AN ACT TO ASSESS THE LANDS OF BEAVER DAM, FLAT SWAMP AND GUM LOG SWAMP IN FLEA HILL TOWNSHIP, CUMBERLAND COUNTY, AND FOR CONSTRUCTING CANALS FOR THE DRAINAGE OF SAID LANDS.

The General Assembly of North Carolina do enact:

Assessors.

SECTION 1. That Thomas A. Geddie, W. A. Cook, H. A. McPhail, D. J. McLanrin, Jr., and A. L. McCaskill be and they are hereby empowered to assess as soon as practicable after the passage of this bill all the lands that would be benefited by the ditching or canaling herein provided for in the following boundaries, to-wit:

Boundaries.

In Flea Hill Township, Cumberland County, beginning at the Cape Fear River at Massey's Ferry and running a direct line to Geddie's Mill; then with Turel's Creek (or Lock's Creek) to the plank road; then with the plank road to Wade Station; then a direct line to Cape Fear River at the mouth of McDonald's (or McAlister's) Mill Creek; then down said river to the beginning, in a sufficient sum to build or construct canals of sufficient widths and depths and at such places as shall be necessary to afford main water-courses for the drainage of said lands: *Provided*, that the said assessors shall assess each tract or parcel of land according to the benefits to be derived from said ditching or canaling, with a view to equalizing such assessment according to the enhancing of the value of such lands.

Proviso: basis of assessment.

Organization of assessors.

SEC. 2. That the said assessors, at their first meeting, shall organize by appointing a president and secretary and such other officers as they shall deem necessary to discharge the duties imposed upon them by this act, and the majority of said assessors shall constitute a quorum and be sufficient for the transaction of business.

Assessment for 1905.

SEC. 3. That on or before the first day of June, one thousand nine hundred and five, the said assessors shall furnish the collector and treasurer hereinafter provided for with a statement of the assessment of each and every tract of land, showing the

amount to be collected, properly signed by the president and secretary, and said assessment shall constitute an amount as large as can be economically expended on said work during the year ending on the first day of June, one thousand nine hundred and six, and the said assessors shall meet on or before the first day of April in the year one thousand nine hundred and six, and each year thereafter, and re-assess said lands in a sufficient amount to continue said work until such canals shall be fully completed, and report such assessment to the collector and treasurer, as required in section three hereof, and after the completion of such canals the said assessors shall each year, as hereinbefore provided for, re-assess said lands in a sufficient amount to keep said canals or lead ditches open and repaired, and report same to the said collector and treasurer.

Annual assessments until work completed.

SEC. 4. That each and every assessment shall be due and collectable on the first day of June in each and every year immediately after such assessment, and the said assessment shall be a lien on said land and shall be collectable in any court of competent jurisdiction of the amount of any such assessment, and the assessors' report to the collector and treasurer herein provided for shall be *prima facie* evidence in any court of competent jurisdiction.

Assessments due.

Lien on land.

SEC. 5. That W. A. Beard, Jr., be and he is hereby appointed as collector of such assessments and treasurer for same, whose duty it shall be to collect such assessments as shall be reported to him by the said assessors, and safely keep same, and pay out same only upon the written order of the secretary of the construction board hereinafter provided for: *Provided*, that said W. A. Beard, Jr., before collecting any of said assessments, shall enter into an undertaking, with good and sufficient sureties, in a sum not less than the amount of all assessments for each year, said undertaking to be made payable to the construction board hereinafter provided for.

Collector of assessments.

Proviso: bond to be given.

SEC. 6. That the ditches or canals provided for in section one hereof shall be constructed as follows: Up the main water-course of the Beaver Dam, Flat Swamp and Gum Log Swamp, beginning at and extending to any point in said water-course that may be necessary for draining said land; also a canal, beginning at any point on the Cape Fear River between Dunfield Creek and McDonald's Mill Creek, across the most available route about east to or near the Sand Hill to any point between Salem Church and Lock's Creek and Evans' Creek Canal, crossing Beaver Dam Swamp, Flat Swamp and Gum Log Swamp.

Construction of ditches.

SEC. 7. That A. L. McCaskill, W. A. Cook and W. A. Beard, Sr., be and they are hereby appointed as a construction board, whose duties shall be to lay out or cause to be laid out the canals as herein provided for according to the provisions of this act, and to hire and employ labor or hands to perform such work and ditch-

Construction board.

Duties.

ing as will be required to complete said work or construct and keep in repair such ditches or canals as may be necessary or required by this act.

Organization of
construction board.

SEC. 8. That as soon as practicable, and before entering upon the duties herein imposed, the said construction board shall meet and elect a president and secretary and such other officers as they may deem necessary, and any two members of said construction board agreeing upon any matter shall be sufficient and shall be necessary to determine any matter pertaining to the duties imposed by this act, and the secretary of said construction board shall sign all orders, under the direction of the said construction board, to the collector and treasurer for the payment of hands or defraying any expense legally incurred in compliance with this act.

Pay of assessors
and construction
board.

SEC. 9. That each member of the assessors and each member of the construction board shall receive as compensation for their services one dollar and fifty cents per day for each day actually engaged in the discharge of their several duties, and the collector and treasurer herein named shall receive five per cent. on all moneys collected under the provisions of this act.

Election of assess-
ors, construction
board and collector.

SEC. 10. That during the month of January, one thousand nine hundred and six, and every January thereafter, there shall be an election of the assessors, the members of the construction board and the collector and treasurer by the land-owners whose lands shall be assessed under this act; and it shall be the duty of the assessors to call said election, appoint such officers as shall be necessary to hold said election, said officers to be land-owners in said territory, and there shall be thirty days' notice given of such election and the time and place of holding same specified, and all land-owners whose land shall be assessed by this act shall be allowed to vote in such election, and the results of such election shall be certified to the assessors, and the parties named for such offices receiving the highest vote shall be declared elected and shall immediately qualify before some justice of the peace in said county and enter upon the discharge of said duties as herein provided.

Conflicting laws
repealed.

SEC. 11. That all laws and clauses of law contrary to the provisions of this act are hereby repealed.

SEC. 12. 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. 1905.

CHAPTER 759.

AN ACT TO REPEAL CHAPTER 56, LAWS OF 1903, RELATIVE TO THE STOCK LAW IN FEDERAL POINT TOWNSHIP, NEW HANOVER COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter fifty-six, Laws of one thousand nine hundred and three, repealing the stock law in Federal Point Township in the county of New Hanover, be and the same is hereby repealed. Repealing law 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 4th day of March, 1905.

CHAPTER 760.

AN ACT TO PREVENT THE OVERFLOW OF WHITE OAK SWAMP IN BLADEN COUNTY BY THE WATERS OF THE CAPE FEAR RIVER.

The General Assembly of North Carolina do enact:

SECTION 1. That C. W. Lyon, J. H. Porter, P. S. Porter, W. J. Keith, W. H. Hargrove, H. McMillan, W. T. Pridgen, Lee Smith, Ed. Sellars, E. A. Hoover, Mrs. L. P. Cromartie, D. J. Allen, N. A. Currie and J. J. Pridgen be and they are hereby authorized and empowered, for the purpose of preventing the waters of the Cape Fear River from overflowing the farming lands or those lands being prepared for cultivation in White Oak Swamp, French's Creek Township, Bladen County, to build or cause to be constructed a dam of dimensions amply sufficient to prevent such overflow as hereinafter set forth. Commissioners appointed to build dam.

SEC. 2. That said dam called for in the preceding section shall begin at the Sand Hill near J. H. Porter's store and run thence to the public road leading to Centerville; thence with the said road to the Sand Hill near the Angus McFadyen house. Location of dam.

SEC. 3. That the persons named in section one hereof be and they are hereby authorized and instructed to choose three disinterested freeholders as commissioners not later than the first day of June, one thousand nine hundred and five, and the three commissioners so chosen shall determine the dimensions of the dam, as hereinbefore provided for, and estimate the cost of building or the construction of such dam; and the said commissioners, after agreeing on said dimensions and probable cost, shall apportion or divide said cost among the owners of land in said swamp in proportion to the value of said land and the benefit it will derive from the protection afforded it by said dam, and the said Construction commissioners.
Cost apportioned to land-owners.

commissioners shall file a written report of their said action with the Clerk of the Superior Court of Bladen County within thirty days thereafter.

Election of construction commissioners.

SEC. 4. That for the purpose of selecting and appointing the three commissioners required by the next preceding section, any two or more of said land-owners to be benefited by the provisions of this act are authorized and empowered to call a meeting of all of said land-owners, to be held at Centerville in said county of Bladen, at such time as the callers thereof may deem proper and convenient: *Provided, however*, that a personal notice of five days first be given said land-owners, or in the event it is not practicable to so notify said land-owners, then such notice shall be given to that person or persons in charge of said land or lands of said proposed meeting.

Secretary and treasurer.

SEC. 5. That said land-owners, in meeting assembled, may choose by ballot a secretary and a treasurer, and by resolution prescribe their respective powers and duties: *Provided*, that the treasurer so appointed shall give bond forthwith in the sum of two thousand dollars, payable to the State of North Carolina, conditioned upon the faithful performance of his said duties as such treasurer, which said bond may be put in suit by and for the benefit of any and all parties damaged by any breach of the terms thereof.

Bond of treasurer.

Overseer.

SEC. 6. That at a meeting of said land-owners an overseer may be appointed to superintend the building and construction of said dam, or said land-owners may contract with any person, firm or corporation to build the same in accordance with the specifications made and adopted by the said commissioners.

Pipe and water-ways.

SEC. 7. That in the construction of said dam, pipes and water-ways shall be placed or installed at the base thereof of dimensions sufficient to carry off the surface and natural flow of water, and said pipes and water-ways shall be kept open at all times except during freshets and high water in the said Cape Fear River, and during such times they may be closed until such freshet or high water subsides.

Cost of construction a lien on property.

SEC. 8. That the cost of constructing said dam as apportioned or divided according to the provisions of section three shall constitute a lien upon the respective tracts of land against which said lands said cost has been apportioned; and the amount or amounts of said lien or liens so created may be recovered in a suit by and in the name of said treasurer on behalf of said land-owners in a court of competent jurisdiction, if said charge or charges against said land or lands be not paid, after proper demand, to said treasurer; and any charge which may be hereafter made against said land or lands for the maintenance of said dam in a good condition shall be considered, for the purposes of this act, an original charge against said land-owners for the building of said dam, and such charge for maintenance shall also constitute a lien or liens against

said land or lands; recovery for said charges for maintenance to be had by said treasurer as hereinbefore provided for.

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

SEC. 10. That this act shall take effect from and after ratification.

In the General Assembly read three times, and ratified this the 4th day of March, 1905.

CHAPTER 761.

AN ACT TO CORRECT AN ERROR IN AN ACT ENTITLED
AN ACT TO PROVIDE FOR WORKING THE PUBLIC
ROADS OF RUTHERFORD COUNTY, RATIFIED FEB-
RUARY 15, 1905.

The General Assembly of North Carolina do enact:

SECTION 1. That the words "fifty cents" in line six, section eight of this act, ratified February fifteen, one thousand nine hundred and five, entitled "An act to provide for working the public roads of Rutherford County," be stricken out and the words "seventy-five" be inserted in lieu thereof. Error corrected.

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

In the General Assembly read three times, and ratified this the 4th day of March, 1905.

CHAPTER 762.

AN ACT TO ESTABLISH A DISPENSARY IN THE TOWN OF
ROXBORO, PERSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person, firm or corporation to sell, barter or exchange or dispose of for a remuneration any spirituous, vinous or malt liquors, or any liquid not enumerated above that will or may produce intoxication, in the county of Person, except as hereinafter provided; and any person, firm or corporation violating this section shall be guilty of a misdemeanor, and upon conviction shall be fined a sum not less than one hundred dollars or imprisoned not less than six months, or both. Prohibition. Misdemeanor.

SEC. 2. That the place of delivery of any spirituous, vinous or malt liquor or intoxicating liquid within the county of Person shall be so construed as to mean the place of sale, and that any station or other place within the aforesaid county of Person to which any person, firm or corporation shall ship or carry any Place of delivery place of sale.

spirituous, vinous, malt or intoxicating liquor of any kind for the purpose of delivery or carrying the same to a purchaser shall be construed to be the place of sale.

Dispensary commissioners.

Election of successors.

Vacancies.

Commissioners to qualify.

Removal.

Salary.

Proviso: chairman and treasurer.

Bond of treasurer.

Proviso: amount of bond.

Proviso: surety.

Commissioners to establish dispensary.

Manager.

SEC. 3. That J. C. Pass, Dr. J. A. Wise and J. T. Cates be and they are hereby appointed a board of dispensary commissioners for the county of Person, whose term of office shall begin at the date of the notification of this act and continue for two years and until their successors are elected and qualified. That at the last regular meeting of the Board of Town Commissioners of Roxboro, just prior to the expiration of the terms of office of the Board of Dispensary Commissioners of Roxboro, and every two years thereafter, the Board of Town Commissioners of Roxboro shall elect two good and discreet men, citizens of Person County, and the County Commissioners of Person County at their last regular meeting before the expiration of the term of office of the board of dispensary commissioners, and every two years thereafter, shall elect one good and discreet man, a citizen of Person County; and said three men shall constitute the Board of Dispensary Commissioners of Person County. Any vacancy occurring by death, declination, resignation or removal shall be filled by the remaining members of the board of dispensary commissioners. The members of said board of dispensary commissioners, before entering upon the duties of their office, shall make oath that they will well and truly carry out to the best of their ability all of the provisions of this act; and the judge of the superior court resident in the Ninth Judicial District may remove any member of said dispensary board when it shall be made to appear that he has violated his oath or been guilty of a malfeasance; and each member of the said board of dispensary commissioners shall be paid seventy-five dollars (\$75) per annum for his services: *Provided*, the said board shall elect one of its members as chairman and one as treasurer, and may allow the treasurer such additional compensation as they see fit, not to exceed fifty dollars per annum; and said treasurer shall give bond, payable to the State of North Carolina, conditioned upon a proper accounting for all moneys that may come into his hands as such treasurer, in a sum not less than three thousand dollars, to be fixed by said dispensary board: *Provided*, said bond shall never be less than the amount of money in the hands of the treasurer: *Provided further*, that said treasurer may give bond with some safe bonding company as surety, to be approved by said board of dispensary commissioners, and charge the expense of giving such bond as an expense of said dispensary.

SEC. 4. That said board of dispensary commissioners, as soon after their election as possible, shall establish one dispensary in said town, to be located on one of the principal streets, for the sale of spirituous, vinous and malt liquors. The said board of dispensary commissioners shall elect a manager for said dis-

dispensary who shall be a man of good character and sobriety, who shall have charge of the same, under the supervision of the board, and who shall hold said position of manager at the pleasure of the said board of dispensary commissioners, subject to be discharged without notice. The said board of dispensary commissioners may appoint such assistants or clerks as they may deem necessary, and may discharge them at pleasure without notice. The said manager shall be required to give bond, payable to the State of North Carolina, in such sum as the board of dispensary commissioners may determine, not less than one thousand dollars, conditioned upon the proper accounting for all moneys that may come into his hands as such manager and for the faithful performance of the duties of his office of manager as prescribed in this act and the rules and regulations of said board of dispensary commissioners; and the said manager shall receive such compensation as may be fixed by said board, which shall not exceed eighty dollars per month and shall not depend upon the amount of sales: *Provided*, that said manager may give bond with some safe bonding company as surety, to be approved by said board of dispensary commissioners, and charge the expense of giving such bond as an expense of said dispensary. And the said board shall likewise require bonds as aforesaid, and in such amounts as they may deem proper, from such assistants or clerks as they may employ.

Assistant and clerks.

Bond of manager.

Salary of manager.

Proviso: surety and premium on bond.

Bonds of assistants.

SEC. 5. The said board of dispensary commissioners shall have power to employ attorneys, agents and detectives to assist in the detention 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.

Attorneys, agents and detectives.

Board may borrow money.

SEC. 6. The manager of said dispensary shall on Monday of each week pay to the treasurer of the board of dispensary commissioners all moneys which he may hold as said manager, and shall keep a strict account of all liquors received by him, the amount sold and the amount on hand; and the said treasurer shall hold and disburse all the funds belonging to said dispensary, and after paying expenses and after reserving such a sum as the board of dispensary commissioners may deem necessary to carry on the dispensary shall on the first day of January and on the first day of April and on the first day of July and on the first day of October of each and every year pay over fifty per centum of the net profits of said dispensary to the Treasurer of Person County, to be applied to the public road fund of said county, and fifty per centum of said net profits to the Treasurer of the town of Roxboro.

Weekly settlements.

Accounts.

Quarterly settlements.

Division of profits.

SEC. 7. The manager of said dispensary shall, under the supervision of said board of dispensary commissioners, purchase all

Purchase of liquor and supplies.

liquors and other supplies necessary and proper for said dispensary.

General rules for managing dispensary.

SEC. 8. No liquor of any kind shall be sold in said dispensary on Sunday or election days, and said dispensary shall never be open or liquor sold therein before sunrise nor after sunset on any day. The prices at which said liquor shall be sold shall be fixed by said board of dispensary commissioners, and all sales shall be for cash. No liquor shall be sold in said dispensary except in unbroken packages or bottles, which shall contain not less than one-half pint and not more than one quart; and it shall be unlawful for said manager or any other person to open any such package or bottle on the premises or within one hundred feet of said dispensary; and the said manager shall not allow loafing or loitering or drinking in or about the dispensary or premises on which the same is situated, and any person drinking liquor on the premises or any person refusing or failing to leave said premises after being ordered to do so by said manager shall be guilty of a misdemeanor and fined not more than fifty dollars or imprisoned not more than thirty days. And if the said manager shall fail to comply with this section he shall be removed by said board of dispensary commissioners.

Register.

SEC. 9. And it shall be the duty of the manager to keep a book in which shall be kept a record of the names of the persons to whom liquors are sold, the quantity sold, the price paid and date of sale: *Provided*, that said book shall be open only to the inspection of the board of dispensary commissioners and its employees, and the contents thereof shall not be published. No liquor shall be sold to any minor or intoxicated person or habitual drunkard, and the dispensary shall make such rules and regulations, not inconsistent with this act, as may be proper for the management of the dispensary.

Proviso; register open only to commissioners.

Persons to whom sale refused.

False statements a misdemeanor.

SEC. 10. If any person shall make any false or fictitious statement in order to obtain liquor at said dispensary for any minor or intoxicated person or habitual drunkard, or for any other cause, the person so offending shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars nor more than one hundred dollars, or imprisoned not less than three nor more than thirty days.

Penalty.

Unauthorized purchase or adulteration of liquor a misdemeanor.

SEC. 11. If the manager or employees of said dispensary shall procure any intoxicating liquor from any person other than those that the board of dispensary commissioners shall direct, and offer the same for sale, or shall adulterate or cause to be adulterated any spirituous, vinous or malt liquors by mixing with coloring matter or any drug or ingredient whatever, or shall mix the same with water or with other liquors of different kind and quality, or shall make a false entry in any book or return required in this act, he shall be guilty of a misdemeanor.

SEC. 12. No druggist in said town shall sell any spirituous, vinous or malt liquor even upon the prescription of a licensed physician; but said druggist may purchase from the said dispensary spirituous and vinous liquors, but not malt, for the purpose of compounding medicines, tinctures and extracts that cannot be used as a beverage, and for no other purpose whatever: *Provided*, that whenever the dispensary board shall be satisfied that any druggist is selling, bartering, exchanging or in any manner disposing of said liquors for any purpose other than that authorized by this section, the said board shall order the manager of the dispensary to refuse to sell said druggist any more liquors, and said druggist shall, upon conviction of selling, bartering, exchanging or in any manner disposing of liquors, be liable to all the penalties prescribed in section one of this act. Nothing herein shall be construed to authorize the sale of any compound or preparation under any name, form or device which may be used as a beverage that is intoxicating in its character.

Druggists not to sell liquor.

Liquor for compounding medicines and tinctures.

Proviso: sales to druggists refused.

Construction of section.

SEC. 13. The manager of said dispensary shall not sell liquors to any person purchasing for the purpose of selling, bartering or exchanging said liquors, and the manager of said dispensary knowingly violating the provisions of this section, and any person purchasing from him for the purpose of reselling or exchanging the same, shall be guilty of a misdemeanor. And if the board of dispensary commissioners shall become satisfied that any person has purchased or is purchasing for the purpose of reselling the same, the said board shall direct that no liquors be sold to such person except upon the certificate of a licensed physician that such liquors are needed for medical purposes, which certificate shall be filed in a book kept for the inspection of the mayor and chief of police of Roxboro.

Liquors purchased for resale.

No liquors sold to persons purchasing for resale.

SEC. 14. The manager of said dispensary may sell liquors at other hours and times than those mentioned in section seven of this act upon the written certificate of a licensed and practicing physician that the same is in good faith needed for medical purposes.

Sales out of hours.

SEC. 15. That every person who shall directly or indirectly keep or maintain, by himself or by associating or combining with others, or who shall in any manner aid, assist or abet in keeping or maintaining a club-room or other place where intoxicating liquors are received or kept for barter or sale or for distribution or for division among the members of any club or association by any means whatever or otherwise, shall be guilty of a misdemeanor.

Club-rooms forbidden.

Misdemeanor.

SEC. 16. That all books required to be kept by the manager of said dispensary, except the one provided for in section nine, shall be open for the inspection of the public.

Books open for inspection.

SEC. 17. The manager and board of dispensary commissioners shall make an itemized statement on the first day of January,

Itemized statements to be posted and published.

Road duty abolished.

April, July and October of each year of all receipts and expenditures on behalf of said dispensary, and post the same at the courthouse door in Roxboro and also publish a copy thereof in some paper published in Roxboro. That it shall be the duty of the county commissioners, at their first regular meeting held in August, one thousand nine hundred and five, to relieve all persons from the four days' work on the public roads of the county now required by law so long as said dispensary shall be conducted in Roxboro.

Road tax.

SEC. 19. It shall be the duty of the County Commissioners of Person County, at their next regular meeting for the levy of county taxes, to levy the same amount of tax for public road purposes in Roxboro Township as in other townships in Person County, and no more; and all the road tax of the county shall be used for permanent improvements in such manner as the board of county commissioners may deem best.

Conflicting laws repealed.
Proviso: effect of repeal.

SEC. 20. All laws and clauses of laws in conflict with this act are hereby repealed: *Provided*, that this act shall not be construed 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; and all laws which might be construed to permit the abolition of said dispensary by an election or the granting of license by the authorities of the town of Roxboro or the county of Person to sell spirituous, vinous or malt liquors in said county are hereby repealed in so far as such laws may apply to said county.

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 4th day of March, A. D. 1905.

CHAPTER 763.

AN ACT TO ESTABLISH RUFFIN GRADED SCHOOL DISTRICT IN ROCKINGHAM COUNTY.

The General Assembly of North Carolina do enact:

Boundaries of district.

SECTION 1. That the following territory in Ruffin Township in Rockingham County, to-wit, beginning at J. H. Carter's and Stewart's corner; thence running easterly with the public road leading from Ruffin to Reidsville to A. C. Stacy's and W. A. Stacey's corner; thence with W. A. Stacey's line, including all his home farm, to Lick Fork Creek; thence down said creek as it meanders to Warriner's Ford; thence crossing said creek southeasterly with J. C. Sawyer's and Siddle's line to the corner of J. P. Flintoff; thence with Siddle's and Flintoff's line to the corner of Mrs.

James Dods; thence with the said Dods and Flintoff's line to the corner of J. P. Flintoff's; thence easterly with Mrs. James Dods' line to the Lawsonville road; thence with said road to Mrs. Bud Womack's line; thence with her line to the Caswell County line; thence with said Caswell County line to Wolf Island Creek, below Chandler's Mill; thence up said creek as it meanders to the north-western corner of the Southern Railway Company's land (the old Warriner place), including all of said railway company's lands; thence with the line between said railway and the Gilliam land to J. H. Carter's line; thence with said Carter's and Gilliam's line to said Carter and Stewart's line; thence with the Carter and Stewart lines to the beginning, be and the same is hereby constituted "The Ruffin Graded School District."

SEC. 2. There shall be a board of trustees of said school dis- Bond of trustees.
 trict to consist of five persons, and the parties herein named shall
 comprise the said board and shall hold office for the period desig-
 nated therein, as follows: J. L. Williams, J. W. Chandler and Trustees named.
 J. R. Williams, until the election of their successors on the Tues-
 day next after the first Monday in November, one thousand nine
 hundred and six; J. W. Worsham and T. W. Stokes, until the
 election of their successors on the Tuesday next after the first
 Monday in November, one thousand nine hundred and eight. All
 members of the board of trustees shall hold office after the elec-
 tion until the qualification of their successors. When the term of
 any member of the board shall expire by limitation his successor Successors elected
by people.
 shall be elected by the votes of the said school district herein pro-
 vided for, and shall hold office for two years from the time of his
 election and until the qualification of his successor, which election
 shall be held in the town of Ruffin in Rockingham County on the
 Tuesday next after the first Monday in November, one thousand
 nine hundred and six, and every two years thereafter, for those
 trustees whose terms shall expire. All persons residing in the Voters.
 school district herein provided for who are entitled to vote for
 members of the General Assembly shall be entitled to vote at said
 election. The school board shall give thirty days' notice of such Notice of election.
 election by advertisement, posted at four public places in said
 school district, of the time and place of said election. The board
 of trustees shall appoint a registrar and two judges of election for Election officers.
 the purpose of holding said election, who shall have the power
 now or hereafter conferred upon such officers by the laws of this
 State. There shall be an entirely new registration for the elec- New registration
ordered.
 tion to be held under this act, and all persons residing within said
 school district who are entitled to vote for members of the General
 Assembly shall be entitled to vote and shall be registered by the
 registrar at the first or any subsequent election provided for under
 this act. All elections under this act shall be conducted, as far Law governing
elections.
 as may be practicable, according to the laws now or hereafter
 enacted for the election of members of the General Assembly. The

Separate box.	registration book shall be open ten days before the election and the registrar shall give ten days' notice of the time and place of registration by notice posted at four public places in said school district. A separate box shall be provided for the elections provided for under this act. The polls shall be open from sunrise to sunset, and when the election is concluded the registrar and judges of election shall count the votes and certify the result to the board of trustees of said school district. The persons receiving the highest number of votes cast respectively for the vacancies existing in the said board of trustees shall be declared elected.
Hours of election.	
Trustees incorporated.	SEC. 3. The board of trustees is hereby constituted a body corporate under the name of "The Trustees of Ruffin Graded School District," and shall have the power to sue and be sued and to hold and buy real estate and personal property when necessary for the benefit of the said school district as herein provided for. And they shall also have the power to employ all teachers for said schools and fix their compensation. They shall establish graded schools for both races, including a primary school for the white race in the northern end of said district, and for the said primary school the sum of fifty dollars shall be annually expended by said board in addition to the amount apportioned to the said district from the general school fund, and may allow children outside of said district to attend said school upon such terms as they may decide upon. The board shall organize by the election of a chairman and a secretary and treasurer, who shall be members of the board, and shall make such by-laws as may be necessary for the government of the schools. The treasurer shall give bond, payable to the State of North Carolina, in such sum as may be fixed by the board of trustees, for the faithful performance of his duties as such treasurer. All money collected for the schools shall be paid by the treasurer, exclusively for the benefit of the schools, by voucher, as directed by the board of trustees. Said vouchers shall be passed upon by the board and be signed by the chairman and secretary: <i>Provided</i> , that any party owning real estate in said school district may patronize said school free of tuition.
Corporate name.	
Trustees to establish graded schools.	
Primary school.	
Non-resident pupils.	
Organization of trustees.	
Bond of treasurer.	
Vouchers.	
Proviso: free tuition.	
Collection of taxes.	SEC. 4. The Sheriff of Rockingham County shall collect all taxes levied for the benefit of the said Ruffin graded schools and pay the same to the treasurer of the board of trustees thereof.
	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. 1905.

CHAPTER 764.

AN ACT TO ESTABLISH A DISPENSARY IN THE TOWN OF
FALKLAND.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons in any capacity whatever to sell, directly or indirectly, any spirituous, vinous, malt or other intoxicating liquors within the limits of the town of Falkland in Pitt County, State of North Carolina, except as hereinafter provided in this act. Prohibition.

SEC. 2. That the dispensary commissioners shall be appointed by the governing board of the town and shall hold their office for two years. Dispensary commissioners.

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 liquors with the corporate limits of the town of Falkland where spirituous, vinous and malt or fermented liquors shall be kept for sale, under the direction of said dispensary commissioners, by a manager, who shall have charge and control of all liquors bought by said dispensary commissioners for sale in said town of Falkland. Commissioners to establish dispensary.

SEC. 4. That a manager shall be chosen by said dispensary commissioners who shall have charge of the dispensary and the management thereof under the control of said dispensary commissioners, and he shall be subject to dismissal for any cause which said dispensary commissioners shall in their discretion deem sufficient; the manager shall give bond in a sum to be fixed by the dispensary commissioners, not less than five hundred dollars, for the faithful discharge of his duties and for the payment of all sums of money received by him under the direction of the said dispensary commissioners. The manager shall be paid a salary, to be fixed by the dispensary commissioners, not exceeding the sum of fifty dollars per month, which compensation shall not be dependent upon the amount of sales made by him; that the dispensary commissioners shall have the power to employ assistant managers or to fill temporary vacancies on account of sickness of the manager or for any other cause. Manager.
Bond of manager.
Salary.
Assistants and vacancies.

SEC. 5. The manager of the dispensary shall at all times keep, under the supervision of the dispensary commissioners, a stock of vinous, malt and spirituous liquors in such quantities as the dispensary commissioners shall direct. All bills incurred for the establishment and maintenance of the dispensary and the purchase of stock from time to time shall be paid by the dispensary commissioners; the said manager shall sell only for cash and shall turn over or deposit all moneys received by him or under the direction of the dispensary commissioners. Duty of manager.
Bills settled by commissioners.
Sales only for cash.
Settlements.

Dispensary commissioners to prescribe rules.

Not less than half pint.
Not to be drunk on premises.

Persons to whom sale refused.

Dispensary closed.

Prices fixed by commissioners.

Proviso: profit limited.

Sales in sealed packages.

Monthly reports.

No sales for re-selling.

Misdemeanor.

General rules.

Town commissioners to pass ordinances.

Annual report.

Organization of dispensary commissioners.

SEC. 6. That the said dispensary commissioners shall make from time to time rules and regulations for the operation of said dispensary; the quantities to be sold to any person shall be determined by them but in no event shall wine or liquors be sold in less quantities than one-half pint, and none shall be drunk in the building or on the premises where the dispensary is established, nor shall any liquors be sold to any person known to be an habitual drunkard, to minors or persons intoxicated or under the influence of liquor. The dispensary shall not be opened before sunrise and shall be closed at sunset, and it shall be closed on Sunday, election days and such other days as make the sale of liquors unlawful under the laws of this State.

SEC. 7. That the price at which spirituous, vinous and malt liquors shall be sold shall be fixed and determined by the dispensary commissioners: *Provided*, the same shall not be sold for a profit exceeding eighty per cent. (80 per cent.) above the actual cost thereof.

SEC. 8. That the manager of said dispensary shall sell to no person or persons any spirituous, vinous or malt liquors except in sealed packages, and he shall not keep any open or broken packages in said dispensary. That the said manager shall make a monthly report, or oftener, if so required, to the dispensary commissioners, showing the amount of sales for the preceding month and stock on hand at last day of month.

SEC. 9. That no spirituous, vinous or malt liquors shall be sold in said dispensary for the purpose of selling again, and any person or persons purchasing any liquors at said dispensary for the purpose of selling again shall be guilty of a misdemeanor.

SEC. 10. That the manager of the dispensary shall not allow any person or persons to loiter in or about the dispensary or upon the premises upon which the same is situated, and for failure to comply with this section he shall be removed by the dispensary commissioners; and any person refusing to leave the dispensary or the premises upon which the same is situated shall be punished upon conviction in the mayor's court as shall be provided in the town ordinances.

SEC. 11. That the board of town commissioners of the town of Falkland shall from time to time pass such ordinances as may be necessary to carry out the provisions of this act and shall provide suitable penalties for violation of this act.

SEC. 12. That the dispensary commissioners shall make an annual report to the town commissioners, showing in detail the amount of money expended in the purchase of liquors, to whom paid, the amount realized from the sale of liquors, the expense of said dispensary, salary paid the manager, dispensary commissioners, and all other moneys expended on account of said dispensary and moneys received on account thereof.

SEC. 13. That the dispensary commissioners, after their qualification, shall meet and elect one of their number chairman, who

shall preside at their meetings, and another shall be elected secretary and treasurer; and no moneys shall be paid out for any purpose except under the order of the chairman.

SEC. 14. That the dispensary commissioners shall be paid for Salary. their services the sum of twenty-five dollars per annum each. An extra twenty-five dollars shall be allowed the chairman and secretary and treasurer.

SEC. 15. That one-third ($\frac{1}{3}$) of the profits arising from said Division of profits. dispensary shall go to the public roads in Falkland Township, one-third ($\frac{1}{3}$) to the schools of Falkland and one-third ($\frac{1}{3}$) to the general county fund.

SEC. 16. This act shall not take effect until a majority of the Act submitted to qualified voters of the said town of Falkland shall have first vote. voted "For Dispensary" at an election to be held under the rules and regulations governing other elections in said town, upon the question of the establishment of dispensary.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

CHAPTER 765.

AN ACT TO AMEND CHAPTER 443 OF THE PUBLIC LAWS OF 1903, RELATIVE TO SPECIAL ROAD TAX OF LEXINGTON TOWNSHIP, DAVIDSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That after the word "within" in section nine of line eighteen the word "two" be changed to four. Time of holding election.

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. 1905.

CHAPTER 766.

AN ACT TO APPOINT ADDITIONAL TRUSTEES FOR SELMA GRADED SCHOOLS AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

SECTION 1. That C. W. Richardson and R. B. Whittley be and are hereby added to the board of trustees of Selma graded schools, to serve two years from the date of their appointment. Additional trustees.

SEC. 2. That the board of trustees of Selma graded schools are hereby prohibited from employing any member of the family of Relatives of trustees ineligible as superintendent or teacher.

Proviso: present
superintendent.

any one of the board of trustees, or any one related by blood or marriage to any one of the board of trustees, as superintendent or teacher in said schools: *Provided*, this section shall not apply to superintendent already employed to teach in the present term.

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. 1905.

CHAPTER 767.

AN ACT IN RELATION TO COURT STENOGRAPHER OF BUNCOMBE COUNTY.

The General Assembly of North Carolina do enact:

Repeal.

SECTION 1. That chapters fifty-eight, four hundred and ninety-four and seven hundred and thirty of the Public Laws of one thousand nine hundred and three, in so far as they relate to Buncombe County, be and the same are hereby repealed.

Stenographer to be
appointed.

SEC. 2. That there shall be appointed by the Clerk of the Superior Court of Buncombe County a competent stenographer for said county to be designated as "Official Stenographer," who shall hold his office at the pleasure of the Clerk of the Superior Court.

Schedule of fees to
be prepared.

SEC. 3. That the Judge of the Superior Court of the Fifteenth Judicial District and said Clerk of the Superior Court of Buncombe County be and they are hereby authorized and directed to fix and to prepare a schedule of fees, rates and compensation to be paid said official stenographer for his services as the same.

Fees taxed as costs.

Said fees, rates and compensation shall be taxed as a part of the costs in all cases, both criminal and civil, which may be tried in

Schedule recorded.

the Superior Court of said Buncombe County. Said schedule of fees shall be recorded in the office of said clerk, and said clerk shall tax as a part of the costs in all cases tried or disposed of in said superior court such fees and charges as said schedule shall direct, and the same shall be collected as a part of the costs in each case and be paid to said official stenographer.

In effect from 1st
April.

SEC. 4. That this act shall be in force from and after the first day of April, 1905.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

CHAPTER 768.

AN ACT TO CORRECT STATE GRANT NUMBER 2496 IN
MACON COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That State grant number two thousand four hundred and ninety-six, issued to N. S. Jarrett and recorded in book "J" of deeds at page six hundred and eighteen in the office of Register of Deeds for Macon County, be and the same is hereby corrected as follows: Strike out the figure "2" in the first call of boundary of said grant and insert in lieu thereof the figures "200," so that the same will read "east 200 poles to a black-gum," instead of "E. 2 poles to a black-gum." Grant corrected.
Correction.

SEC. 2. The Register of Deeds for Macon County is hereby authorized to make the correction above indicated at the proper place upon his record: *Provided*, this act shall not affect in any way vested or accrued rights of other persons nor existing litigation. Register of deeds
to make correction.
Proviso: vested
rights saved.

SEC. 3. 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. 1905.

CHAPTER 769.

AN ACT AUTHORIZING THE APPOINTMENT OF A COTTON-
WEIGHER FOR THE TOWN OF WILSON.*The General Assembly of North Carolina do enact:*

SECTION 1. That on the first Monday of August, one thousand nine hundred and five, the Board of Commissioners of the town of Wilson and the Board of Commissioners of the County of Wilson, in joint session, shall elect a cotton-weigher for the town of Wilson. Election of cotton-
weigher.

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 August in each year. Term of office.

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 county commissioners and when approved filed in the office of the Register of Deeds of Wilson County; and said cotton-weigher, before entering upon his duties, Bond.

- Cotton weigher to qualify. 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.
- Removal for fraud.
- Unauthorized weighing misdemeanor. Punishment. SEC. 4. Any person other than the aforesaid cotton-weigher who shall weigh any bale of cotton offered for sale in said town of Wilson shall be guilty of a misdemeanor and punished in the discretion of the court.
- Pay of weigher. SEC. 5. The cotton-weigher provided for in this act shall receive as compensation for his service eight cents for each bale weighed, four cents to be paid by the buyer and four cents by the seller, and each buyer shall retain from the price of said cotton four cents to be paid to the weigher as the seller's part of the compensation due said weigher, and the sum of eight cents shall be paid by the buyer of said cotton to the weigher, four cents for himself and four cents for the seller or owner.
- Vacancies. SEC. 6. That said board of commissioners are empowered to fill all vacancies in said office of cotton-weigher.
- 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, 1905.

CHAPTER 770.

AN ACT TO AMEND CHAPTER 50 OF THE PUBLIC LAWS OF 1901, ENTITLED "AN ACT RELATING TO HIGHWAYS, PUBLIC ROADS, BRIDGES, FERRIES AND FORDS," AND APPLICABLE ONLY TO MECKLENBURG COUNTY AND CHARLOTTE TOWNSHIP.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter fifty (50) of the Public Laws of one thousand nine hundred and one (1901) be amended as follows:

- Highway defined. (1) By striking out section four (4) of said chapter and substituting in lieu thereof the following: "Section four (4). For the purposes of this act a highway shall be deemed a road constructed in whole or in part of macadam or other stone, gravel, oyster shell or other good material in such manner that the same will, with reasonable repairs thereto, at all seasons of the year be firm, smooth and convenient to travel.

- Notice to be written. (2) That section five (5) of said act be amended by inserting the word "written" before the word "notice" and before the word "give" in line six of said section.

(3) That section twelve (12) of said act be amended, first (1), by adding after the word "prison" and before the word "and" in line sixteen of said section the following: "And no superintendent, guard or other employee of said commissioners shall be held either criminally or civilly liable for any injury inflicted upon any convict in his custody or under his supervision while, in good faith and with due care, enforcing such discipline as may be necessary to carry out such rules and regulations in the working of the convicts upon the highways or public roads as said commissioners may from time to time enact and promulgate; second (2), by adding after the word "kept" in the last line of said section the following: "and the said board shall have full power and authority in their discretion to hire out to any responsible person or corporation in said county engaged in any lawful work such convicts as may be committed to the care of the said board, who, on account of age, ill-health or other incapacity shall be unsuited or unfit to work upon the public roads or highways of said county."

Liability for injury to prisoner.

Power to hire out convicts.

(4) That section thirteen (13) of said act be amended by striking out all of said section after the word "convicts" in line six thereof.

Power of State highway commission rescinded.

(5) That section fourteen (14) of said act be amended by striking out all of said section after the word "them" in line eight (8) of said section and substitute in lieu thereof the following: "If any supervisor, guard or other employee who may have such prisoners in his charge shall willfully or negligently permit any prisoner to escape from his custody, such supervisor, guard or employee shall be deemed guilty of a misdemeanor, and upon conviction shall be fined or imprisoned in the discretion of the court: *Provided*, that no supervisor, guard or other employee shall be held criminally or civilly liable for inflicting any wound or other injury upon any prisoner who may attempt to escape from his custody or control if such supervisor, guard or other employee shall have reasonable ground to believe, and shall believe, it necessary to so wound or otherwise injure such prisoner in order to prevent his actual escape from custody; and any supervisor, guard or other employee from whose custody any convict shall have escaped, or any officer or private citizen, shall have the right at any time thereafter to re-arrest such escaped convict, and to use such means as shall actually be necessary to that end; and no person in arresting or attempting to arrest any escaped convict shall be held civilly or criminally liable for any wound or other injury which he may inflict upon such convict while so attempting to arrest him, if he shall have had reasonable grounds to believe, and did believe, that it was necessary to resort to such means in order to make such arrest."

Allowing escape a misdemeanor.

Proviso: responsibility for injury to convict attempting to escape.

Right of re-arrest.

Injuries in making re-arrest.

(6) That section eighteen (18) of said act shall be amended by

Proviso: sale of road material.

adding the following: "*Provided*, that the supervisor or other controlling agent or officer in charge of any stone crushed for the purposes aforesaid shall have the right to sell small quantities thereof to other persons for public or private use upon the order of the chairman of the board of county commissioners if such stone shall have been crushed for county purposes, or of the road trustees of any township in which said stone may have been crushed for township purposes; and all funds derived from the sale of such stone shall be added to the public road or highway fund in such county or township as the case may be.

Bridges over county lines.

(7) That section twenty-two (22) of said act be amended by striking out all of said section after the word "county" in line five of said section and substituting in lieu thereof the following: "And when bridges shall be necessary over any stream which divides one county from another, the county commissioners of each county shall join in an agreement for building, keeping and repairing the same, and the charges therefor shall be defrayed by both counties in such proportion as shall be mutually agreed upon between the respective boards of commissioners of the two counties.

Duties of corporations extended.

(8) That section thirty-two (32) of said act be amended by inserting after the word "roads" and before the word "and" in line four of said section the words "now existing or which may hereafter be established."

Proviso: trustee to hold over if successor not elected.

(9) That section thirty-six (36) of said act be amended by adding after the word "name" in the last line of said section the following: "*Provided*, that in case the justices of the peace in any township shall fail, for any cause, at any time, to elect any member of said board of road trustees, the member or members whose term shall have expired by limitation shall continue to hold office until his or their successor or successors shall have been duly elected."

Proviso: meetings of township road trustees.

(10) That section forty (40) of said act be amended by adding after the word "district" in the last line of said section the following: "*Provided*, that in case the road trustees of any township shall fail to meet at the time hereinbefore provided it shall be lawful, if necessary, for them to meet at any other time upon the call of their chairman, and in case they shall have failed to elect a supervisor in the manner and at the time hereinbefore provided the acting supervisor shall continue to hold office until his successor shall have been duly elected at some subsequent meeting of said board.

Vacancies.

(11) That section forty-one (41) of said act be amended by inserting between the words "trustees" in line two (2) and the word "of" in line three (3) of said section the words "or township trustees."

(12) That section forty-four (44) of said act be amended by adding after the word "*Provided*" in the last line of said section.

the following: "Provided further, that in Charlotte Township in Mecklenburg County in case the said supervisor, or his duly authorized agent, shall be unable to make personal service upon any person subject to road duty on account of his being absent from his usual place of abode when such supervisor or his agent shall attempt to make such service upon him, then it shall be lawful for such officer to make substituted service upon such person by leaving a written notice at his usual place of abode with some member of his family, or in case no such member can be found thereat then by posting or tacking such notice at some conspicuous place about his place of abode and also by mailing, post-paid, to last known address of such person, three days in advance, written notice of such ordering out, and any service so made shall be as valid and binding in law as if such person had been personally served with such notice."

Proviso: service of
warning in Char-
lotte Township.

(13) That section fifty-seven (57) of said act be amended by adding the following at the end thereof: "That no person shall erect or maintain any hitching-rack or other permanent structure, or leave any wagon, buggy or other vehicle, unattached to horses or other animals, standing in or upon any public road or highway in such manner as to interfere with or obstruct the travel along and over such public road or highway; neither shall any person hitch or tether any animal in or upon or in such proximity to any public road or highway that such animal may, while so hitched or tethered, enter said road or highway in such a manner as to obstruct travel thereover. Any person violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding ten dollars (\$10)."

Obstructions to
road a misde-
meanor.

(14) That section seventy-four (74) of said act be amended by inserting between the word "highway" and the word "for" in line six of said section the words "over or under such road or highway in such a manner as shall be calculated to frighten horses traveling thereover or thereunder."

Penalty.

Obstructions by
railroad companies.

(15) That section seventy-six (76) of said act be amended by striking out the word "five" in line twelve (12) of said section and inserting in lieu thereof the word "three," and by striking out the word "ten" in line seventeen (17) of said section and inserting in lieu thereof the word "five."

Railways obstruct-
ing streets.

(16) That section seventy-eight (78) of said act be amended by adding after the word "same" in the last line of said section the following: "This act shall unconditionally apply to the county of Mecklenburg, except Charlotte Township in said county; and all the provisions of this act, including those concerning notice to and ordering out of persons to work, not in conflict with the several acts now in existence regulating the working of roads in said township shall also apply to said Charlotte Township in Mecklenburg County."

Application.

- Conflicting laws repealed. SEC. 2. That all laws in conflict with this act are hereby repealed.
- Limitation. SEC. 3. That this act shall apply only to Mecklenburg County and to Charlotte Township as herein provided.
- 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. 1905.

CHAPTER 771.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF HAYWOOD COUNTY TO LEVY A SPECIAL TAX TO PAY OFF SPECIAL AND SPECIFIC INDEBTEDNESS AND FOR THE PURPOSE OF BUILDING A BRIDGE AND CONSTRUCTING AND WORKING THE PUBLIC ROADS OF HAYWOOD COUNTY.

The General Assembly of North Carolina do enact:

- Special tax to be levied. SECTION 1. That the Board of Commissioners of Haywood County be and they are hereby authorized, empowered and directed, at their regular annual meeting in June, one thousand nine hundred and five, and at each regular annual meeting thereafter so long as it may be necessary, to levy a special tax on all property subject to taxation in said county of twenty cents on the one hundred dollars worth of property and sixty cents on each poll subject to taxation in said county, the constitutional equation to be observed between the property and the poll, to be used and applied in the payment of all the outstanding indebtedness of said county contracted and incurred for the necessary expenses thereof prior to the ratification of this act, but said taxes not to be applied on the debts contracted and incurred for road improvements in said county since the fourth day of March, one thousand nine hundred and three; said taxes to be kept separate in a tax book of the county, and the treasurer of said county shall also keep a separate account of said funds and the same shall not be used for any other purpose until all of said indebtedness is paid off and discharged. And the said board of commissioners of the county of Haywood be and they are hereby authorized, empowered and directed, at their regular annual meeting in June, one thousand nine hundred and five, and at each regular annual meeting thereafter so long as it may be necessary to do so, to levy a special tax on all property subject to taxation in all of the townships of said county of Haywood except Waynesville Township of ten cents on the hundred dollars worth of property and thirty cents on each poll subject to taxation in all of the
- Rate.
- Application.
- Separate tax book.
- Separate accounts.
- Specific appropriation.
- Special tax for road debt.

townships of said county except Waynesville Township, the constitutional equation to be observed at all times between property and poll, to be used and applied in the payment of all outstanding indebtedness of said county contracted and incurred for road improvements in all of the townships of said county except Waynesville Township since the fourth day of March, one thousand nine hundred and three.

SEC. 2. That the board of commissioners may issue notes or certificates of indebtedness, to bear rate of interest not to exceed 6 per cent. per annum, payable semi-annually, and use the same or sell the same at not less than their par or face value to pay off and discharge said indebtedness. The said notes or certificates to run during such period as the said board of county commissioners may deem to be for the best interest of the county, not to exceed ten years from the first day of January, one thousand nine hundred and six.

SEC. 3. That it shall be the duty, in order provide for the working of the public roads of Haywood County, except Waynesville Township, of the county commissioners of said county, at their annual regular meeting in June, one thousand nine hundred and three, and at each regular annual meeting thereafter, and it is hereby made their duty to levy a special tax on all property subject to taxation under the State law in said county, except Waynesville Township, of twelve cents on the one hundred dollars worth of property and thirty-six cents on the poll, the constitutional equation to be observed at all times; said taxes to be collected as all other taxes are, to be kept separate in the tax books of the county, and to be set aside as a special road fund to be used in the construction, improvement and maintenance of the public roads, culverts and bridges of Haywood County, and the purchase of such instruments, teams, wagons, camp outfits, quarters or stockades for the use and safe-keeping of the convict force as may be found necessary in the proper carrying on of this work in all the townships except that of Waynesville Township in said county: *Provided*, that the commissioners shall have the power to sell any or all of the implements, teams, etc., now belonging or [that] hereafter may belong to said county, whenever in their judgment it will be to the best interest of said county to do so, and apply the proceeds of such sale to the public road fund of said county.

SEC. 4. That the board of county commissioners shall, at their regular meeting in April, one thousand nine hundred and five, elect a board of road trustees for each and every voting precinct in said county, which shall be composed of three citizens resident therein and known to be in favor of road improvement. The term of the road trustees shall be for the term of two years. If any vacancy shall occur on the said board of road trustees by death, resignation or other cause the board of county commis-

Interest-bearing
notes authorized.

Special tax for
roads.

Tax to be kept
separate.
Specific appropria-
tion.

Proviso: sale of
road equipment.

Precinct road
trustees.

If Term of office.
Vacancies.

Road trustees incorporated. Corporate name.	sioners shall, at its next meeting held after the said vacancy occurs, elect some suitable person who shall be a resident of the voting precinct in which the vacancy occurs to fill such vacancy, who shall hold during the unexpired term caused by such vacancy. The board of road trustees is hereby incorporated, and the corporate name shall be "The Board of Road Trustees, Voting Precinct"
Meetings.	SEC. 5. The board of road trustees shall meet in some place in their respective voting precincts, to be agreed upon by themselves, or, in the absence of such agreement, to be named by their chairman, on the first Saturday in May and November and at such other times as a majority of them may deem advisable.
Record.	They shall keep a record of their proceedings, and shall annually at their May meeting or subsequent meeting elect one of their
Organization.	number chairman and one of their number secretary-treasurer, and require a bond of such secretary-treasurer, payable to the State of North Carolina in trust for such township, with security to be approved by them, conditioned for the faithful discharge of the duties of that office. They shall have the right to sue and be sued, plead and be impleaded in any of the courts of the State.
Bond of secretary-treasurer.	
Roads divided into sections.	The said board of road trustees shall annually, at the May meeting, divide the roads of their voting precincts into sections and
Overseers.	appoint overseers for said sections at said meetings. They shall
Hands allotted.	at the same time allot the hands to said overseer and shall also designate the boundaries or points to which each resident shall be liable to work on said section, and shall, within five days after such meeting, certify to each overseer written notice of his appointment with a list of the hands assigned to his section. It shall be the duty of the road trustees to examine into the condition of the public roads of their respective voting precincts at least twice in each and every year, and make a report of the condition of the said public roads to the chief engineer of roads hereinafter provided for, and the said board of trustees of each and every voting precinct shall, within ten days after their appointment, furnish the chief engineer of roads with a list of all overseers appointed by them.
Examination of roads.	
List of overseers furnished.	
Road duty.	SEC. 6. That all able-bodied male persons of the county between the ages of eighteen and forty-five, except residents of incorporated cities and towns, shall work on the public roads of said county for six days of nine hours each, and two additional days in case of construction or washouts of nine hours each, anywhere in said voting precinct that the board of trustees may direct, in each and every year at such time and place and in such manner as may be designated by the said trustees, except that in cases of construction the work shall be performed under the direction of the chief engineer of roads: <i>Provided</i> , that the overseer of each section shall give to each person subject to road duty on his section at least two days' notice by personal warning or by leaving
Proviso: warning.	

a written notice at the house 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 implements with which such person shall be required to work;

Provided further, that in case of washouts or other unexpected obstruction to travel the two days' notice shall not be necessary, and any person liable to road duty on his section in which such obstruction to travel may occur shall, upon being properly summoned by said overseer, respond to such summons with reasonable promptness: *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, one thousand nine hundred and five, and each year thereafter, to the secretary-treasurer of his voting precinct the sum of three dollars and sixty cents, and it shall be the duty of the said secretary-treasurer upon receipt of said money or any part thereof to issue to such person a receipt for the same, stating in such receipt the amount and year for which the same is paid. That all moneys paid to the said secretary-treasurer as provided for in this act, shall within fifteen days after being received by him be turned over to the overseer of the section of the public road under which the person liable to road duty belongs, and to be used by said overseer in keeping up said section of road, and any overseer failing to apply said money properly 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 shall be required to work upon the public roads outside the voting precinct in which he resides: *Provided further*, that any person liable to road duty may put an able-bodied man in his place, and it is further provided that any one who has served as trustee or overseer for a period of one year shall be exempt from road duty for the succeeding year.

Proviso: warning in emergencies.

Proviso: cash commutation.

Moneys turned over to overseer.

Overseer misapplying money guilty of misdemeanor. Punishment. Proviso: not liable to work outside precinct.

Proviso: substitute allowed.

SEC. 7. It shall be the duty of the chairman of the board of trustees of each precinct to report to the Clerk of the Superior Court of Haywood County all persons liable to road duty who have refused to work upon said roads after having been duly notified by the overseer, and the clerk of the superior court shall furnish the solicitor a list of the names of all such persons who have or may have refused to work upon the public roads of Haywood County, and any person convicted for refusing to work shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined or imprisoned at the discretion of the court.

Reports of delinquents.

Misdemeanor. Punishment.

SEC. 8. That proper implements and tools for use in working the public roads of the county shall be supplied by the county commissioners and shall be paid for out of the general road fund of the county: *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 for working

Implements and tools.

Proviso: tools furnished by hands.

on said roads as the overseer may designate in his notice or summons as being necessary.

Overseers to examine roads and keep them in condition.

SEC. 9. That as soon as the overseers have been appointed it shall be their duty to examine the public roads assigned to them and take immediate steps to put the same in good condition, and shall keep them in good condition by making all needed repairs so far as the same can be done by the road hands liable to work on their sections.

Roads classified.

SEC. 10. That for the purposes of this act the roads or ways of the county are hereby classified as follows:

Main thoroughfares.

(a) The main thoroughfares, including the more important public roads, which usually lead through two or more townships and are extensively used by the traveling public. As these roads become properly graded and drained and have their surfaces improved by being covered with broken stone, gravel, or 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, which are confined usually to the limits of one township, and generally lead from neighborhoods or settlements to the main thoroughfares.

Cart-ways.

(c) Cart-ways, which have no public use, or 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.

Location and survey of thoroughfares.

SEC. 11. That the thoroughfares for the principal public roads as defined above, to be improved and constructed in accordance with the provisions of this act, shall be first carefully surveyed and located by the chief engineer of roads aided by such assistants as may be necessary for him to employ, the same to be paid out of the general road fund of the county by the county treasurer upon the order of the chief engineer of the roads after the same shall have been approved by the board of county commissioners. All public roads under this section shall have a width not less than sixteen feet unless prevented by rock.

Width.

Specifications of neighborhood or branch roads.

SEC. 12. The neighborhood or branch road as defined in section twelve shall have the right of way of sixteen feet, but the width and grade of the roadway and the specifications under which these roads shall be kept in repair shall be decided by the board of road trustees, subject to the approval of the chief engineer of roads; and the said roads may be relocated or otherwise changed in the manner provided for in this act.

Cart-ways.
Procedure for opening cart-ways.

SEC. 13. Cart-ways, defined in section nine of this act, are to be kept in repair by parties using the same. Any person desiring a cart-way opened up over the lands of other persons shall file his petition for the same before the board of county commissioners praying for a cart-way 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 intentions the board shall hear allegations of the petitioner and the objections of the adverse party or parties, and if sufficient reasons be shown shall order the constable to summon a jury of five freeholders to view the premises and lay off a cart-way not less than fourteen feet wide, and assess the damages the owner of such land may sustain thereby, which, with the expense of making the way, shall be paid by the petitioner, and the way shall be kept open for the free passage of all persons on foot or horseback, carts and wagons. Cart-ways laid off according to the provisions of this section may be changed or discontinued upon application by any person concerned, under the same rules of proceedings as they may be first laid off, upon such terms as to the board of county commissioners shall seem equitable and just. And any person through whose land a cart-way may pass may erect gates or bars across the same; and if any person shall leave open, break down, or otherwise injure such gates or bars he shall forfeit and pay for every such offense ten dollars to the person erecting the same or his assigns of the land; and if the offense shall be maliciously done he shall be guilty of a misdemeanor, and upon conviction fined or imprisoned in the discretion of the court.

Cartways changed or discontinued.

Gates or bars.

Penalty for injury to or leaving open.

SEC. 14. That for the purpose of carrying out the provisions of this act the chief engineer of roads and the overseer or overseers are hereby authorized to enter upon any lands near to or adjoining such roads to cut and carry timber except trees or groves on improved lands planted or left for ornament or shade, to dig or cause to be dug and carried away any gravel, sand or stone which may be necessary to construct, improve or repair said road, and to enter on any lands adjoining or lying near the road in order to make such drain or ditches through the same as he or they may deem necessary for the betterment of the road, doing as little injury to said lands and the timber or improvements thereon as the nature of the case and the public good will permit; and the drains and ditches so made shall be conducted to the nearest ditch, water-course or waste ground, shall be kept open by said overser, and shall not be obstructed by the owner or occupant of said land or any other person or persons under penalty of forfeiting a sum not exceeding ten dollars or imprisonment for not exceeding twenty days for each and every offense, said penalty to be collected by the board of trustees and paid over to the county treasurer and applied to the general road fund. If the owner of any lands, or the agent or agents of such owner having in charge lands from which timber, stone or gravel were taken as aforesaid, shall claim any damage for injury done to growing crops or standing upon the land entered upon by the chief engineer of roads or any overseer or overseers for the purpose of carrying out the provisions of this act shall present an account of the same at any regular meeting of the county commissioners

Entry on lands for materials.

Penalty for obstructing ditches.

Accounts for damages.

within thirty days after the taking and carrying away of such timber, stone or gravel, or injury to crops, it shall be the duty of said commissioners to pay for the same such sum as may be agreed upon by them or by an impartial jury of three freeholders, one of them to be selected by the chief engineer of roads or overseer, one by the party claiming damage, and the third to be selected by these two, with the right of either party to appeal as provided in the sixteenth section of this act.

Location and
change of road.

Procedure for
assessment of
damages.

Excess of benefit
over damage.

Fees of sheriff and
jurors.

Proviso: accept-
ance of service.

SEC. 15. That the chief engineer of roads, or overseer or overseers, subject to the approval of the chief engineer, are empowered to locate and relocate, widen or otherwise change any part of any public road when in his or their judgment such location, relocation or change will prove advantageous to public travel. That when any person or persons on whose lands a new road or part of a road is to be located claims damages therefor, and within thirty days petitions the board of county commissioners for a jury to assess the damages, the said commissioners, within not less than fifteen nor more than sixty days after the completion of said road, shall order a jury of freeholders of the township of not less than three persons nor more than five, not related to the person claiming damages, to be summoned by the sheriff of the county or the constable of the township to meet and assess the damages, if any sustained by the owner of the land, which said jury, after first being duly sworn to impartially assess damages, shall forthwith proceed to assess the same and to make their report to the next regular or special session of the board of said county. That said jury, in considering the question of damages, shall take into consideration the benefit to public travel and to the owner of the land, and if the said benefits be considered equal to the damages sustained the jury shall so declare; and if the jury shall adjudge that the benefits are in excess of the damages the said jury shall determine the amount, and unless the same is paid to the secretary-treasurer of the board of trustees of the voting precinct in which the land is located, by the owner or owners of the land within thirty days after such determination, the board of trustees are authorized and empowered to institute in any court having jurisdiction an action for the purpose of recovering the said sum, which when recovered shall be applied to the general road fund. The sheriff or constable serving the process shall be allowed the sum of twenty-five cents for each person summoned for a jury, and the jurors who make claim shall be paid the sum of fifty cents each, to be paid out of the general road fund. A copy of the summons shall be served on each freeholder summoned on the jury: *Provided, however*, that such service shall not be necessary if the parties accept service of such summons. The damages, if any awarded, shall be paid out of the general road fund.

SEC. 16. That in case either of the parties interested shall be dissatisfied with the finding of the juries provided for in sections fourteen and fifteen of this act, such dissatisfied party may appeal from the decision of said jury to the county commissioners, and if dissatisfied with their decision may in turn appeal to the superior court of the county of Haywood: *Provided, however,* that an appeal may be taken from the judgment of the board of county commissioners by either party without bond, and the same shall be heard *de novo*; but the judge may, in his discretion, require either party to give bond when the case is taken by appeal to the superior court: *Provided further,* that the party to whom the damages are awarded shall recover no more costs than a sum equal to the amount of damages so awarded.

Appeals.

Proviso: bond on appeal.

Proviso: costs recovered.

SEC. 17. That the county treasurer shall be and is hereby appointed treasurer of the road fund of the county; and for the faithful keeping and disbursing of said money the bond of such treasurer shall be liable; for his services for receiving and disbursing such funds he shall receive as commission two per centum of all moneys disbursed hereunder. He shall pay the accounts against the road fund of the county when itemized statements of the same have been certified to by the board of county commissioners.

County treasurer treasurer of road fund.

Liable on bond.

Commission.

Vouchers.

SEC. 18. The county treasurer shall keep a separate account of the road fund of the county and of his disbursements of the same, and he shall make a written report thereof to the board of county commissioners at their regular meetings on the first Monday in each month; and on the first Monday in July and January of each year he shall present to the said board of commissioners a written report, giving a statement of the disbursements from the general road fund during the preceding six months, which reports, or the substance thereof, shall be published by the said commissioners in at least one newspaper published at the county-seat at least one insertion.

Separate accounts.

Monthly reports.

Semi-annual reports.

Reports to be published.

SEC. 19. That the board of county commissioners of the county of Haywood shall, at their regular meeting on the first Monday in April, one thousand nine hundred and seven, and every two years thereafter, elect a chief engineer of roads who shall hold office until his successor shall have been duly elected and qualified. That T. B. Medford of the county of Haywood is hereby elected chief engineer of roads of said county. his term of office to begin on the first day of April, one thousand nine hundred and five, and who shall hold office until his successor shall have been duly elected and qualified. That said chief engineer of roads shall receive a salary of forty dollars per month, to be paid out of the general road fund of the county, payable monthly, and it shall be the duty of the said board of county commissioners to issue their warrant on the county treasury for the compensation which the said chief engineer of roads is authorized to receive. It shall

Chief engineer.

Engineer named.

Term of office.

Salary.

Duty of chief engineer.	be the duty of said chief engineer of roads to supervise, direct and have charge of the maintenance and building of public roads, culverts and bridges in said county of Haywood, except the construction of such roads in Waynesville Township, as provided for in chapter three hundred and seventy-five of the Public Laws of one thousand nine hundred and three of North Carolina; and he shall submit to the Board of County Commissioners of Haywood
Monthly reports.	County a monthly report concerning the work in progress and the moneys expended, and he shall submit quarterly a report
Quarterly reports.	on the condition of the public roads and bridges and plans for their improvement, and he shall include in his quarterly
Inventory.	report an inventory of the tools, implements, teams or other equipment on hand belonging to the said county of Haywood. Said chief engineer of roads shall deposit with the board
Bond.	of county commissioners a good and lawful bond for the sum of two thousand dollars as a guarantee of the faithful discharge of the duties of his office, which bond shall be duly registered in the office of the Register of Deeds and filed with the Clerk of the
Vacancy.	Superior Court of Haywood County. In case of the death or resignation or removal of said chief engineer of roads, it shall be the duty of the county commissioners to appoint a chief engineer of roads, who shall hold his office until his successor shall have been elected and qualified.
Prisoners to be worked on roads.	SEC. 20. That all persons confined in the county jail under a final sentence of the court for crime, or imprisonment for the non-payment of costs or fine, 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, whether the court be of a justice of the peace or mayor of any town in said county, for the non-payment of costs, and all persons sentenced to the State's Prison for a term less than ten years in the county of Haywood shall be worked on the public roads of said county of Haywood:
Proviso: physical disability.	<i>Provided</i> , that in cases of physical disability persons convicted in said superior court or inferior courts of Haywood County may be sentenced to the penitentiary or to the county jail.
Limit to expenditures.	SEC. 21. That no more money shall be used on the public roads of said county in any one year than is levied for that specific year.
Lists of delinquent overseers.	SEC. 22. That it shall be the duty of the chairman of the board of trustees of each voting precinct to furnish the Clerk of the Superior Court of Haywood County a list of the names of the overseers of roads in each precinct who have failed to make reports of the condition of their said roads. And the said clerk of the superior court shall furnish to the solicitor on the opening day of each term of court in said county a true copy of the list of delinquent overseers furnished to him as provided for in the preceding part of this section.

SEC. 23. That if the chief engineer of roads or any member of the board of trustees provided for in section four of this act shall fail, neglect or refuse to discharge the duties imposed upon them, either from incompetency, neglect or from any other cause, the said board of county commissioners shall have power to remove the said chief engineer of roads or any trustee from office if upon the hearing, after ten days' notice shall have been given, it appears that good cause exists for the said removal: *Provided*, that in the event of removal the party removed may appeal to the next term of the Superior Court of Haywood County.

SEC. 24. That the Chief Engineer of Roads of Haywood County is hereby empowered to employ such assistance as may be necessary for the carrying out the provisions of this act: *Provided*, he be not allowed to pay a greater salary than thirty dollars per month to any one except blacksmiths or civil engineers.

SEC. 25. That the Commissioners of Haywood County are hereby authorized and directed, at their regular meetings in June, one thousand nine hundred and five and one thousand nine hundred and six, to levy a special tax of five cents on each one hundred dollars worth of property situate and being in said county of Haywood and fifteen cents on each poll, observing the constitutional equation at all times for the purpose of raising a fund with which to build and construct two certain iron bridges in Haywood County, one of said bridges to be built across Pigeon River at or near the Fergusson Ford, the other bridge the said commissioners are hereby directed to cause to be constructed as soon as practicable across Richland Creek at or near the ford in front of the residence of B. F. Smathers in the town of Waynesville, and the said last named bridge shall be as good a bridge as the one across Richland Creek on the street leading from the Southern depot in said town to the Haywood White Sulphur Springs Hotel.

SEC. 26. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

SEC. 27. 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. 1905.

CHAPTER 772.

AN ACT TO ESTABLISH THE BLAIR'S FORK AND YADKIN VALLEY TURNPIKE.

The General Assembly of North Carolina do enact:

Public road made
toll road.

SECTION 1. That the public road from the ford of Blair's Fork in Caldwell County (including said ford) and leading across the Indian Grove Mountain to the Yadkin Valley, and extending down the Yadkin Valley to the ford of the Yadkin River near the mouth of Buffalo, including said ford, be and the same is hereby converted into a turnpike and toll-road, to be known as the Blair's Fork and Yadkin Valley Turnpike and to be the property of Caldwell County.

Property of Cald-
well county.

Directors.

SEC. 2. That said turnpike shall be under the control and management of five directors who shall live along or in the neighborhood of said road. That said directors shall be annually elected by the County Commissioners of Caldwell County at their meeting on the first Monday of January from and after January, one thousand nine hundred and six, and until said meeting in January, one thousand nine hundred and six, the following persons shall constitute the board of directors for said road, to-wit: Hugh Steele and G. H. Lewis, Robert Woods, G. W. Presnell and W. H. Bower.

Temporary direct-
ors named.

Toll-gate and
keeper.

SEC. 3. The said directors shall establish a toll-gate on said road at some point south of the mountain and appoint a keeper therefor and also fix the compensation of said keeper.

Overseers.

SEC. 4. The said directors shall also appoint an overseer or superintendent for said road whose duty it shall be to have said road worked, improved and kept up. He shall employ hands to work upon said road and allow them such wages as may be fixed by said directors. Said directors may, if they deem it best, appoint two overseers or superintendents, one for either side of the mountain, and the compensation of said overseer or overseers shall be fixed by said directors. Said overseers shall hold and be removable at the pleasure of said directors.

Rate of tolls.

SEC. 5. Said directors are authorized to charge, and through the gate-keeper to collect the following tolls upon said road, to-wit: Upon every one or two-horse, mule, or ox conveyance, buggy, carriage, wagon or other vehicle not to exceed ten cents; upon every three or more horse, mule or ox wagon, carriage, hack or other vehicle not to exceed fifteen cents each way, or twenty-five cents round trip; upon all horsemen not to exceed five cents; upon all loose horses, mules or cattle not to exceed three cents a head.

Tolls applied to
road.

SEC. 6. All tolls collected shall be applied upon said road in paying its employees and in improving and keeping up said road.

Work to be done
by 1st May.

SEC. 7. Said directors shall appoint an overseer or overseers for said road, establish a toll-gate and appoint a keeper for the same,

fix a schedule of tolls and open up said turnpike by the first day of May, one thousand nine hundred and five, and to this end they shall have their first meeting at Lenoir on the first Monday of April to organize, to appoint a president of said board and secretary, also to appoint an overseer or overseers and gate-keeper for said road and to make all necessary arrangements for the establishment of said turnpike. The subsequent meetings of said directors shall be at the call of the president at such time and place as he may select. Three members of said board shall constitute a quorum for the transaction of all business.

First meeting of directors.
Subsequent meetings.
Quorum.

SEC. 8. All persons subject to road duty on any part of said road as a public road shall work the time prescribed by law upon the said turnpike upon the summons or notice of the overseer or superintendent of said turnpike, but such person shall pay no tolls upon such road: *Provided*, that said turnpike shall not be established unless the County Commissioners of Caldwell County shall agree that the same shall be established under the provisions of this act.

Road duty.
Proviso: county commissioners to agree.

SEC. 9. This act shall take effect from and after its ratification.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

CHAPTER 773.

AN ACT TO FACILITATE AND CHEAPEN THE TRIAL OF ACTIONS INVOLVING THE TITLE TO OR INTEREST IN REAL ESTATE.

The General Assembly of North Carolina do enact:

SECTION 1. That in all civil actions to recover the possession of or title to real estate or damages thereto or any interest therein it shall not be necessary for either party to prove title out of the State of North Carolina unless the State is a necessary and *bona fide* party to the action and claiming through some of its officials the right to recover in said action.

Title out of State.

SEC. 2. That whenever the plaintiff in such actions shall set out in his complaint the name of the party under whom he claims title and the chain of his title and its connection with the source of title under which he claims, then the defendant shall set out in his answer the source and chain of his title. The party on trial proving the superior title shall be entitled to recover in the action: *Provided*, no grant from the State of North Carolina shall be competent evidence in such action to prove title to the real property in the controversy against any claimant or party in such actions when he and those under whom he claims title have

Plaintiff and defendant to show title.
Superior title to prevail.
Proviso: effect of State grant.

regularly listed said real property for taxation and paid the taxes thereon for at least two years prior to the date of said grant.

Pleas.

SEC. 3. That adverse possession such as has or may ripen into title, descent, and any other mode of acquiring title to real estate may be pleaded by either party as the source or as links in his chain of title.

Amendments.

SEC. 4. The court may allow such amendments to the pleadings as it may deem just and proper at any time and on such terms as may to the court seem just.

Amendments upon continuance.

SEC. 5. The court may require upon the continuance of any such action that the pleadings shall be so amended as to set out the chain of title of each party.

Actions not included.

SEC. 6. This act, except section one (1), shall not apply to any action concerning real property or damages thereto situated in any incorporated town or city, or concerning any property which has been in the actual adverse possession of the defendant and those under whom he claims for seven (7) years or more. Any defective pleading under this act may be taken advantage of by demurrer, as in other cases of defective pleading.

Demurrer.

Limited to Hertford County.

SEC. 7. This act shall only apply to the county of Hertford.

SEC. 8. This act to take effect from and after its ratification.

In the General Assembly read three times, and ratified this 4th day of March, A. D. 1905.

CHAPTER 774.

AN ACT TO AMEND CHAPTER 23, LAWS 1879, ENTITLED
"AN ACT TO ALLOW LEAKSVILLE TOWNSHIP IN ROCK-
INGHAM COUNTY TO SUBSCRIBE TO THE CAPITAL
STOCK OF A RAILROAD."

The General Assembly of North Carolina do enact:

Township trustees
to sell stock or col-
lect dividends.

SECTION 1. That section four, chapter 23, Laws one thousand eight hundred and seventy-nine, be amended by adding at the end of said section the following: "And said board of trustees of any township which has subscribed to the capital stock of any railroad under the provisions of said chapter twenty-three of the Public Laws of one thousand eight hundred and seventy-nine and their successors shall have power and authority to sell, assign and transfer said railroad stock whenever in their opinion a sale of said stock is advisable, and the said board of trustees and successors shall have power and authority to collect any dividends or any other moneys that may be due said township on said railroad stock, and shall have power and authority to invest, spend and use said moneys so collected in their discretion for the benefit of said township."

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

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

CHAPTER 775.

AN ACT TO PREVENT FLOATING SAWDUST IN CERTAIN STREAMS IN FORSYTH COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any persons owning or operating any saw-mill to deposit and cause to be floated any sawdust in Clemmonsville Branch or Griffith's Creek in Forsyth County. Unlawful to float sawdust into streams.

SEC. 2. That any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction therefor fined not exceeding fifty dollars (\$50) or imprisoned not exceeding thirty (30) days. Misdemeanor. Punishment.

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. 1905.

CHAPTER 776.

AN ACT TO PROHIBIT OWNERS OF SAW-MILLS FROM ALLOWING SAWDUST FROM RUNNING INTO STREAMS STOCKED WITH MOUNTAIN TROUT, OR STREAMS WHICH ARE NOW OR MAY HEREAFTER BE STOCKED BY THE GOVERNMENT WITH ANY FISH WHATEVER IN MITCHELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person owning a saw-mill to allow sawdust from his mill to run into any of the streams in Mitchell County which now possess mountain trout, or any streams which are now or may hereafter be stocked by the government with any fish whatever. Streams protected from sawdust.

SEC. 2. That any one violating the provisions of section one of this act shall be deemed guilty of a misdemeanor. Misdemeanor.

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

CHAPTER 777.

AN ACT TO IMPROVE THE PUBLIC ROADS IN NUMBER FOUR TOWNSHIP IN CLEVELAND COUNTY.

The General Assembly of North Carolina do enact:

Election to be called.

Date of election.
Question.

Notice of election.

Law governing election.

Proviso: new registration.

Proviso: canvass and report of result.

Form of ballots.

SECTION 1. That the Board of Commissioners of Cleveland County be and they are hereby authorized, empowered and directed to submit to a vote of the qualified voters of No. 4 Township in said county, on the fourth Saturday in April, one thousand nine hundred and five (1905), the question: "Shall No. 4 Township in the county of Cleveland, State of North Carolina, issue fifty thousand (\$50,000) 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.

SEC. 2. That said election shall be held and conducted under the provisions of chapter five hundred and fourteen, Public Laws of one thousand eight hundred and ninety-nine, ratified the sixth day of March, one thousand eight hundred and ninety-nine: *Provided, however,* that the Board of Commissioners of Cleveland County may order a new registration of the voters of No. 4 Township for said election, if they deem same advisable: *And provided further,* that the registrar and judges of said election, constituting the canvassing board of said election, after canvassing and determining the result of said election and declaring same, shall make due report of the votes cast in said election and the result of said election to the Board of Commissioners of Cleveland County, which said report shall be recorded in the minutes of said board of commissioners.

SEC. 3. That at such 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 and the levying of the necessary taxes for the payment thereof shall vote "For Good Roads," and all qualified voters who oppose the issue of said bonds and the levying of the necessary taxes for the payment thereof shall vote "Against Good Roads."

SEC. 4. That if a majority of the qualified voters of No. 4 Township shall in said election cast their votes "For Good Roads," and the result shall be declared and recorded as aforesaid, then in such case, as soon as the Board of Commissioners of Cleveland County shall have issued and disposed of the bonds hereinafter provided for, or a sufficient part of them to justify the beginning of working upon the roads of No. 4 Township as provided in this act, said Board of Commissioners of Cleveland County shall elect and appoint a board to be known as the "Board of Township Road Trustees of No. 4 Township, Cleveland County," said board to be composed of three members, each of whom shall be residents and qualified electors of said No. 4 Township, Cleveland County, and said board shall hold office for a term of two years and until their successors are elected, and the Board of Commissioners of Cleveland County shall continue to elect and appoint the members of said board every two years, the term of office of the members of said board being for two years, and said Board of Commissioners of Cleveland County shall fill any vacancies upon said board of township road trustees in case of death, resignation, or otherwise, for the remainder of the unexpired term.

Board of road trustees to be appointed.

Term of office.

Successors.

Vacancies.

SEC. 5. 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 fifty thousand (\$50,000) dollars, and said bonds shall bear the rate of not more than five (5) per centum per annum interest, with interest coupons attached, payable annually on the first Monday in April 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 Cleveland 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 the said board of commissioners and countersigned by the clerk of the said board of commissioners, and said bonds shall have upon them the seal of said county. Said bonds shall be styled "No. 4 Township Road Bonds," and issued 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 No. 4 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 Cleveland County, and if any holder of such shall recover judgment against said board of commissioners, said

County commissioners to issue bonds.

Denominations.

Amount.

How bonds attested.

Liability for bonds.

Suit on bonds.

political division known as No. 4 Township, or that part of said county embraced in said township, shall be liable for any recovery or judgment so obtained, and levies of taxes for the payment of said bonds and coupons and interest accruing upon either, and costs and judgments concerning or about the same, shall be made by proper tax levies upon property and subjects of taxation within said township as constituted at the time of the aforesaid election. And said board of commissioners may bring and maintain any such action touching such bonds or in respect thereto as they might do if said bonds were issued by them for the whole county of Cleveland.

Bonds not to be sold below par.

Specific appropriation.

SEC. 6. 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 purposes than those declared by this act. When said bonds are issued they shall be numbered consecutively, and the coupons attached and issued with them shall bear the number of the bond to which they are attached; the bonds and coupons shall state on their face when they are due and payable, and said bonds shall show by what authority they are issued and what territorial and political division of said county they are issued on account of. The said board of commissioners shall have all of their proceedings in respect to said bonds entered in the minutes of their meetings, and when any of the same are issued the number of the bond, the denomination, date of issue, to whom issued, and the number of the coupons attached must be recorded in said minutes.

Proceeds to be kept separate.

Separate accounts.

Bond of treasurer.

SEC. 7. When any of said bonds are sold the proceeds of sale shall be turned over to the County Treasurer of Cleveland County, who shall keep said funds and all other funds provided for in this act which may come into his hands separate from all other funds, and he shall keep a separate account of the same, and said county treasurer before any fund provided for in this act shall be paid over to him shall execute an official bond payable in the usual manner in a sum at least fifty per cent. greater than the sum which may come into his hands by reason of this act, conditioned for his faithful and safe-keeping of the same and rendering true accounts in respect thereto and in all things holding and disbursing and accounting for the same as required by law, which bond shall be received by said board of commissioners as they pass upon and receive other like bonds. And all orders directed to said county treasurer for payments of money arising from the sale of bonds, or by virtue of the provisions of section twelve hereafter, under this act, shall state on their face that they are road orders and to what account they are chargeable; and said orders shall be made and given only by the "Board of Township Road Trustees of No. 4 Township, Cleveland County." signed by the chairman of said board.

SEC. 8. That in case the result of said election shall be in favor of issuing bonds as aforesaid, the said Board of Commissioners of Cleveland County shall levy annually on the first Monday in June of each year a special road tax for said No. 4 Township in said county not exceeding twenty-five (25) cents on the one hundred dollars worth of property and seventy-five (75) cents on each poll (the constitutional equation of property and poll tax to be observed always), the subjects of taxation and levy of taxes to be the same on which the said board of county commissioners now or may hereafter be authorized to lay and levy, taxes upon for general county purposes and the levy herein provided for be limited to said township. The taxes so levied shall be collected as other taxes and paid to the county treasurer aforesaid as other taxes are paid, and the same shall be a separate fund and applied by the board of commissioners, first to the payment of the interest on said bonds and then to the creation of a sinking fund for the redemption of said bonds. And the board of county commissioners may invest said sinking fund and with the same purchase any of said bonds, and when they purchase the same they shall be cancelled and record made of the same.

Special road tax.

Rate.

Application.

Investments of sinking fund.

SEC. 9. The said board of township trustees as provided for in section four of this act shall direct the use of 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.

Road trustees to direct use of funds.

Permanent improvements.

SEC. 10. 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 improvements 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 the said township for services and expenses as may be agreed upon by the board of township road trustees. All such public roads when changed or hereafter located or re-located 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 three (3) feet additional, and width of not less than twenty (20) 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.

Roads to be surveyed and located.

Grade.

Proviso: increase of grade.

Width.

Supervisor of roads.

SEC. 11. That after the said election and the issue and sale of any of the aforesaid bonds there shall be elected by the said board of township trustees a supervisor of roads for No. 4 Township, who shall hold office until their next regular meeting in January thereafter, and after their regular meeting for January in each year thereafter a supervisor of roads for No. 4 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 township board of road trustees out of the road fund of said township, and he shall hold office for one year or until his successor shall have been elected and appointed as provided for in this act: *Provided*, that the said supervisor of roads may at any time be removed by said board of township road trustees 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

Compensation.

Proviso: when supervisor subject to removal.

Duty of supervisor.

necessary to give him a hearing. It shall be the duty of the said supervisor of roads, subject to the approval of the board of township road trustees, to supervise, direct and have charge of the maintenance and building of all public roads in No. 4 Township, and he shall submit to the board of township road trustees a monthly report concerning the work in progress and the moneys expended, and he shall submit quarterly a report of the condition of the public roads and bridges in said township and plans for their improvement, and he shall include in this quarterly report an inventory of the tools, implements, and other equipments on hand. Said supervisor of roads before entering upon the duties of his office shall deposit with the board of township road trustees a bond to be approved by the said board of township road trustees 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 supervisor, it shall be the duty of the board of township road trustees to elect his successor, who shall hold office at their discretion or until their regular January meeting thereafter.

Monthly reports.

Quarterly reports.

Inventory.

Bond of supervisor.

Vacancy.

Road duty.

Warning.

Proviso: emergencies.

SEC. 12. That all able-bodied male persons of No. 4 Township between the age of twenty-one and forty-five years shall work on the public roads of said township for two days of ten hours each in each and every year at such time, place and in such manner as may be designated by said supervisor of roads: *Provided*, 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 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: *Provided further*, that in case of washout or other unexpected obstruction to travel the three days' notice shall 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: *Provided further*, that any person may in lieu of working two days on the public road 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 one dollar, 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 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.

Proviso: cash
commutation.

SEC. 13. 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 one dollar 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 Cleveland County for not less than ten nor more than twenty days.

Failure to appear
and work a misde-
meanor.

Penalty.

SEC. 14. That proper implements and tools and such other machinery as may be necessary for use in working the public roads in said township may, with the consent and approval of the board of township road trustees of said township, be procured by the supervisor of roads for said township.

Implements and
tools.

SEC. 15. 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 drainage or ditches through the same as he may deem necessary for the betterment of the road, and the drainage 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 be taken as aforesaid shall present an account of the same, through the supervisor of roads, at any regular meeting of the board of township road trustees, within thirty days after the same has been taken and carried away, it shall be the duty of said board of township road trustees to pay for the same a fair price; and

Entry on lands for
materials.

Obstruction of
ditches a misde-
meanor.
Penalty.

Account of ma-
terials.

Price assessed.

- failing to agree 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 township road trustees of said township their decision: *Provided*, said land-owner may appeal from the final decision.
- Appeal.**
- Location and change of roads.** SEC. 16. That, subject to the approval of the board of township road trustees, the supervisor of roads for No. 4 Township is hereby given discretionary power, with the aid of a competent engineer or surveyor, to locate, relocate or change any part of any public road 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 township road trustees for a jury to assess the damages, the said board of trustees 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 findings to the board of township road trustees, 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 board of township road trustees, he may appeal to the superior court of the county. The judge may in his discretion require said land-owner to give bond when the case is taken by appeal to the superior court.
- Procedure for assessment of damage.**
- Proviso: appeal.**
- Judge may require bond.**
- Failure to perform duty a misdemeanor.** SEC. 17. 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.
- Kings Mountain and Grover included.** SEC. 18. That this act shall be held and construed to relate to and include the towns of Kings Mountain and Grover as well as the portion of said township outside the corporate limits of said town.
- Meetings of road trustees.** SEC. 19. That the board of township road trustees as provided for in section four of this act, shall meet on the first Monday in each month for the purpose of examining reports of the supervisor of roads for said township, for the purpose of auditing accounts and issuing orders, and for the transaction of other business, and said board shall keep a minute of its meetings and a record of its orders, and each board at its first meeting after its appointment or election shall elect one of its members chairman
- Minute.**
- Organization.**

of said board, and another of its members secretary of said board, and the members of said board shall receive such compensation ^{Compensation.} for their services as may be agreed upon between the board of township road trustees and the board of county commissioners, or as may be fixed and designated by the Board of County Commissioners of Cleveland County in the event of a disagreement.

SEC. 20. That in the event the bonds hereinbefore provided for ^{Township exempt from general law.} shall be issued and sold as herein provided for, then No. 4 Township in Cleveland County shall be exempt from the operation of the general road law now in force, or which may hereafter be in force in Cleveland County, and shall be exempted from the operation of chapter forty-eight of the Public Laws of North Carolina passed by the General Assembly at its session in one thousand nine hundred and three, ratified January twenty-ninth, one thousand nine hundred and three, and all laws amendatory thereof, except that said No. 4 Township shall, if it desire, be entitled to the benefits of the provisions of said act in relation to convict labor, provided that no further special tax for the maintenance of public roads in Cleveland County shall be levied hereafter against said township.

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 4th day of March, A. D. 1905.

CHAPTER 778.

AN ACT TO PROTECT THE PUBLIC MACADAM ROADS OR HIGHWAYS OF DURHAM COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons, firm, association or corporation to hereafter locate, construct or build, or cause to be hereafter located, constructed or built, any railroad in, on, or upon any public road or highway constructed wholly or in part of macadam in the county of Durham, or to hereafter locate, construct or build, or cause to be hereafter located, constructed or built any railroad nearer than one hundred (100) feet to the outer edge of any macadam public road or macadam highway of the county of Durham: *Provided*, that this act ^{Location of railroads prescribed.} shall not prevent any railroad from crossing any macadam public road or highway of the county of Durham, as now allowed by law, and in this act hereinbefore provided, when in the opinion of a competent civil engineer such crossing is necessary: *Pro-* ^{Proviso: crossings.} *vided further*, that this section of this act shall not apply to any ^{Provision: trolley line.} electric trolley line railroad.

Misdemeanor.

SEC. 2. That any person, firm, association or corporation violating section one of this act shall be guilty of a misdemeanor, and upon conviction shall be fined in the discretion of the court.

Penalty.

Railroad right of way.

SEC. 3. That sections one and two of this act shall not apply to any railroad company hereafter building any line of railroad upon its right of way as now established and owned in the county of Durham.

Crossing to be restored.

SEC. 4. That any person or persons, firm, association or corporation hereafter building or causing to be built any railroad across any public macadam road or public macadam highway of the county of Durham shall cause said macadam public road or macadam public highway to be restored, as near as may be, to its former condition at the time of making such crossing, within thirty days from the time the work is begun in making such crossing, and any such person or persons, firm, association or corporation failing to so restore or cause to be so restored any crossing of any such public macadam road or public macadam highway of the county of Durham within such time shall be guilty of a misdemeanor and upon conviction shall be fined in the discretion of the court. And it shall be a separate offense for each and every day after the expiration of thirty days from the time the work of making such crossing was begun that such crossing of any such macadam public road or macadam public highway shall remain unrestored as near as may be to its former condition at the time of making such crossing.

Misdemeanor.

Penalty.

Separate offenses.

Crossing below or above grade.

SEC. 5. That at all crossings of any macadam public road or macadam public highway of the county of Durham by any railroad hereafter constructed, the railroad, whenever practicable, unless the cost thereof is prohibitive, shall be located over or under said macadam public road or macadam public highway. And if a surface crossing of said macadam public road or macadam public highway by any railroad hereafter constructed is necessary in the opinion of a competent civil engineer, then it shall be unlawful for any such surface crossing to be made at any grade different from the surface grade of any such macadam public road or macadam public highway. And any person, firm, association or corporation hereafter building or constructing, or hereafter causing to be built or constructed, any railroad across any such macadam public road or public macadam highway at any surface crossing at a grade different from the surface grade of any such macadam public road or macadam public highway, shall be guilty of a misdemeanor and upon conviction shall be fined in the discretion of the court.

Grade crossing regulated.

Misdemeanor.

Penalty.

Unlawful to change or turn road.

SEC. 6. That it shall be unlawful for any person, firm, association or corporation building or causing to be built any railroad, to turn or change any public macadam road or public macadam highway of the county of Durham without the consent of the Board of Commissioners of the County of Durham being first ob-

tained, and any person, firm, association or corporation violating this section shall be guilty of a misdemeanor, and upon conviction shall be fined in the discretion of the court.

Misdemeanor; penalty.

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

Conflicting laws repealed.

SEC. 8. That this act shall apply only to the county of Durham, and shall be in force from and after its ratification.

Limited to Durham County.

In the General Assembly read three times, and ratified this the 4th day of March, 1905.

CHAPTER 779.

AN ACT TO EMPOWER THE BOARD OF COUNTY COMMISSIONERS OF McDOWELL COUNTY TO COMPROMISE, COMMUTE AND SETTLE THE DEBT OF McDOWELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The Board of County Commissioners of McDowell County are hereby authorized to issue coupon bonds of the denomination of not less than one hundred nor more than five hundred dollars, to an amount not exceeding thirty-six thousand (\$36,000) dollars; said bonds may be redeemable at the pleasure of the said Board of County Commissioners of McDowell County, after any period not less than ten nor more than thirty years, or, if deemed expedient, may be made payable at any period of not more than thirty years from date of said bonds, bearing such interest as may be agreed upon by the said Board of County Commissioners of McDowell County, and the holders or owners of claims against said county of McDowell, not exceeding five per centum per annum, to be paid semi-annually. And said bonds shall be signed by the chairman of said Board of County Commissioners of McDowell County and attested by the clerk of said board and the seal of said county of McDowell.

Bond issue authorized.

Amount.

Redeemable.

How bonds attested.

SEC. 2. That the board of county commissioners shall have power to classify the debt of McDowell County and to give such creditors as may be willing to accept the terms offered by them such per cent. of the claims of said creditors in the bonds to be issued as aforesaid as the said board may deem just and reasonable, having regard to the price at which said debts or claims against said county may have heretofore sold in the markets of the country.

Debt classified.

SEC. 3. That for all such debts and claims for which the said county of McDowell may have been liable, arising upon any contract or liability created and existing prior to the year one thousand eight hundred and sixty-eight, the bonds so issued therefor may have expressed upon their face that they are issued in the place and stead of such contract or liability created and existing

Debts prior to 1868.

as aforesaid, and are not liable to the limitations of taxation provided for in section six of article five of the Constitution of North Carolina.

Bonds registered. SEC. 4. That it shall be the duty of the said Board of County Commissioners of McDowell County when the said bonds are issued to have registered each and every bond issued under the provisions of this act in a book to be kept for that purpose by the clerk of said board of county commissioners, specifying the amount, number and date of the bond, and the name of the person to whom the same has been issued, delivered or paid; and when any of the interest of the coupons on any of said bonds are paid the amount so paid and the date thereof shall be entered by the clerk of said board of county commissioners in a margin opposite the number and registry of said board as is hereinbefore provided for.

Tax for interest. SEC. 5. That it shall be the duty of the Board of County Commissioners of McDowell County to levy a tax annually upon all of the property and subjects of taxation in their said county, to meet and discharge the interest coupons on said bonds as the same may fall due. And the said Board of County Commissioners

Sinking fund tax. of McDowell County shall create a sinking fund to meet and discharge the principal of said bonds so issued as the same may mature and fall due, or at any period after the expiration of years from the date thereof, and to this end may levy such assessment of taxes upon all of the property and subjects of taxation in their said county to create said sinking fund.

Bonds may be sold. SEC. 6. That the Board of County Commissioners of said county of McDowell shall have power to sell and negotiate such bonds, or as many of them as are issued under this act, as may be necessary to pay off and discharge the indebtedness of McDowell County, of any part thereof, held and owned by any person or creditor who may refuse to receive or accept said bonds hereinbefore provided for to be issued in satisfaction of their said claims.

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. 1905.

CHAPTER 780.

AN ACT TO AMEND CHAPTER 260, PUBLIC LAWS OF 1903,
BEING AN ACT ENTITLED "AN ACT TO AUTHORIZE THE
COUNCIL OF STATE TO SELL THE STEAMER LILLIE."

The General Assembly of North Carolina do enact:

SECTION 1. That whereas, by authority of chapter two hundred and sixty, Public Laws of one thousand nine hundred and three, the steamer "Lillie," heretofore operated in the oyster industry of the State, has been sold by the Council of State; and whereas, by provisions of said act the proceeds, less the expenses of making said sale, has been paid into the hands of the State Treasurer, to be held by him as a part of the oyster fund of the State; and whereas further, under the provisions of said act, the Governor and shell-fish commissioner were directed to purchase or build one or more gas engine boats to be used in the service of said oyster industry in place of said steamer, the cost and expense of which was directed to be paid out of that part of the oyster fund received from the sale of said steamer; and whereas, said gas engine boats have been built and the same paid for out of the general oyster fund: now therefore, the State Treasurer is hereby directed to pay over the proceeds from the sale of said steamer into the oyster fund for the general use of the oyster industry of the State.

Preamble.

Preamble.

Proceeds of sale to go to oyster fund.

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

In the General Assembly read three times, and ratified this 4th day of March, 1905.

CHAPTER 781.

AN ACT TO REPEAL CHAPTER 159, PUBLIC LAWS OF 1901,
BEING ENTITLED "AN ACT TO EXEMPT D. V. DAVIS OF
DAVIE COUNTY FROM LICENSE TAX."

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and fifty-nine of the Public Laws of one thousand nine hundred and one be and the same is hereby expressly repealed.

Exemption rescinded.

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. 1905.

CHAPTER 782.

AN ACT TO CORRECT THE STATE GRANT NUMBER 126
TO NATHAN HYATT IN ORIGINALLY HAYWOOD BUT
NOW JACKSON COUNTY.*The General Assembly of North Carolina do enact:*

Grant corrected.

SECTION 1. That State grant number one hundred and twenty-six to Nathan Hyatt, made in Haywood County but now lying and being in Jackson County, be and the same is hereby corrected so as to correspond with the plat thereto attached, by inserting after the end of the first call and before the second call, as appears in the said grant the words: "East one hundred and twenty poles."

Correction.

Register to record grant.

SEC. 2. That it shall be lawful for the Register of Deeds for said county of Jackson, any time within one year from the ratification of this act, to register said grant, as herein corrected, upon the proper records of said county of Jackson.

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. 1905.

CHAPTER 783.

AN ACT TO SECURE BETTER DRAINAGE OF WATER OF
LICK CREEK IN FORSYTH AND STOKES COUNTIES.*The General Assembly of North Carolina do enact:*

Land-owners to remove obstructions.

SECTION 1. That all persons owning or leasing land on the water-course on Lick Creek in Forsyth or Stokes Counties, shall be required to remove all logs, rafts and dikes or dams, except such dams as may exist by virtue of a water-right, from the channels of such water-courses that would obstruct or have a tendency to obstruct the free passage of the water.

Logs, brush or other obstructions.

SEC. 2. That it shall be unlawful for any person to cut and leave in, or within fifty feet of the channel of Lick Creek, any logs, brush or other obstructions which may in time of freshet be carried into the channel of Lick Creek.

Who to remove.

SEC. 3. That when the water-course is the dividing line between two or more persons, and logs or rafts lodge therein, the person owning banks to which the butt-end of log is nearest shall remove the log, and in case of rafts the parties jointly shall remove the same, and if either party shall refuse to perform his part for twenty days after written notice by some person or persons own-

ing or leasing lands on said stream so obstructed without lawful excuse shall be guilty of a violation of this act.

SEC. 4. That any person failing to perform the duties required by this act shall be guilty of a misdemeanor and fined not exceeding ten dollars for each and every offense upon conviction before any justice of the peace of said county. Said fines to be applied to the public school fund of said county.

Failure to perform
duty a misde-
meanor.
Penalty.

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

Limitation.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

CHAPTER 784.

AN ACT TO ESTABLISH A NEW SCHOOL DISTRICT IN JOHNSTON AND HARNETT COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That a new public school district is hereby established in Banner Township in the county of Johnston, for the white race, to be taken from what is known as Pleasant Hill District (No. 1) of Elevation and Banner Townships, and Byrd District of Pleasant Grove Township, Johnston County, and Ennis Public School District (No. 1) in Grove Township, Harnett County, and said new district shall be bounded as follows: Beginning at the forks of Mingo Swamp near Ivey's Mill in Banner Township, Johnston County, thence up the said swamp to a point, but not including Pleasant Hill Church, thence west to Pleasant Grove Township line, including Joseph Martin, but not including Matthew Norden, nor Marshal Henry; thence with Pleasant Grove Township line to the Harnett County line including C. D. Stewart and V. Suggs in Harnett County; thence with Dunn and Raleigh road to a point south of, but not including, A. L. Bailey; thence east to a point in county line; thence with county line to the beginning.

New district estab-
lished.

Boundaries.

SEC. 2. That J. C. Turlington, W. T. Bailey and C. L. Stewart are hereby appointed as commissioners, whose duty it shall be to select a suitable site for a school-house as near the center of said district as possible, taking into consideration its fitness and the convenience of all concerned, and shall report their proceedings to the County Board of Education of Johnston County at its regular meeting on the first Monday in July, one thousand nine hundred and five, or as soon thereafter as possible. In case said county board of education shall endorse the work of said commissioners, said new district shall be numbered and set apart by them as a public school district of Johnston County.

Commissioners to
select site.

School committee. SEC. 3. That the board of commissioners herein named, to-wit, J. G. Turlington, W. T. Bailey and C. L. Stewart, shall constitute the school committee for the said new district until their successors are appointed by the county board of education.

School census. SEC. 4. That it shall be the duty of said school committee to take a census of all the children of school age in Johnston County residing in said new district and report the same to the Board of Education of Johnston County, and likewise the children of school age in Harnett County residing in the said district to the Board of Education of Harnett County, also to employ teachers who have obtained certificates of proficiency from the Superintendent of Education of Johnston County.

Apportionment of school fund. SEC. 5. That said district hereby established shall receive its equitable share of the public school funds from each of the said counties of Johnston and Harnett according to the number of children of school age entitled to the same residing within the bounds of the said new district, and in making this apportionment due regard shall be had to the grade of work done and course of studies taught. The portion of said funds collected in Harnett County shall be paid over by the treasurer of said county to the Treasurer of Johnston County, and the entire amount paid over as above shall be paid out by the Treasurer of Johnston County upon the order of the committee for said new district.

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. 1905.

CHAPTER 785.

AN ACT TO AMEND CHAPTER 554, LAWS OF 1901, TO READ GUM SWAMP CHURCH IN SWIFT CREEK TOWNSHIP, PITT COUNTY, INSTEAD OF GREEN SWAMP CHURCH.

The General Assembly of North Carolina do enact:

Name corrected. SECTION 1. That chapter five hundred and fifty-four of the Public Laws of one thousand nine hundred and one be and the same is hereby amended by making "Green Swamp Church" in Swift Creek Township, Pitt County, read "Gum Swamp Church."

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. 1905.

CHAPTER 786.

AN ACT TO ALLOW THE COUNTY COMMISSIONERS OF
BLADEN COUNTY TO SELL THE COUNTY FARM.

The General Assembly of North Carolina do enact:

SECTION 1. That the Commissioners of Bladen County be and Sale authorized. they are hereby authorized to sell the county farm, known as "The Waddell Place." That said sale may be either public or private, in the discretion of the commissioners, and that said property may be sold as a whole or in part and all on one day or on different days. That upon sale of any of the said property, and upon compliance with the terms of sale on the part of the purchaser, the said commissioners shall execute a deed in fee- Deed to purchaser. simple to the purchaser of said property for the same.

SEC. 2. That upon the sale of said property the Commissioners Tract to be purchased. of Bladen County shall purchase a suitable tract of land, as near the county-seat as practicable, and erect thereupon such buildings as said commissioners may deem necessary for the proper care of the poor of the county, and they shall pay for said site and buildings from the funds derived from the sale of the said Appropriation. "Waddell Place," and any surplus remaining from said sale after Surplus. paying for said site and buildings and improvements shall remain in the hands of the county treasurer of said county to be disbursed under the direction of the county commissioners for maintaining and keeping said county home.

SEC. 3. That if said county commissioners shall find it unwise Special tax if sale not made. or impracticable to sell said "Waddell Place," then they are authorized to levy a special tax, not exceeding ten cents on the one hundred dollars valuation of property and thirty cents on the polls, for the years one thousand nine hundred and five and one thousand nine hundred and six, respectively, for the purpose of erecting a suitable county home for the aged and infirm of the county. Said commissioners may build said home on the said "Waddell Place." or if they deem it expedient may purchase a site elsewhere whereon to erect the same. In case the "Waddell Place" is sold, no special tax shall be collected.

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

CHAPTER 787.

AN ACT TO ALLOW THE BOARD OF COMMISSIONERS OF MONTGOMERY COUNTY TO PAY FOR MAKING COURT DOCKETS FOR JUDGE AND BAR.

The General Assembly of North Carolina do enact:

Allowance authorized.

SECTION 1. That the board of commissioners of the county of Montgomery be and they are hereby given the power to make such allowance to the clerks of the superior court of said county for making the civil and criminal issue trial dockets and transcribing the minutes of said superior court as in their opinion may be a just and fair compensation therefor; said allowance to be paid out of the taxes of said county levied for county purposes.

Conflicting laws repealed.

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

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

In the General Assembly read three times, and ratified this 4th day of March, A. D. 1905.

CHAPTER 788.

AN ACT MAKING IT UNLAWFUL TO LAY ANY POISON ON ANY LAND NOT ENCLOSED BY A LAWFUL FENCE IN JACKSON AND BUNCOMBE COUNTIES.

The General Assembly of North Carolina do enact:

Unlawful to lay out poison.

SECTION 1. That it shall be unlawful for any person to place, scatter or distribute any poisonous substance, either on his own land or the land of another, for the purpose of catching, killing or driving off any wild or tame animal, or for any other purpose whatsoever, unless such land is enclosed by a lawful fence; and any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both, in the discretion of the court.

Misdemeanor. Penalty.

Limitation.

SEC. 2. That this act shall only apply to the county of Jackson and Buncombe 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 4th day of March, A. D. 1905.

CHAPTER 789.

AN ACT IN REGARD TO CLEANING OUT HAW RIVER IN
ROCKINGHAM COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That all persons owning lands lying immediately on ^{Duties of land-} Haw River in the county of Rockingham shall jointly keep the ^{owners.} said Haw River free from brush and logs up to the middle of said stream immediately in front of said lands.

SEC. 2. Any person violating this act shall be fined not more ^{Penalty.} than ten dollars nor less than one dollar.

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. 1905.

CHAPTER 790.

AN ACT TO PROHIBIT THE MANUFACTURE AND SALE OF
SPIRITUOUS LIQUORS IN CERTAIN LOCALITIES.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person, firm, or ^{Prohibition.} corporation to manufacture, sell or dispose of for gain or remuneration any spirituous, vinous or malt liquors or any other substance, either liquid or solid, that produces or may produce intoxication within one mile of the following places: All Saints ^{Within one mile.} Church in Clay County, Cross Roads Baptist Church and Hunting Creek Friends Church in Yadkin County; Mitchell's Chapel M. E. Church in Yadkin County; M. E. Church, South, Missionary Baptist Church, Nashville, Nash County.

SEC. 2. That it shall be unlawful for any person, firm or corporation to manufacture, sell or dispose of for gain or remuneration any spirituous, vinous or malt liquors or any other substance, either liquid or solid, that produces or may produce intoxication within two miles of the following places: New Hebron Church, ^{Within two miles.} situated in Stewarts Creek Township, Surry County; Eureka Disciples Church and Falling Creek Baptist Church, situated in Grantham's Township, Wayne County; Edmonds' School-house in Surry County; East Side, Fisher's River; Council's Methodist Church in Bladen County; Oak Grove Christian Church in Gates County; Jersey Baptist Church, Davidson County; Free Union Church in Bath Township, Saint Matthews Church, Yeatesville, Beaufort County; Fair View Church in Morton's Township, Alamance County.

Within three miles. SEC. 3. That it shall be unlawful for any person, firm or corporation to manufacture, sell or dispose of for gain or remuneration any spirituous, vinous or malt liquors or any other substance, either liquid or solid, that produces or may produce intoxication within three miles of the following places: Gold Hill Academy, Gold Hill Township, Rowan County; Fletcher's Chapel M. E. Church in Gates County; Epworth and Riverside Churches near Maple Cypress in Craven County; Salem M. E. Church, South, Catawba Springs Township, Lincoln County; Macedonia Baptist Church, Lincoln County; Culdee, Dowd's and Saint Matthews Chapel, Eureka, Summerhill, Reading Branch and Blue's Schoolhouse, Moore County; Centre M. E. Church, South, Davidson County; Fletcher's Chapel M. E. Church, South, Gates County; Turkey Knob Academy, Alleghany County.

Misdemeanor. SEC. 4. That any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both, at the discretion of the court.

Punishment.

SEC. 5. That this act shall be in force from and after the first day of July, one thousand nine hundred and five.

In the General Assembly read three times, and ratified this 4th day of March, A. D. 1905.

CHAPTER 791.

AN ACT TO CORRECT CERTAIN IRREGULARITIES IN AND TO VALIDATE STATE GRANT NO. 3083 FOR CERTAIN LANDS IN MACON COUNTY.

Preamble. WHEREAS, prior to the twenty-first day of May, one thousand eight hundred and sixty-nine, A. L. and A. J. Herren, G. C. Hanson and John G. Eve duly entered and fully paid the State of North Carolina for nine thousand two hundred and ten acres of land in the county of Macon and State of North Carolina, and thereupon became entitled to a State grant therefor; and

Preamble. whereas, on the ninth day of October, one thousand seven hundred and two, a grant for said lands, numbered three thousand and eighty-three, issued from the office of the Secretary of State under the Great Seal of the State and duly signed by the Governor of the State, but in countersigning the same the signature of the Secretary of State was affixed by his chief clerk instead

Preamble. of by the Secretary of State himself; and whereas, the said grant, shortly after its issuance, was duly recorded in the said county of Macon; and whereas, the said Secretary of State died before the discovery of said irregularity in respect to the affixing

Preamble. of his signature to said grant; and whereas, doubts exist as to

the force and effect of said grant: now therefore, to remove any such doubts and to cure any possible defects in said grant,

The General Assembly of North Carolina do enact:

SECTION 1. That the said State grant numbered three thousand and eighty-three be and the same is hereby declared good and valid and in all respects perfect: *Provided, however*, that this act shall not be construed to disturb any vested rights which may have accrued prior to the ratification of this act.

Grant declared valid.

Proviso: vested rights saved.

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. 1905.

CHAPTER 792.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF WAKE COUNTY TO SUBMIT TO THE QUALIFIED VOTERS OF SAID COUNTY THE QUESTION OF ISSUING BONDS FOR THE PURPOSE OF MAKING AND IMPROVING, ETC., THE PUBLIC ROADS OF SAID COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of Wake County be and it is hereby authorized and empowered to submit to the vote of the qualified voters of Wake County, at such time or times as in its discretion it may deem best, the question as to whether or not the county of Wake shall issue bonds in the sum of three hundred thousand dollars, with interest coupons attached, the proceeds of which to be used for the purpose of repairing, grading, making, improving and macadamizing the public roads of said county. The said board of county commissioners shall, for at least thirty (30) days preceding the election, give public notice of such election, together with the purpose thereof, by publication in one or more newspapers published in the said county: *Provided*, that if the majority of the qualified voters of said county shall not vote to issue bonds at the election so held, the said board of county commissioners may submit the said question to the qualified voters of said county at any other time or times under the provisions and regulations hereinafter enacted.

Election authorized.

Question.

Notice of election.

Proviso: further election.

SEC. 2. That any election held under the provisions of this act shall be held and conducted in the same manner as is now or may hereafter be prescribed by law for holding elections for members of the General Assembly: *Provided, however*, that the said board of county commissioners shall appoint the registrars of election and the judges and inspectors of election and any other

Election under general law.

Proviso: appointment of election officers.

election officers, and registration and challenge of voters shall be conducted in the same manner as is now provided or may hereafter be provided for the election of members of the General Assembly; and said county commissioners may or may not order a new registration for any or all of said elections. The vote shall be counted at the close of the polls and returned to the said board of county commissioners on the Thursday next following the election, and said board of county commissioners shall tabulate and declare the result of the election, all of which shall be recorded in the minutes of the board of county commissioners, and no other recording and declaration of the result of said election shall be necessary.

SEC. 3. That at the said election or elections the ballots tendered and cast by the qualified voters shall have written upon them "For Good Roads Bond Issue" or "Against Good Roads Bond Issue," and all qualified electors who favor the issuing of said bonds shall vote "For Good Roads Bonds Issue," and all qualified electors opposed to the issuing of the bonds shall vote against "Good Roads Bond Issue."

SEC. 4. In the event that the requisite majority of qualified electors of said county shall vote "For Good Roads Bond Issue" at said election the result shall be recorded and declared as aforesaid, and the Board of Commissioners of Wake County shall elect six electors, residents of said county, to be known as The Highway Commissioners of Wake County. One member thereof shall reside in the northern section of said county, one in the southern section, one in the western section, one in the eastern section, one in the central section, and one from the county at large. At the first election of said highway commissioners by said commissioners of Wake County, two members of said commission shall be elected for two years, two members for four years, and two members for six years: *Provided*, that the said board of county commissioners shall have power to fill all vacancies by death, resignation or otherwise for any unexpired term: *Provided further*, that at least two members of said highway commission shall at all times be from members of a different party from that of a majority of said board of county commissioners, said two members to be elected from the political party casting the next highest vote to that political party electing the majority of said board of county commissioners at the last election held for the election of county officers. That as soon as practicable after the election of said members of the highway commission they shall meet and organize by electing one of their members chairman of said commission and another of their members secretary and another, or some other suitable person, treasurer thereof, and shall pass such rules and regulations for their government as they shall

deem best: *Provided*, that the highway commissioners shall take an oath before some person authorized to administer oaths to perform their duties of said office to the best of their skill and ability: *And provided further*, that as the term of office of the said highway commissioners shall expire, the Board of Commissioners of Wake County shall elect their successors to same for a period of six years.

Proviso: commissioners to qualify.
Proviso: election of successors.

SEC. 5. The highways to be made, opened, built or improved by the highway commission under the provisions of this act shall from time to time be determined upon and designated by the highway commission and the board of county commissioners in joint session. In determining upon said highways, said joint board shall take into consideration the needs of the entire county and every part thereof, opening or improving those highways which, in their opinion, will be of benefit to the greatest possible number of people of the county, and treating every section of the county with equal justice.

Selection of highways.

SEC. 6. In the event that the requisite majority of the qualified electors of said county shall vote "For Good Roads Bond Issue" at said election the result shall be declared and recorded as aforesaid, and the Board of County Commissioners of Wake County shall have prepared bonds in the denominations of one thousand dollars, five hundred dollars, or one hundred dollars, the total amount to be that provided for in the first section of this act, and the said bonds shall bear a rate of interest, to be determined before the issue thereof by the said board of county commissioners, not exceeding five per cent. per annum, with the interest coupons attached, payable semi-annually during the time the said bonds shall run, and the principal thereof shall be payable thirty (30) years from the date of their issue. Said bonds and coupons shall be payable in standard currency of the United States at the office of the Treasurer of Wake County, in Raleigh, North Carolina, and both the bonds and coupons shall be numbered consecutively, beginning with the number one, and both bonds and coupons shall be signed by the chairman of said board of county commissioners and countersigned by the clerk of said board, and the said bonds shall have impressed upon them the seal of said county. The said bonds shall be styled, "Wake County Highway Improvement Bonds."

Bonds to be issued.
How bonds attested.

SEC. 7. Immediately upon the preparation and signing of said bonds the said Board of Commissioners of Wake 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 aforesaid; the expenses of said advertising and selling, or any other neces-

Highway commission to sell bonds.

Proviso: bonds to be sealed.	sary expenses in regard thereto, shall be paid out of the taxes levied for road purposes for the previous year by the board of county commissioners and collected by the sheriff of said county: <i>Provided</i> , that before delivering any of said bonds sold by the provisions of this section and under this act, the chairman of the highway commission shall apply to the custodian of the seal of Wake County, whose duty it shall be to affix the said county seal to the bonds sold, and no bonds shall be of any value until said seal is so affixed.
Bonds not sold below par.	SEC. 8. That none of the bonds authorized by this act shall be disposed of by the said highway commission by sale, exchange or
Specific appropriation.	otherwise for less than their face value, nor shall said bonds or proceeds be used for any other purpose than those declared by this act: <i>Provided, however</i> , that the purchasers of said bonds shall
Proviso: purchasers not bound.	not be required to see to the application of said fund. When said bonds are issued they shall be numbered consecutively, and the coupons attached and issued with them shall bear the number of the bond to which they are attached. The bonds and coupons shall state on their face when they are due and when payable, and said bonds shall show by what authority they are issued. The said highway commission shall record all their proceedings in respect to said bonds in the minutes of their meetings, and whenever the same are sold the number of bonds and their denomination, to whom sold, and the number of coupons attached must be recorded in said minutes: <i>Provided</i> , that the minute book and all other books kept by the highway commission shall at all times be open to the inspection of the commissioners of Wake County.
Records as to bonds.	
Proviso: books open to inspection.	
Proceeds to treasurer of highway commission.	SEC. 9. When any said bonds are sold the proceeds of sale shall be turned over to the treasurer of the highway commission, who shall keep said fund and all other funds which shall come into his hands separate from all other funds, and he shall keep separate accounts of same; and said treasurer shall annually, before any fund provided for in this act be paid over to him, execute an official bond, payable to the county of Wake in the usual manner, equal to the greatest amount which may at any time come into his hands during the succeeding year by reason of this act, conditioned for his faithful safe-keeping of the same, and rendering a due account in respect thereto, and in all things holding and dispensing and accounting for the same as is required by law, which bond shall be passed upon, accepted and received by said highway commission; and all orders directed to said treasurer for the payment of money under this act shall state on their face that they are highway orders, and to what account they are chargeable, and shall be signed by the chairman and secretary of said highway commission. The said treasurer shall not be allowed any commissions or receipts on the amount received from sale of said bonds; but for the paying out of said amount he shall be allowed a commission not exceeding
Bond of treasurer.	
Highway orders.	
Commission of treasurer.	

one per cent: *Provided, however*, he may be allowed the usual commissions allowed county treasurers for receiving and disbursing the amount annually collected from taxes to pay the interest on said bonds. It shall be the duty of the said treasurer to keep the money, or so much thereof as is deemed practical by the said highway commission, deposited in such bank or banks as may be designated from time to time by said highway commission, and only such banks as will pay interest on time deposits shall be designated. The said highway commission shall pay the premiums on the official bonds given by the said treasurer for the safe-keeping of the three hundred thousand dollars or any part thereof.

Proviso: further commission.

Deposits.

SEC. 10. That in case the said election shall be in favor of issuing bonds as aforesaid, the said Board of Commissioners of Wake County shall levy annually, the first Monday in June, a separate road tax for said county of not exceeding twenty-five cents on the one hundred dollars worth of property nor exceeding seventy-five cents on each poll, and not less than twelve and one-third cents on the one hundred dollars worth of property and thirty-seven cents on the poll, the subjects of taxation and levying of taxes to be the same on which the said board of county commissioners now or may hereafter be authorized to levy taxes for general county purposes. The taxes so levied shall be collected as other taxes, and the same shall be a separate fund applied, first, to the payment of the interest on said bonds, and second to the opening and improvement of public roads under the provisions of the present road law of Wake County, and third to the creation of a sinking fund for the redemption of said bonds. Said sinking fund shall be held by the board of county commissioners on special trust for the payment of the bonds issued under the provisions of this act, and neither the principal thereof, nor the interest thereon, shall be used for any other purpose. The said board of county commissioners shall manage and invest the said funds in their discretion until paid out for the payment and redemption of bonds in the manner specified in this act: *Provided, however*, that said board of county commissioners may, in their discretion, from time to time use any of said sinking fund for the purchase in open market of any bonds issued under the provisions of this act.

Limit.

Application of taxes.

Sinking fund a special trust.

Investment of sinking fund.

Proviso: purchase of bonds.

SEC. 11. That the said highway commission shall use the funds derived from the sale of said bonds for the purpose of constructing and improving the public highways in the said county, and shall purchase and hold such tools, machinery, implements and stock, and employ such overseers, foremen and laborers as they may deem necessary for the said purpose: *Provided further*, the said highway commission shall, as soon as practicable, purchase not less than three complete outfits for the purpose of macadam-

Highway commission to use funds.

Proviso: purchase of equipments.

Powers of county commissioners.	izing the highways of said county. The board of county commissioners may from time to time put into the custody and control of the highway commission such part of the road-making machinery and convict road force of the county as may not be needed for the work of constructing and repairing of public roads under the county road law, and may at any time withdraw from the custody of the highway commission all, or any part, of said machinery and convict force. Said convicts, while in the custody and control of said highway commission, shall be employed in the construction or repair of highways under the provisions of this act, and the expense of maintaining and guarding said convicts while so employed shall be paid out of the fund derived from said bonds.
Convict work.	
Requirements for highways.	SEC. 12. That the highways in said county constructed or improved under this act shall not be less than twenty nor more than forty feet wide, at least nine feet of which shall be macadamized or covered with gravel or suitable admixture of sand and clay as soon as is expedient, and the whole of which shall be as straight as practical and graded.
Highway superintendent.	SEC. 13. That as soon as the highway commission shall deem it necessary they shall elect by ballot a highway superintendent for said Wake County and fix his compensation. The result of said election shall be declared and the result shall be recorded in the proceedings of said highway commission. Said person so elected shall take and subscribe to an oath for the faithful performance of his duties as highway superintendent, and shall execute an official bond in the sum of two thousand five hundred dollars (\$2,500) for the faithful performance of his duties and for accounting for all money and property which may come into his hands as said officer. Said bond shall be approved by said highway commission. Said highway superintendent shall hold his office for two years and until his successor be elected and qualified, except that the said highway commissioners may for any good cause remove said highway superintendent from his office and elect a successor for the unexpired term. Said highway superintendent shall enter upon his duties and work when and where directed by said highway commission, and shall have such authority and perform such duties as may be from time to time determined by said highway commission.
Oath and bond of superintendent.	
Term of office.	
Removable for cause.	
Accounts and reports.	SEC. 14. That said highway commission shall require the treasurer of said commission to account to them twice annually for the said highway fund, and may require as often as deemed best reports from officers and employees concerning their progress in their duties, and to what extent and in what manner they have performed the same.
Power of condemnation.	SEC. 15. That in opening new highways, widening and straightening old roads and repairing the same, the highway commission, through its agents, are hereby authorized to enter upon any land

and locate and build such highways, and if the highway commission and the owner or owners of said land cannot agree as to the damages, if any, the highway commission shall, within sixty days after said highway is completed, cause to have summoned five freeholders who shall go upon the land and assess damages and benefits under the general road law as it now exists: *Provided further*, that before entering upon lands as authorized by this section it shall be the duty of the highway commission to serve notice upon the owner or owners of said land, notifying said owner or owners that the highways are to be located upon such land under the authority of this act.

Proviso: notice to owner.

SEC. 16. That the passage of this act shall not repeal the road law in force applicable to the general working of public roads in said county: *Provided*, that all persons who are required to work under the road law now in force shall not be required to work in direct contact with persons who have been convicted of crime and sentenced to the road: *Provided, also*, that the Board of Commissioners of Wake County shall levy no taxes for road purposes other than provided for in this act.

Road law continued.

Proviso: free and convict labor separated.

Proviso: no other road tax.

SEC. 17. That said highway commission shall have the authority to employ a physician at any time to assist the county physician in attending the convicts working the public highways, and shall also have power to provide for the care and keeping of said convicts and to provide all things necessary to carry into effect the provisions of this act.

Highway physician.

Care and keeping of convicts.

SEC. 18. The said highway commission shall be entitled to the same per diem and mileage as the Board of Commissioners of Wake County.

Mileage and per diem.

SEC. 19. The Board of Commissioners of Wake County shall audit the accounts of the sheriff for all taxes levied and collected under this act and make settlement of the same between said sheriff and county treasurer and said board of county commissioners, and may institute and prosecute any necessary action for the recovery of any such road taxes in case any officer fails to account for same.

County commissioners to make settlements.

SEC. 20. That any highway commissioner or superintendent making or causing to be made any fraudulent order whereby money is to be paid out of said highway fund herein provided for shall be guilty of a misdemeanor and be fined or imprisoned at the discretion of the court, or both, and shall be removed from office; and any highway commissioner or superintendent failing or refusing to perform the duties imposed by this act shall be guilty of a misdemeanor and fined not less than twenty nor more than one hundred dollars: *Provided further*, that the board of county commissioners may for good and sufficient cause remove any one or more of the highway commissioners, and the vacancy or vacancies shall be filled as provided in this act for filling vacancies from other causes.

Penalty for fraudulent orders.

Penalty for failure to perform duty.

Proviso: highway commissioners removable for cause.

- Expenses for highway commission. SEC. 21. That all expenses incurred by the highway commission on account of stationery, clerk hire, attorney's fees, postage, etc., shall be paid upon their order out of the funds provided for by this act.
- Definition of highways. SEC. 22. The term "highway" in this act shall be understood to mean all public roads designated as such under the provisions of section five of this act, as distinguished from other public roads in the county.
- Limit on annual expenditure. SEC. 23. The highway commission shall not use more than the proceeds from the sale of sixty thousand dollars worth of bonds in any one year over and above the amount paid for machinery, implements and stock, except by a two-thirds vote in a joint meeting of the highway commissioners and the county commissioners.
- County commissioners may abolish or reduce road duty. SEC. 24. That when this act becomes operative by a majority vote of the qualified electors of Wake County, as hereinbefore provided, the Board of Commissioners of Wake County may in their discretion relieve all the citizens of Wake County liable to road duty from working on the public roads of said county; or they may reduce the number of days work required of each citizen of said county between the ages of twenty-one and forty-five, and at the same time reduce proportionally the amount of money to be paid in lieu of such work.
- SEC. 25. That this act shall be in force from and after its ratification.
- In the General Assembly read three times, and ratified this 4th day of March, A. D. 1905.

CHAPTER 793.

AN ACT TO AMEND SECTION 3 OF CHAPTER 276, PUBLIC LAWS OF 1903.

The General Assembly of North Carolina do enact:

- Prohibition limited. SECTION 1. That prohibition of manufacture and sale of brandy in reference to churches and schools in Siloam, Surry County, do not apply to Yadkin County.
- SEC. 2. That this act shall be in force from and after its ratification.
- In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

CHAPTER 794.

AN ACT TO PROTECT SHEEP IN HAYWOOD COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of County Commissioners for the county of Haywood are hereby authorized and empowered to offer a reward of two dollars for each wild cat killed in that county when the fresh scalp of a wild cat, with the ears attached, is presented to the register of deeds, with an affidavit stating the time, place and by whom the wild cat was killed. On the presentation of this affidavit to the board of commissioners, with the statement in writing by the register of deeds that the scalp and ears were exhibited before him, the said board, if it be satisfied that the facts stated in said affidavit are true shall issue an order on the county treasurer for the payment of two dollars per head for each wild cat killed. Bounty for wild cat scalps.

SEC. 2. That the scalp furnished to the register of deeds shall be by him destroyed. Scalps to be destroyed.

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. 1905.

CHAPTER 795.

AN ACT TO LEGALIZE PRIMARY ELECTIONS IN NEW HANOVER COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That every political primary election held by any political party or organization for the selection of candidates for either branch of the General Assembly, or for county, city, town or township offices; for selecting and instructing delegates to county conventions; for the election of county or city executive committees, or for one or all of such purposes, shall be held and conducted in the manner hereinafter set forth. Political primary.

SEC. 2. That any primary election for any or all of the above-named purposes shall be held at the call, and under the rules and regulations, of the executive committee or governing board of the political party or organization proposing to hold such primary: Primary under rules of party. *Provided*, that such primary shall not be held more than sixty nor less than thirty days prior to the next general election for city or county (as the case may be) at which such candidates to be nominated shall be voted for. Proviso: date.

Rules and managers.

SEC. 3. Such primary election shall be presided over and conducted in the manner prescribed by the rules of the political party or organization holding such primary and by managers elected in the manner prescribed by such rules. Such manager

Managers sworn.

shall, before entering upon the discharge of their duties, each take and subscribe an oath, before some person authorized to administer the same, that he will fairly, impartially and honestly conduct the same according to the provisions of this act, and the rules of such political party or organization. Such oath, when

Oath to be filed.

taken and subscribed, shall be filed with the clerk of the superior court, and any election officer or manager who shall willfully refuse to take such oath, or shall willfully participate in holding such election without taking such oath, shall be guilty of a misdemeanor and fined or imprisoned in the discretion of the court.

Misdemeanor, punishment.

Appointment of officers.

SEC. 4. That the executive committee or governing board of any political party or organization proposing to hold a primary election shall, at least thirty days preceding said primary election, proceed according to the rules and regulations of said party to appoint such registrars and judges or other managers of election as may be necessary; and the said executive committee or governing

Notice of primary.

board shall give twenty days' notice of the time appointed for said primary, and of the time when the registration books (hereinafter provided for) shall be open for registration, said notice to be posted at three public places in each township, ward, or precinct, and published twice a week in some daily newspaper published in the city of Wilmington; and the said notice shall give the days and hours when, and the place where, said registration books shall be open, and the date of said election, and the hours when the polls will be open.

Copies of registration books.

SEC. 5. That for the purposes of registration, the custodian of any of the registration books of New Hanover County shall on demand make a certified copy of same for the manager or managers of any political party or organization: *Provided*, that the political party or organization shall pay to the custodian of the books ten cents for each hundred names copied. And the said executive

Further registration.

committee or governing board shall provide for the further registration of voters whose names do not appear on said books; and for the purposes of said additional registration the registration books (to be provided by such political party or organization) shall be open from eight o'clock A. M. till six o'clock P. M. from Monday to Saturday, inclusive, next preceding said primary, which shall not be held before Wednesday of any week. Said registration books shall be kept open at the polling places for the preceding general election, and at no other place. At any time during the period when said books are open for registration any elector

Inspection and challenges.

may inspect said books and challenge any voter, which said challenge shall be heard at any time, to be set by the registrar, after the close of said books and prior to the day of election, due notice

to be given to the person whose vote is challenged. No person shall have the right to vote in the primary election of any political party who will not have the right to vote in the approaching general election, but any person who will attain the right to vote on or before the day for the general election shall be entitled to vote in said primary. And for the purposes of challenge the same qualifications shall be required of a voter in said primary as are required by law in a general city or county election (as the case may be): *Provided*, that the said political party or organization may require such additional qualifications as to party fealty as it may deem wise: *Provided further*, that any candidate may have a representative at the polls to witness the casting and counting of the ballots.

Voters.

Proviso: additional qualifications.

Proviso: representation of candidates.

SEC. 6. Before any ballots are received at such election, and immediately before opening the polls, such managers shall open each ballot box to be used in such election, see that there are no ballots therein, and exhibit the same publicly to show that there are 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 allow no person to vote whose name does not appear on the registration books. At the close of the election the said managers shall proceed publicly to count the votes and declare the result; they shall certify the results of such election and transmit such certificate, with 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 or organization holding such election: and they shall also within four days after the count is completed transmit a copy of said return, showing the number of votes received by each candidate, to the clerk of the superior court, where the same shall be filed.

Boxes opened and exhibited.

Closing boxes.

Poll books.

Count of votes public.
Certificates and returns.

SEC. 7. Any manager who shall be guilty of willfully 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 one hundred dollars 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 five hundred dollars or imprisoned for a term not to exceed twelve months, or both, in the discretion of the court.

Manager guilty of misdemeanor.

Punishment.

Manager guilty of fraud.

Punishment.

SEC. 8. 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.

False swearing forgery.

SEC. 9. It shall be the duty of any person who may be appointed by his party in any capacity and accepts the appointment

Duties of appointees and delegates.

- 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 willfully fail or refuse to perform such duty shall be guilty of a misdemeanor cognizable in the county of his residence.
- Misdemeanor.
- Fraudulent voting. SEC. 10. 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 offense.
- Punishment.
- Repealing.
- Misdemeanor.
Punishment.
- Use of liquors.
Bribe or offer to
bribe.
- Misdemeanor.
Punishment.
- SEC. 11. 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 twenty-five nor more than five hundred dollars.
- Dram-shops to be
closed.
- Sale or gift of
liquor forbidden.
- SEC. 12. 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 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.
- Limitation.
- SEC. 13. This act shall apply only to the county of New Hanover.
- SEC. 14. 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, 1905.

CHAPTER 796.

AN ACT TO ENLARGE A CERTAIN STOCK LAW TERRITORY IN COLUMBUS COUNTY AND PREVENT LIVE-STOCK FROM RUNNING AT LARGE THEREIN.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for the following live stock, to-wit: Horses, mules, jacks, jennets, mares, colts, hogs, cows, calves, sheep, goats and all other cattle, swine and geese to run at large in that territory in Columbus County bounded and described as follows, viz.: Beginning where the Bladen County line intersects with the White Hall public road on the south side and runs along the south side of said White Hall road to the west side of Spaulding public road; thence with the west side of the said Spaulding public road to the east side of the Whiteville and Elkton public road; thence with the east side of the said Whiteville and Elkton road to the east side of the Whiteville and Elizabethtown public road; then with the east side of the said Whiteville and Elizabethtown road to the three-mile post on the side of the said Whiteville and Elizabethtown road on the north side of the Deep Hole Branch where a neighborhood road leads off to the Whiteville and Wilmington public road; thence with the east side of the said neighborhood road to the north side of the said Whiteville and Wilmington road; then with the north side of the said Whiteville and Wilmington road to the east side of the Jonesboro public road leading by Napoleon Powell and Cass Haynes' home places; thence with the said Jonesboro public road to a small bridge across the same about one-half mile beyond the said Cass Haynes' home place; thence a direct line to the old "still-yard" on the south side of the Wilmington, Columbia and Augusta Railroad; thence a direct line to the head of the lead ditch in the Dismal Bay; thence down the south side of the said ditch to the first corner of the Mc. I. Young and A. H. High land, corner of the Sam Maultsby plantation; then westwardly with the Mc. I. Young and A. H. High line to the east edge of the White Marsh Swamp; then with the east edge of the White Marsh Swamp to the south edge of the right of way of the said Wilmington, Columbia and Augusta Railroad; then with the south edge of the said right of way crossing said White Marsh Swamp to the west edge of said swamp; then with the west edge of the said White Marsh Swamp around and crossing Western Prong Swamp to the edge of the Red Hill Swamp, and with the north edge of the Red Hill Swamp to the Bladen and Columbus County line; then with said Bladen and Columbus County line to the beginning.

Unlawful for live stock to run at large.

Boundaries of territory.

SEC. 2. That the territory described in section one of this act shall be and the same is hereby added to that stock law territory added to former territory.

tory lying contiguous thereto adjoining the west edge of the White Marsh Swamp in the said county of Columbus, and fully described in an act passed at this session of the General Assembly of North Carolina entitled "An act to prevent live stock from running at large in a certain territory in Columbus County"; and that the territory described in section one of this act shall be subject to all the provisions, pains and penalties set out in sections two, three, four and five of the said act entitled "An act to prevent live stock from running at large in a certain territory in Columbus County": *Provided*, that upon the ratification of this act as hereinafter set out it shall not be necessary to build any fence along the line of any stock law territory where the stock law is now in force, or shall become in force, lying contiguous to the territory described in section one of this act; and upon such ratification the territory described in section one of this act and the territory described in the said act referred to above passed at this session and entitled "An act to prevent live stock from running at large in a certain territory in Columbus County" shall become one stock law territory, and shall be subject to all the provisions, pains and penalties in the said act above referred to and entitled as aforesaid.

Proviso: stock law fence.

Election to be ordered.
Date.

SEC. 3. That the County Board of Commissioners of Columbus County shall order an election to be held on the twenty-third day of March, one thousand nine hundred and five, at such place or places in said territory described in section one of this act as the said board of commissioners may designate, and that said election shall be held under the supervision of a registrar and two judges of election for each voting precinct that may be established by said board; that said board of commissioners shall appoint the said registrars and judges of election, and shall advertise at the court-house door and in some newspaper published in said county of Columbus for at least two weeks prior to the time of holding said election the time and place or places of holding the same, and shall also set forth in the advertisement the names of the registrars and the place or places and time where and when the registration books will be kept open for persons to register for said election.

Notice of election.

New registration ordered.

SEC. 4. There shall be an entirely new registration of all persons in said territory described in section one of this act who shall be entitled to register under the laws of this State, and only such persons as are registered under the provisions of this act shall be allowed to vote at said election. All qualified voters residing in said territory described in section one of this act who shall be in favor of the stock law prevailing therein shall vote a written or printed ticket with the words "Stock Law" thereon, and all persons who shall be opposed to the stock law prevailing therein shall vote a written or printed ticket with the words "No Stock Law" thereon. If a majority of the votes cast at said elec-

Form of ballot.

Effect of election.

tion shall be for "Stock Law," then all the provisions of this act shall be in force in said territory described in section one of this act, but if a majority of the votes cast at said election shall be for "No Stock Law," then none of the provisions of this act shall be in force in said territory described in section one of this act.

SEC. 5. That the said registrars and judges of election shall make due returns on the twenty-fourth day of March, one thousand nine hundred and five, next day after said election, to said board of commissioners of the number of qualified votes cast at said election for "Stock Law," and the number of votes cast for "No Stock Law," and may deliver the said returns by one or more of their number to the Register of Deeds for said county of Columbus for said board. The said board of commissioners shall judiciously pass upon said returns, declare the result of said election, make a minute of the same upon their docket, and their decision shall be final. That if at said election a majority of the qualified votes cast is for "Stock Law," the said board of commissioners shall have full power to carry out the intent and purposes of this act at any time within one year from the passage of this act. If at any time any question shall arise as to the exact location of any of the boundary lines mentioned or referred to in this act, the said location shall be determined by the fence commissioners mentioned in the act above referred to and their decision shall be final.

Returns of election.

Canvass of returns.

Powers of county commissioners.

Determination of location.

SEC. 6. If for any cause the said election mentioned above should not be held at the time above mentioned, then the said board of commissioners may fix another day and time for holding said election, and the returns thereof to be made on the next day after said election, and the said election to be held and passed upon as hereinbefore set out.

Election on subsequent date.

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. 1905.

CHAPTER 797.

AN ACT TO LIMIT THE DUTIES OF THE BOARD OF COMMISSIONERS OF GREENE COUNTY IN REGARD TO STOCK LAW.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall not hereafter be required of the Board of Commissioners of Greene County, nor in any way incumbent upon the said board, to erect or keep up or maintain any stock law fence outside of the boundaries of said county; and that no

No tax levy for fence outside county.

assessment or levy shall be made by said board of commissioners upon any person or any lands or other property in Greene County for the erection, support or maintenance of any fence or fences in any territory lying outside of the limits of the said county of Greene.

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 4th day of March, A. D. 1905.

CHAPTER 798.

AN ACT TO LAY OFF AND CONSTRUCT A PUBLIC ROAD FROM NORTH WILKESBORO, NORTH CAROLINA, TO BOONE, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Road commis-
sioners.

Route of road.

Completed in two
years.

When work to
begin.

Location and
reports.

Overseers.

SECTION 1. That J. E. McEwen, Dock Shepherd and J. C. Horton are hereby appointed commissioners authorized and empowered to employ a competent road surveyor to locate and establish a public road from North Wilkesboro, North Carolina, up the north side of the Yadkin River *via* Curtis' Bridge to a point at or near Lewis' Fork Creek, then the most practicable route up said creek, and through the deep gap of Blue Ridge to Boone, North Carolina, which road shall be not less than fourteen feet wide, and shall be completed within two years from commencement of work on same.

SEC. 2. That the commissioners above named shall not begin their work till ordered to do so by the Board of Commissioners of Wilkes and Watauga Counties, and said board shall authorize the commencement of work when the sum of one thousand dollars has been raised by private subscription in Wilkes County and one thousand dollars so raised in Watauga County, which subscription list shall be presented to the board of commissioners of each county respectively for their approval.

SEC. 3. That when said sum shall be so raised by private subscription, and approved by the said Commissioners of Wilkes and Watauga Counties, then the commissioners named in section one of this act shall have authority to proceed with the location of said road, and when located shall file two reports, one with the Commissioners of Wilkes County and one with the Commissioners of Watauga County.

SEC. 4. That when said road is surveyed and located and approved the Commissioners of Wilkes County shall appoint over-

seers of that part of the road located in Wilkes County, and the Commissioners of Watauga County shall appoint overseers for that part of the road in Watauga County, and all persons liable to road duty within three miles parallel to said road on either side shall be subject to work on said road till completed: *Provided*, that due regard shall be had to working when not in the busiest seasons: *Provided further*, that no hands living on the south side of Yadkin River shall be required to work on this road.

Road hands.

Proviso: seasons for work.

Proviso: south of Yadkin river.

SEC. 5. That the money so raised by private subscription in Wilkes County shall be used for buying tools and blasting material to be used in Wilkes County, and the money subscribed in Watauga County shall be used for like work in Watauga County, and any balance that may be due for working tools and blasting material and construction of bridges in Wilkes County shall be paid for by Wilkes County, not to exceed one thousand dollars; and any balance that may be due for working tools, blasting material and construction of bridges in Watauga County shall be paid for by Watauga County, not to exceed one thousand dollars.

Application of private subscriptions.

Balances paid by counties.

SEC. 6. That the commissioners named in section one shall have power to assess any damage claimed by any party through whose land the road runs, which damage shall be paid respectively by Wilkes and Watauga Counties: *Provided*, that in assessing the damages to land said commissioners shall likewise take into consideration the advantages given by the road. Said commissioners shall report their findings in writing to the clerk of the superior court of the county in which the land lies for confirmation, and any party dissatisfied thereat shall have the right to appeal to the superior court in term time, when such appeal shall be heard by the judge and a jury.

Assessment of damages.

Report of assessments.

Appeal.

SEC. 7. That Captain E. S. Blair of Wilkes County is hereby appointed general supervisor of said road, whose duty it shall be to supervise the construction of each section of said road, approve the same, and when so approved by him he shall report the fact to the Commissioners of Wilkes and Watauga Counties, respectively, and said commissioners shall then declare said road a public road in their respective counties.

Supervisor appointed. Duties.

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 4th day of March, A. D. 1905.

CHAPTER 799.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF BEAUFORT COUNTY, NORTH CAROLINA, TO PAY ITS EXISTING INDEBTEDNESS.

The General Assembly of North Carolina do enact:

Preamble.
Recital of debts.

SECTION 1. That whereas, the Board of Commissioners of the county of Beaufort are indebted approximately in the sum of twelve thousand five hundred dollars contracted for the necessary expenses of the said county in its government and evidenced by bonds, script and other written evidences of debt heretofore issued to pay the actual necessary expenses of said county of Beaufort which are now outstanding and unpaid; and whereas, it is desirable to fund and pay said indebtedness, the said Board of Commissioners of the county of Beaufort or its successors are fully authorized and empowered to issue coupon bonds under their corporation and official seal to the amount of twelve thousand five hundred dollars, and not exceeding said sum in the principal thereof, bearing five per cent. interest per annum from date of issue, the interest to be payable semi-annually on the first days of June and December of each year. The principal and interest of said bonds shall be payable in current funds of the United States of America and at such place as said board may direct. The said bonds shall be issued in denominations of one hundred dollars and multiples thereof, no one bond being for a less sum than one hundred nor for a greater sum than five thousand dollars. Said bonds and their coupons shall be numbered, and the bonds signed by the chairman of the board of county commissioners and countersigned by its clerk, and have the corporate seal of said board attached, and the coupons shall be signed by the chairman of the board of commissioners. A record shall be kept of the said bonds, showing the numbers and denominations thereof, and to whom sold, and dates of issue and maturity of each bond, and the amount received from the sales thereof. Said bonds shall be sold under such regulations and in such manner as the board may direct, but none of the bonds shall be sold for less than par or face value together with accrued interest, and the proceeds derived from the sale of said bonds shall be applied exclusively to the payment and discharge of the present outstanding debts, bonds and obligations of the Board of Commissioners of the county of Beaufort.

Bond issue authorized.

Limit.

Bonds not sold below par.

Specific appropriation.

When bonds payable.

Coupons receivable for county taxes.

How payable.

SEC. 2. The principal of all of said bonds shall be due and payable on the first day of June, one thousand nine hundred and thirty-five.

SEC. 3. The coupons of said bonds shall be receivable in payment of all taxes due to be levied by said Board of Commissioners of Beaufort County, or by its successors, and the interest on said

bonds and the principal thereof shall be payable out of the ordinary revenues and taxes of said county if said revenues are sufficient after paying the current expenses of each year.

SEC. 4. To further provide for the payment of said bonds the said board, or its successors, may in its discretion levy an annual special tax on the polls, personal and real property and other subjects of taxation of said county sufficient to pay the interest semi-annually on said bonds, and said board, or its successors, may also, in its discretion, levy during the year one thousand nine hundred and nine, and each year thereafter, a special tax sufficient to produce an annual sum sufficient to pay and discharge five hundred dollars of said bonds, which said sum shall be set apart as a sinking fund for the payment of said bonds. All of said special tax shall be levied and collected from the polls and personal and real property and other subjects of taxation of said county in the same manner as other taxes of said county are levied and collected, the constitutional requirements being always complied with. The said special tax when so levied shall be applied strictly to the payment of the interest semi-annually on said bonds and also to the payment of the principal of said bonds named in this act, and to no other purpose. And it shall be a misdemeanor punishable by a fine and imprisonment, in the discretion of the court, for an officer of said county or any other person to wrongfully misapply or divert said special tax from the purpose provided by this act.

Special tax for interest.

Special tax for sinking fund.

Specific appropriation.

Diversion of tax a misdemeanor.

SEC. 5. 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. 1905.

CHAPTER 800.

AN ACT TO AMEND CHAPTER 125 OF THE PUBLIC LAWS OF 1903, KNOWN AS THE PROHIBITION LAW OF CUMBERLAND COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and twenty-five of the Public Laws of one thousand nine hundred and three, entitled "An act to prohibit the manufacture and sale and the shipping into Cumberland County of spirituous, vinous or malt liquors," be and the same is hereby amended as hereinafter provided.

SEC. 2. That section one of said act be amended by inserting after the word "to" and before the word "manufacture" in line two of said section the word "rectify," and between the word "sold" and the word "in" in line five of said section the words

Prohibition extended.

"on the premises where the fruits, grapes or berries are grown," and by adding after the word "premises" at the end of said section the following: "Nor shall it be lawful to sell in said county any wine or cider to any unmarried infant." Strike out the word "five" in said section and insert in lieu thereof the word "two," and strike out the words "sealed or crated" in line five thereof.

Delivery to druggists.

SEC. 3. That section three of said act be amended by striking out all words after the word "sale" in line nine of said section, beginning with the word "provided."

Sales on prescriptions.

SEC. 4. That section four of said act be amended by striking out the words in lines one and two thereof, to-wit, "any of the liquors prohibited by section one of this act," and inserting in lieu thereof the words "spirituous liquors," and adding at the end of said section the words "and upon conviction shall be fined not less than fifty nor more than one hundred dollars or imprisoned not less than thirty nor more than sixty days: *Provided*, that no physician shall prescribe more than one quart of such liquor to any one person upon the same date."

Punishment for false prescription.

Limit to amount prescribed.

Advertisement or solicitation forbidden.

SEC. 5. That section seven of said act be amended by adding to the end of said section after the words "United States" the following: "It shall be unlawful to advertise for sale or solicit orders for any liquors forbidden to be rectified, manufactured or sold by said act by any means whatsoever within said county."

Officers defined.

SEC. 6. That the word "officer" or "officers" as used in this act shall be construed to include all policemen of incorporated towns, all township constables, all special officers that may be appointed as hereinafter provided in this act, all deputy sheriffs and the sheriffs of said county. The word "mayor" or "mayors" shall include all mayors of incorporated towns in said county; the words "justice of the peace" or "justices of the peace" shall include all justices of the peace of said county; the word "solicitor" shall refer to the Solicitor of the Seventh Judicial District or any one acting in his stead.

Mayor defined.

Justices of the peace defined.

Solicitors defined.

SEC. 7. That sections ten and eleven of said act be stricken out and the following words inserted in lieu thereof, viz.: "All mayors, justices, officers and solicitors herein mentioned shall use due diligence for the enforcement of this act. Said officers shall each make a report in writing, under oath, the first Monday of each month, stating (1) whether or not he has diligently and honestly tried to enforce said law; (2) whether or not he has reason to believe any of the provisions of said act have been or are being or about to be violated, and the nature of said violation; (3) the names of any and all persons violating or suspected of violating said law, the names of any and all witnesses against such reported persons. Said officers shall report to the following, viz.: (1) The policemen shall report to the mayor of their respective towns; (2) the constables shall report to some justice of the peace of their respective townships; (3) special officers shall re-

Duties of officers.

Monthly reports.

To whom reports made.

port to the mayor or justices of the peace appointing them; (4) all deputy sheriffs shall report to the sheriff; (5) the sheriff shall report to any justice of the peace of Cross Creek Township, with whom said sheriff shall also file any and all reports made to him by his said deputy sheriffs. In addition to said monthly reports, said officers shall at any time they may have reason to believe said law has been, is being or is about to be violated make an immediate report of the same as in this act provided. Additional reports.

SEC. 8. That every such report, for the purpose of this act, shall be construed to be a complaint upon oath by the mayor or justice of the peace to whom the same is made, and said mayor or justice of the peace shall forthwith issue a warrant to a lawful officer directing him to search the suspected person or premises subject to the further provisions of this act, to seize and destroy all liquors intended for sale in violation of this act, and upon the discovery of the liquor aforesaid said mayor or justice of the peace shall forthwith issue a warrant for the owner thereof or the person in whose possession said liquor was found, and shall proceed to try said case. In case of any violation of this act being reported, it shall be the duty of the mayor or justice of the peace to whom the same is reported to issue a warrant for the offender at the same time of issuing the warrant of search herein directed to be issued. Construction of reports.
Warrants of search.
Warrants of arrest.

SEC. 9. That if any officer mentioned in this act shall have reason to believe that liquor is contained in any building, warehouse, depot, car, express office, steamboat or any other place intended to be sold, or offered for sale, in violation of the provisions of this act, he shall promptly report the same as in this act provided, and the mayor or justice of the peace to whom said report is made shall proceed as in other cases mentioned herein. No such liquor seized while in the possession of a common carrier shall be destroyed until after the trial, and if upon the trial any common carrier shall claim title to any liquor seized under the provisions of this act, and shall prove to the court its lawful title thereto, the same shall be returned to the said carrier. In making any search it shall be lawful for and the duty of the officer to examine into any suspicious looking package, parcel or thing. Officers to report promptly.
Liquor in hands of common carriers.
Officers to examine packages.

SEC. 10. That if any officer mentioned in this act shall have reason to believe any person is peddling liquor, or is about to peddle the same in said county, contrary to the provisions of this act, such officer shall promptly report the same as in other cases provided in said act, and any mayor or justice of the peace to whom said report is made shall issue a warrant of arrest and search of said person, and for the search of any place where said liquor is, or is supposed to be. Procedure against peddlers.

SEC. 11. That for the purpose of this act, whenever the owner of any liquor prohibited by this act is unknown, the mayor or justice of the peace shall issue a warrant against John Doe and proceed as in other cases provided in this act. When owner unknown.

Liquor to be destroyed.

SEC. 12. That all liquor seized by virtue of this act shall be taken into possession by the officer and except as otherwise provided in this act, destroyed, and the fact that said liquor was found shall be *prima facie* evidence against the person charged with violating said act.

United States license *prima facie* evidence.

SEC. 13. That the possession of or issuance to any person, firm or corporation of a license from the United States government to manufacture, rectify, or sell, at wholesale or retail, spirituous or malt liquors in Cumberland County shall be *prima facie* evidence that the person, firm or corporation having such license, or to whom the same was issued, is guilty of doing the act permitted by the said license in violation of the laws of this State, and it shall be competent and sufficient to prove the possession of such license or permit by any person who has seen the same in the possession or in the place of business of the person charged, or who has examined the records of the government office issuing said license, tax stamp or permit.

Special officers.

SEC. 14. That it shall be lawful for any mayor or justice of the peace mentioned in this act, if in his judgment necessary or advisable to the better enforcement of said act, to appoint a special officer, whose powers shall be the same as those now conferred by law upon township constables, and whose duties with respect to this act shall be the same as those prescribed for other officers mentioned herein.

Reports by private citizens.

SEC. 15. That any person may, at any time, make any report herein provided to be made by officers, and in case of such report being made it shall be the duty of the mayor or justice of the peace to whom the same is made to proceed as in cases of officers reporting as in said act provided.

Reports to solicitors.

SEC. 16. That on or before the first Monday of each term of the Superior Court of Cumberland County for the trial of criminal cases, each mayor and justice of the peace mentioned in this act shall make a written report under oath to the solicitor as to the enforcement of said act, stating (1) whether or not he has honestly and diligently tried to enforce the provisions of said act; (2) whether or not all officers have reported to him as required by this act; (3) the names of any sheriff or deputy sheriff reporting to him; (4) the number of violations and probable violations of said act reported to him, and the names of the persons reported; (5) the number of warrants issued by him, both of arrest and search; (6) the number of cases and names of persons tried by him charged with violating this act; (7) the number and names of all persons bound over or committed by him charged with violating this act. All reports of officers made to said mayor or justices of the peace, and all returned warrants issued by the same, together with record of all trials and examinations had, shall accompany and form a part of report to said solicitor. It

shall be the duty of the solicitor to carefully investigate said reports, and to send bills to the grand jury for all persons as in his judgment are guilty of violating said act. Duty of solicitor.

SEC. 17. That if any officer mentioned in this act shall have reason to believe that any person is manufacturing or rectifying or is about to manufacture or rectify any liquor in violation of this act, he shall promptly report the same as in other cases provided herein, and the mayor or justice of the peace to whom said report is made shall forthwith issue to a lawful officer a warrant for the arrest of said person, and for the search of said premises, and shall direct said officer to seize and destroy said still or other apparatus used in the manufacture or rectification of liquors. The Commissioners of Cumberland County shall pay, out of the funds not otherwise appropriated, a reward of not exceeding one hundred dollars (\$100), and not less than twenty-five dollars (\$25) for every still or other apparatus used in the manufacture or rectification of liquor that may be destroyed and delivered to them, to be paid to the officer or person reporting the same. Rectifying or distilling.

Warrant of arrest and search.

Reward for stills.

SEC. 18. That every officer mentioned in said act who shall fail to perform any of the duties required of him by the provisions of said act shall be guilty of a misdemeanor and shall be fined fifty dollars (\$50) or imprisoned thirty days for each and every offense; and the mayor or justice of the peace to whom said officer is required to report shall enforce said penalty. Every mayor or justice of the peace who shall fail to perform any of the duties imposed upon him by the provisions of this act shall be fined one hundred dollars or be imprisoned sixty days for each and every offense, and the solicitor shall enforce said penalty. Penalty on officers neglecting duty.

Magistrates to enforce penalties. Penalties on mayor or magistrates neglecting duty.

Solicitor to enforce penalty.

SEC. 19. That immediately upon its ratification, the Commissioners of Cumberland County shall publish this act, together with chapter one hundred and twenty-five of the Public Laws of one thousand nine hundred and three, once a month for four consecutive months in some newspaper published in said county, provided the costs of said publication shall not exceed ten dollars, and shall furnish every officer, mayor and justice of the peace mentioned herein a copy of the same. Act to be published.

Copies furnished officers.

SEC. 20. That it shall be unlawful for any person to have in his or her possession, or under his or her control, more than two gallons of spirituous liquors, or more than five gallons of vinous or malt liquors at one time, and the possession of a greater quantity shall be *prima facie* evidence that such person is engaged in the illegal sale of liquor: *Provided*, this act shall not apply to persons who manufacture wine from grapes and berries, or cider from apples grown upon their own premises, when the wine is manufactured and retained upon the premises where the fruit is grown. Limit to possession of liquors.

Prima facie evidence. Proviso: exception.

SEC. 21. That it shall be unlawful for any railroad company, express company, steamboat company, or other common carrier, to Delivery of liquors by common carriers.

deliver any liquors, the sale of which is prohibited by this act, unless the package containing same is plainly marked, showing that such package contains such liquors, and the nature of the contents, and unless the said carrier or their agents know the persons to whom such delivery is to be made to be in fact the person to whom such package is consigned, or if they do not have personal knowledge that the person to whom delivery is made is the person to whom it is consigned, they shall have caused such person to be positively identified as the person to whom it is consigned, and the agents or employees of any such companies who shall violate the provisions of this section shall be guilty of a misdemeanor, and shall be fined or imprisoned in the discretion of the court, and the company shall forfeit and pay to the State of North Carolina the sum of one thousand dollars, one-half of which shall be paid to any one suing for the same.

Penalty on agents and employees.

Penalty on company.

Delivery to unmarried infants.

SEC. 22. That it shall be lawful for the agents or employees of any railroad company, express company, steamboat company or other common carrier to deliver any package containing intoxicating liquor, or other intoxicating drinks, to any unmarried infant, or for the use of any unmarried infant, and any such agent violating the provisions of this section shall be fined or imprisoned in the discretion of the court.

Reports from common carriers.

SEC. 23. That it shall be the duty of every railroad company, express company, steamboat company or other common carrier in Cumberland County, on the first Monday of each term of the Superior Court of Cumberland County for the trial of criminal cases, to furnish the Solicitor of the Seventh Judicial District with the names and addresses of all persons to whom any liquors named in this act have been delivered, and the amounts of the same, and when and to whom the same were delivered; and any agent violating the provisions of this section shall be fined or imprisoned in the discretion of the court, and the railroad company, express company, steamboat company or other common carrier, shall forfeit and pay the sum of one thousand dollars for each offense.

Penalty on agents.

Penalty on principal.

When act to take effect.

SEC. 24. That this act shall be in force from and after its ratification: *Provided*, that the provisions herein contained, relating to physicians' prescriptions and the sale of intoxicating liquors by druggists, shall be in force from and after the first day of July, one thousand nine hundred and five, and not before.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

CHAPTER 801.

AN ACT IN RELATION TO A LOT OF LAND NEAR THE CITY
OF RALEIGH BEING CONVEYED BY THE STATE TO
THE A. AND M. COLLEGE.*The General Assembly of North Carolina do enact:*

SECTION 1. That the title of the lot of land near the northwest corner of the city of Raleigh, and adjoining the lands of John W. Hinsdale and others, containing about three and one-half acres, which was conveyed to the State by Eugene Grissom and wife and Mrs. M. A. Lawrence, by deed dated the twenty-fourth day of October, one thousand eight hundred and eighty-six, and which was bought for the proposed Industrial School, afterwards merged into the College of Agriculture and Mechanic Arts, shall be and is hereby vested in the said corporation. Title vested in college.

SEC. 2. That the said corporation shall have power to dispose of the same as the board of agriculture, as trustees of the said college, shall think best. Power of sale.

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 6th day of March, A. D. 1905.

CHAPTER 802.

AN ACT TO AMEND THE BROAD-TIRE LAW OF CHAR-
LOTTE TOWNSHIP IN MECKLENBURG COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter three hundred and forty, Public Laws one thousand nine hundred and one, be and the same is hereby amended so as to provide that instead of putting a tax or charge upon wagons (or owners thereof) not having broad tires as herein provided, shall allow a rebate to those persons who do use the broad tires, in same proportion as prescribed in that act. Rebate for broad tires.

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

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

CHAPTER 803.

AN ACT TO AMEND CHAPTER 364 OF THE PUBLIC LAWS 1903, AND TO CONSOLIDATE THE PUBLIC ROAD LAW OF GRANVILLE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred and sixty-four of the Public Laws of one thousand nine hundred and three be amended as follows:

Employment of
superintendent
obligatory.

Township super-
visors.

Exemptions from
road duty.

Overseers.

Road warning.

Commutation.

Overseers.

Tools and imple-
ments.
Road duty.

Overseers.

Reference.

Public roads and
highways.

(1) That all of section nine after and including the word "provided" in line thirty-eight thereof be stricken out.

(2) That all of section ten after the word "force" in line ten be stricken out.

(3) That section eleven be amended by inserting between the words "towns" and "shall" in line three the words "and such persons as are now or may hereafter be exempted by the General Assembly and the board of county commissioners," and by striking out the words "supervisor" wherever the same appears in said section and by inserting the word "overseers" in place thereof.

(4) That section twelve be amended by striking out the word "four" in line two and inserting the word "eleven" in place thereof; and by striking out the word "two" in line three and inserting the word "three" in place thereof, and by striking out the word "supervisor" in line six and inserting the word "overseers."

(5) That section thirteen be repealed.

(6) That section fourteen be amended by inserting the word "four" between the words "the" and "days" in line five, and by striking out the word "four" in line ten and inserting the word "eleven" in place thereof, and by striking out the word "supervisor" whenever the same appears in said section, and inserting the word "overseers" in place thereof, and by striking out the words "section four of" in lines nineteen and twenty.

(7) That section sixteen be amended by striking out the words "section eight of" in line eleven.

(8) That section seventeen be amended by inserting before the word "for" in line one the following: "That all roads and highways that have been laid out or opened by virtue of any act of the General Assembly or under The Code or pursuant to any order of court, are hereby declared to be public roads and highways, and the board of county commissioners, as hereinafter set forth in this act, shall have full power and authority to order the laying out and opening of public roads where necessary and to appoint where bridges shall be built, to discontinue such roads as shall be found useless and to alter roads so as to make them more useful."

(9) That section eighteen be amended by striking out the words

"section ten of" in lines one and two; by striking out the word "supervisor" whenever it appears in said section and inserting the word "overseers" in place thereof; by striking out the words "section fifteen of" in lines eight and nine and by striking out the words "sections four, five, six and seven" in line ten and inserting in place thereof the words "the provisions."

References changed.

(10) That section nineteen be amended by striking out the words "section ten of" in line one and by striking out the word "supervisor" in line five and inserting the word "overseer" in place thereof.

Reference changed.

(11) That sections twenty and twenty-one be amended by striking out the words "supervisors and supervisor" whenever the same may appear in said sections and inserting the words "overseers" and "overseer" in place thereof, and by striking out the words "section thirteen of" in line thirty-eight.

Overseers.

Reference changed.

(12) That section twenty-two be amended by striking out the words "sections eleven and twelve of" in line three.

Reference changed.

(13) That all of section twenty-four after the word "misdemeanor" in line eighteen be stricken out.

Application of fines.

(14) That section twenty-five be amended by striking out the word "supervisor" in line eleven and inserting the word "overseers" in place thereof.

Overseers.

(15) That section twenty-six be amended by striking out the words "section one of" in line twelve.

Reference changed.

SEC. 2. That the board of county commissioners shall, at their regular meeting in April, one thousand nine hundred and five,

Township supervisors.

and at or before their regular meeting in January of each and every year thereafter, appoint in each township three competent and suitable men as supervisors of the public roads and highways of the township in which they reside. The said supervisors thus appointed shall, within thirty days after being notified of their appointment by the sheriff or other lawful officer of the county, meet and organize by electing one of their number as chairman and one as secretary, and such chairman and secretary shall perform such duties as may be assigned them. Said supervisors shall, at the first meeting held by them each year, divide the roads of their townships into sections and appoint overseers for said sections. They shall at the same time allot the hands to said overseers and shall also designate the boundaries or points to which each person liable to road duty shall be liable to work on said section, and shall within five days after such meeting certify to each overseer written notice of his appointment, with a list of the hands assigned to his section: *Provided*, that the board of supervisors may at any time alter the section or allotment of hands, but they shall give notice of all such changes to the overseers. Said supervisors shall serve and be liable as such for neglect of duty until they are relieved by the board of county commissioners. Said supervisors, in addition

Organization.

To divide roads into sections.

Overseers.

Allotment of hands.

Proviso: alterations.

Meeting to receive reports.

Annual reports.	to the meeting' above described, shall meet on the first Monday in November of each and every year to receive reports from the overseers of their townships as to the conditions of the public roads and highways in such townships. Said supervisors, through their chairman, shall, on the first Monday in December of each year, file with the board of county commissioners a written report of the condition of all the public roads and highways in their respective townships, and said report shall also set forth any and all failures on the part of overseers or persons liable to road duty in the performance of any duty provided for in this act.
Roads let to contract.	SEC. 2½. That the board of commissioners are hereby authorized, when in their judgment the best interests of the county demand the taking of such action, to let by contract the working of any section of any public road in the county, instead of working the same in the usual way.
Pay of supervisors.	SEC. 3. That said supervisors shall be paid out of the road fund of the county the sum of one and fifty one-hundredth dollars per day for their services under the provisions of this act: <i>Provided</i> , they shall not receive pay for more than two days in any one year. And the chairman of the supervisors in each township shall be paid one and fifty one-hundredth dollars and mileage for his services in making the report to the board of county commissioners referred to in the preceding section.
Proviso: limit. Pay of chairman.	
Roads dividing townships.	SEC. 4. That when a public road shall be a dividing line between townships the supervisors of said townships shall determine as to how said road is to be divided into sections and worked, and shall give notice of the appointment of overseers and allotment of hands.
Refusal to serve a misdemeanor.	SEC. 5. That any person appointed supervisor who shall refuse to serve as such, unless relieved by the board of county commissioners, shall be guilty of a misdemeanor; and every supervisor who shall fail to perform any of the duties imposed by this act shall be guilty of a misdemeanor, and it shall be the duty of the board of commissioners to report to the solicitor the names of all supervisors who fail to discharge their duties as prescribed by this act.
Failure to perform duty misdemeanor.	
Reports to solicitor.	
Overseers.	SEC. 6. That no person shall be appointed overseer of the roads who is not liable to road duty, and every person appointed overseer shall be required to serve as such for one year at least and until relieved by the supervisors of his township. Overseers may resign after the expiration of twelve months, provided their road shall be in good condition and the supervisors shall so find, and any overseer so resigning, and whose resignation has been accepted by the supervisors, shall not, without his consent, be again appointed overseer until after the expiration of one year from the date of his resignation.
May resign after twelve months.	
Time of road work.	SEC. 7. That every overseer of roads appointed under the provisions of this act shall work his section of the public roads of

the county two successive days in the months of April and October of each and every year. Every overseer shall at the meeting of the supervisors of public roads for his township, on the first Monday in November of each and every year, make a written report to said supervisors of the condition of his roads, of the number of days worked on his section since the last meeting of said supervisors, of the number and names of the hands who attended and worked each day, of the number and names of the hands who failed to attend and work, whether or not they were legally summoned, and whether or not they paid the sum of three dollars as is provided in section two of this act, which said report shall be subscribed and sworn to before some person authorized by law to administer an oath. If it shall appear upon the report as aforesaid that any of the hands, after being legally summoned, have failed to attend and work on said road and that they did not pay the three dollars as is provided in this act, then it shall be the duty of the said supervisors to have a warrant issued against any such hand and shall have him tried for the offense: *Provided*, that nothing herein contained shall prevent the overseer of any road, or any other person of the county, from prosecuting at any time after the offense has been committed any hand for failure to work on the public roads, and if any hand has been prosecuted for failing to work on the public roads each overseer shall, in his report to the supervisors, set forth this fact so that supervisors may not prefer another prosecution for the same offense.

Written reports.

Delinquent road hands.

Proviso: prosecution for failure to work.

SEC. 8. Every overseer of the public roads, when the supervisors of the public roads of his township may so direct, shall cause to be made and to keep in repair for the convenience of travelers on foot good and sufficient foot-ways over all swamps and streams of water that may cross the section of the public roads allotted to him, and when the board of supervisors shall so direct he shall also erect and keep in repair hand-rails on each side of all hollow bridges situated on said section of the public roads.

Foot-ways and hand-rails.

SEC. 9. Every overseer shall be paid from and out of the road fund of the county the sum of one dollar for each day he is engaged in warning or summoning the hands to work on the section of the public roads allotted to him and for the day on which he is required to render his annual report to the supervisors of his township: *Provided*, that no overseer shall be paid for more than three days in any one year under the provisions of this section.

Pay of overseers.

Proviso: limit.

SEC. 10. That every overseer, supervisor or county commissioner who shall neglect to perform any of the duties required of him by the provisions of this act shall be guilty of a misdemeanor, and upon conviction be fined in the discretion of the court; and it shall be the duty of the board of county commissioners to report to the court or solicitor the names of all overseers who fail to discharge their duties as prescribed by this act.

Neglect of duty misdemeanor.

Reports to solicitor.

Bridges and
repairs.

SEC. 11. That when a bridge shall be necessary, and the overseer with his assistants cannot conveniently build it, the township supervisors, with the concurrence of the board of county commissioners, shall contract for the building and keeping in repair thereof: *Provided*, the cost of the same does not exceed the sum of five hundred dollars, and the same shall be a charge on the county: and when bridges shall be necessary over any stream which divides this county from another county, the commissioners of each county shall join in the agreement for building and keeping in repair the same: *Provided*, the cost of the same does not exceed five hundred dollars: *And provided further*, that the cost of such bridge shall be paid by both counties in proportion to the number of taxable polls in each county.

Proviso: limit of
cost.

Bridges over
dividing streams.

Proviso: limit of
cost.
Proviso: joint
payment.

Contracts and
orders for bridges.

SEC. 12. That every contract and order made and entered into by the supervisors or board of county commissioners, as authorized by this act, for or concerning the building and keeping in repair bridges in such manner as to them may seem most proper, shall be valid against the county, and the said board of county commissioners, if they so desire, shall have the right to pay the costs and expenses of building and repairing bridges from out of the county road fund.

Payable from road
fund.

Ditches and drains
crossing roads.

SEC. 13. That it shall be the duty of every owner of a water-mill which is situated on any public road, and also of every person who for the purpose of draining his lands, or for any other purpose, shall construct any ditch, drain or canal across a public road, respectively, to keep at his own expense in good and sufficient repair all bridges that are or may be erected or attached to his mill-dam immediately over which a public road may run, and also to erect and keep in repair all necessary bridges over such ditch, drain or canal on the highway so long as they may be needed by reason of the continuance of said mill-dam, ditch, or drain or canal: *Provided*, that nothing herein shall be construed to extend to any mill which was erected before the laying off of such road, unless the road was laid off by the request of the owner of the mill: *Provided further*, that the duty hereby imposed upon the owner of the mill and on the person cutting the drain or canal shall continue on all subsequent owners of the mill or other property for the benefit of which the said ditch, drain or canal was cut: *Provided, also*, that when any ditch or drain originally constructed across any public road and bridged for the convenience and safety of the traveling public has been or may hereafter be enlarged by the owner of adjacent lands to drain his lands, it shall be the duty of such owner to keep up and in good repair all bridges crossing such ditch, drain or canal, and that such charge shall be imposed upon all subsequent owners of the land so drained, and that any person throwing a bank of dirt in the main road shall be compelled to spread the same:

Proviso: limitation.

Proviso: continu-
ing liability.

Proviso: enlarge-
ment of ditch.

Provided, also, that when any ditch or drain is cut in such way as to turn water into any public road the person cutting such ditch or drain shall be compelled to cut such other ditch or drain as may be necessary to take the water from said road.

Proviso: water turned on road.

SEC. 14. That every person who shall fail to perform the duties imposed on him by the preceding section, or shall leave out of repair any such bridge for the space of ten days, unless prevented by unavoidable circumstances, shall be liable for such damages as may be sustained, and moreover shall be guilty of a misdemeanor and fined not exceeding fifty dollars.

Liable for damage.

Misdemeanor; punishment.

SEC. 15. That the board of county commissioners shall not order the laying out of any new public roads or discontinue or alter a public road unless, upon petition in writing, it shall appear to the board of county commissioners that the laying out of such new road or the discontinuance or alteration of the public road will be for the best interests of the traveling public; and said board of county commissioners shall not order the laying out of any new public road unless it appears to said board, in writing, that every person over whose land said new road will pass shall have had twenty days' notice of the filing of such petition. The petition here referred to shall be filed in the office of the clerk of the board of county commissioners and lie over until the succeeding meeting of the said board, and notice of the filing thereof shall be posted at the court-house door immediately after said petition is filed, which said notice shall specify that said petition will be heard at the next regular meeting of the said board of county commissioners; and the said board of county commissioners, at the meeting for the hearing of said petition, shall hear the allegations set forth in the petition, and if sufficient reason be shown said board of county commissioners, and if the best interests of the traveling public demand the laying out of such new public road or the discontinuance or alteration of a public road, the said board of county commissioners shall order the laying out or discontinuance or alteration of such road: *Provided,* that when any new road is laid out under the provisions of this act it shall be the duty of the overseers of the roads adjacent to such new road to cut the same out and put it in good condition, and such overseers shall have the right to warn the hands on their respective sections for this work in such manner as is provided in this act for warning hands to work the public roads: *And provided further,* that the board of county commissioners may pay the overseers and hands for their services in cutting out such new road such compensation as they may deem just and reasonable.

Procedure for laying out or discontinuance of road.

Proviso: duty of overseer.

Proviso: pay of overseer and hands.

SEC. 16. That in all applications provided for in the preceding section the board of 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 from the decision of the board of county commissioners as to the laying out or discontinuance

Costs and appeals.

Bond on appeal.

or alteration of a public road, and if any person shall appeal from the decision of said board of county commissioners he shall give bond as provided in other cases of appeal and the superior court at term time shall hear the whole matter anew; and where any proceeding is instituted to lay out and establish or discontinue or alter any public roads and the said proceeding is carried to the superior court in term time by appeal or otherwise, the parties to said proceedings shall be entitled to have every issue of fact joined in said proceeding tried in the superior court in term time by a jury, and either party may appeal from the judgment of the superior court to the Supreme Court as is provided in other cases of appeal.

Jury to lay out roads.

SEC. 17. That all new roads shall be laid out by a jury of three freeholders who shall be summoned by the sheriff to meet at one of the termini of the proposed new road, and being duly sworn by the sheriff or other person authorized to administer oaths shall lay out said road to the greatest advantage of the public and with as little damage and prejudice as may be to lands and enclosures, which laying out and such damages as private persons or corporations may sustain shall be done and ascertained by the same jury on oath, and all damages by them assessed shall be deemed a county charge and paid by the board of county commissioners out of the road fund of the county, or otherwise, as the said commissioners may determine.

Tender of changed road.

SEC. 18. That whenever upon petition of any person a road shall be changed, and as the conditions thereof it shall be required by the board of county commissioners that he put the proposed road in good condition, he may at any time thereafter tender the same to the overseer, who shall receive it if it be in such condition as is required for highways, and if not, he shall reject it, and in either case he shall report and certify the fact to the said board, and said board shall hear all persons interested in the matter of receiving or rejecting the road and the decision of the board shall be conclusive as to the condition of the road, but the old road shall not be closed until ordered by the board of county commissioners.

Notice to overseers of appointment.

SEC. 19. The board of supervisors of the township, within ten days after the rise of the board, shall furnish the constable with two copies of each order appointing overseers of roads that may have been made during the sitting of the board, and the constable shall apply at the office of the board, within ten days after the rise of every meeting of the board, for such orders, and on receiving them shall within twenty days serve each overseer of roads with a copy of the order or leave the same at his usual habitation, and the other copy shall be returned to the next meeting of the board of supervisors with the date of its reception by him and the date of the service endorsed thereon, or the date when it was left at the residence of the said overseer. And if either the

board or constable shall fail to perform any duty enjoined by this section he shall forfeit five dollars to the county, to be recovered at any time by notice to show cause at the instance of a solicitor, who shall prosecute the same in the name of the State. Forfeit for failure.

SEC. 20. The expense of building and keeping up public bridges in the several townships shall be borne by the whole people of the county and not by the people of the townships separately in which such bridges may be situated; and it shall be the duty of the commissioners to adjust this burden equally among the people of their respective townships, and they shall exercise a due supervision over the action of the respective boards of supervisors of the townships so as to prevent the board of any township from establishing any number of unnecessary bridges in their respective townships. Building and repairing bridges.

SEC. 21. It shall be lawful for any person to run and use traction engines and road steamers upon the public roads of Granville County. Traction engines and road steamers.

SEC. 22. If any person shall willfully alter, change or obstruct any highway, cart-way, mill-road or road leading to and from any church or other place of public worship, whether the right of way thereto be secured in the manner herein provided for or by purchase, donation or otherwise, such person shall be guilty of a misdemeanor and fined or imprisoned, or both. Any person who shall hinder or in any way or manner interfere with the making of any road or cart-way laid off according to this act shall be guilty of a misdemeanor and punished by fine or imprisonment, or both, at the discretion of the court. Interference with roadsmisdemeanor. Hindrance to making roads misdemeanor. Punishment.

SEC. 23. Whenever any persons shall meet each other on any bridge or road traveled with carriages, wagons or other vehicles each person shall 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 interfering. Every person willfully offending against the provisions of this section shall for each offense forfeit a sum not exceeding five dollars, to be recovered on complaint before any justice of the peace in the county of Granville, and he shall further be liable to any party for all damages sustained by reason of such offense: *Provided*, that every such complaint shall be made within one month after the offense shall have been committed, and that every such action for damages shall be commenced within two months after cause of action shall have occurred. Rule of the road. Forfeit. Damages. Proviso: complaint within one month.

SEC. 24. That it shall be unlawful for any railroad company to obstruct the drainage of any public road or highway by its road-bed or otherwise, or empty the water from its ditches into any public road or highway, and if any railroad company, being warned by the supervisors or overseer of the proper district by leaving a written notice with any agent, or informing any station Obstructions to road by railroads.

- agent of the said railroad company personally, shall refuse or neglect to remedy the same to the acceptance of the supervisors it 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 supervisors before any justice of the peace of the proper township of Granville County, and every ten days such railroad company, after being notified, shall neglect or refuse to remedy such offense shall be deemed an additional offense against the provisions of this act.
- Forfeit.** **Railroad crossings.** Sec. 25. It shall be further the duty of the supervisors and overseers of their township to cause each railroad company to construct and keep in good repair the road-bed of all public roads across the road-bed of said railroad company, and if any railroad company, being duly warned by the board of county commissioners or by the supervisors or overseers of the proper township by leaving a written notice with any station agent or by informing any station agent of said railroad company personally, shall refuse or neglect to construct or repair said road-bed to the satisfaction of said supervisors or overseers, it shall forfeit and pay not less than twenty dollars nor more than fifty dollars, to be recovered by an action at the suit of the township supervisors before any justice of the peace in the proper township of Granville County, and every five days such railroad company, after being duly notified, shall neglect or refuse to construct or repair said road-bed shall be deemed an additional offense against the provisions of this act. And the provisions of this section shall apply in all cases where the grade of the public roads across which any such railroad may pass shall be changed by order of the board of county commissioners, the county road superintendent, the township supervisors or overseers. And should the said board of commissioners decide that any public road over which any railroad passes shall be so changed as to pass underneath the track of such railroad, then and in that event it shall become the duty of such railroad company to build all necessary trestles where such public road passes underneath the railroad track, and should any railroad company, after being notified as hereinbefore stated, fail to construct such trestles within ten days after any public road is graded so as to pass underneath such railroad track, such railroad company shall be guilty of a violation of the provisions of this act and subject to the same penalties hereinbefore provided.
- Forfeit.** **Change of grade.** **Penalty.** **Limitation.** Sec. 26. That this act shall apply only to the county of Granville.
- Sec. 27. That this act shall be in force from and after its ratification.
- In the General Assembly read three times, and ratified this 6th day of March, A. D. 1905.

CHAPTER 804.

AN ACT TO REGULATE THE STOCK LAW IN WHITE OAK
TOWNSHIP IN BLADEN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the fence in White Oak Township, Bladen County, known as the stock law fence, beginning at or near Dawson's Landing on the Cape Fear River and runs as said stock law fence now runs to Davis' Mill, thence with D. B. Melvin's upper line to the Cape Fear River be maintained, and said fence shall be kept at least four and one-half ($4\frac{1}{2}$) feet high. Fence to be maintained.

SEC. 2. That the said fence and Cape Fear River shall be the only fence required by law for the protection of crops in the district enclosed by said fence, and all owners of stock of any kind shall prevent said stock from running at large within said district. Owners of stock shall be liable for all damages done by said stock in said district, and shall for knowingly and negligently permitting any stock to go at large within said district be guilty of a misdemeanor for each offense, and upon conviction thereof shall be fined not more than fifteen dollars or imprisonment not more than ten days. Fence required.
Stock owners liable for damage.
Misdemeanor.
Punishment.

SEC. 3. The Board of Commissioners of Bladen County shall, on the first Monday in April of each and every year, or at any regular meeting thereafter during the year, appoint one or more registrars in said district whose duty it shall be to register all descriptions of live stock taken up or impounded, and shall receive ten cents for each and all registrations so made. Said registrar shall keep said register open at all times for inspection, Sundays excepted. Registrars of impounded stock.

SEC. 4. The commissioners of said county may at any time remove said registrar and appoint his successor. Removal.

SEC. 5. That it shall be lawful for any person to take up any live stock running at large in said district and to impound the same, and the person taking up said stock shall immediately file a description of stock with the registrar of said district, and such person taking up and impounding said stock may demand for every horse, mule or cow so taken up twenty-five cents, and twenty-five cents for each and every day said stock is kept impounded; and ten cents per head for taking up all other kinds of live stock, and ten cents additional for each day said stock is kept impounded: *Provided*, that the person taking up said stock shall feed, water and care for the same. The person taking up said stock may keep the same until the registration fees and all legal charges for taking up and impounding the same are paid. Rules for impounding stock.
Pound charges.

SEC. 6. That if the owner of any live stock so impounded shall neglect to reclaim said stock within twenty days after said description is filed by the registrar, the impounded stock, after ten Sale of impounded stock.

days' written notice posted at three or more places in said district where said stock is impounded, describing the same, and stating the place, day and hour of sale, shall be sold at public auction by the person impounding the same, who shall apply the proceeds of said sale to the payment of all costs, charges and registration fees provided for in this act, and the balance he shall turn over to the owner if the owner be known, and if not known the balance shall be turned over to the Treasurer of Bladen County for the public school fund.

Procedure to settle damages.

SEC. 7. That upon written application, under oath, of a person stating that he has suffered damages by reason of any stock running at large in said enclosed district any justice of the peace in the township in which the damages are alleged to have been sustained shall appoint three disinterested freeholders to estimate said damages, which shall be paid by the person claiming said stock before it is delivered; and in case of sale, before the owner shall be entitled to demand any part of the proceeds. Any person who may suffer damages by any stock running at large therein may recover the amount of damages sustained by an action against the owner of said stock, and if any person shall

Action for damages.

Injury to trespassing cattle misdemeanor.
Penalty.

with gun, dogs or otherwise unreasonably chase, worry, maim or kill any stock when trespassing upon his lands or crops he shall be guilty of a misdemeanor, and upon conviction shall be fined not more than twenty dollars or imprisoned not more than ten days.

Gates.

SEC. 8. It shall be lawful to erect gates across the public roads in said district, and any one owning land in the enclosed district shall have the privilege of erecting at his own expense private gates in said line of fence.

Injury to gates or fence a misdemeanor.
Punishment.

SEC. 9. That any person who shall willfully open, impair, pull down or destroy any fence or gate provided for in this act shall be guilty of a misdemeanor, and upon conviction shall be fined not more than twenty dollars or imprisoned not more than ten days.

Fence inspection.

SEC. 10. It shall be the duty of the overseers to inspect said fence, especially after a fire, flood or storm.

Fence overseers.

SEC. 11. That J. O. West, T. M. Woodburn, A. S. Cain, D. M. Tatum and R. P. Melvin are hereby appointed overseers, who shall serve as overseers until January first, one thousand nine hundred and six, when the county commissioners shall appoint their successors in office, whose term of office shall be one year; whose duty it shall be to keep in repair said fence and gates;

Successors.

Powers and duties.

and they shall have power to erect new gates and make new fences when in their opinion the same shall be necessary, and shall have power to value and assess all lands within said territory.

Fence tax.

SEC. 12. That each land-owner within said territory shall pay an annual tax of twenty-five cents on the one hundred dollars worth of land within said territory when, in the opinion of said

overseers, the same shall be necessary to keep up and repair said fences and gates. Said tax to be collected by the sheriff as all other taxes of the county are collected, and when collected shall be known and kept as the "Fence Law Tax of White Oak Township."

SEC. 13. That the Treasurer of Bladen County shall pay out Vouchers. all moneys so collected only upon a written order, signed by the majority of said board of overseers, which written order, when paid, shall be a voucher in his hands.

SEC. 14. That all laws and clauses of laws in conflict with this Conflicting laws repealed. act are hereby repealed.

SEC. 15. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

CHAPTER 805.

AN ACT TO COMPLETE THE CONSTRUCTION AND PROPERLY DRAIN THE TRENTON COVE CREEK ROAD IN JONES AND CRAVEN COUNTIES, AND THE TUCKER BRIDGE ROAD IN JONES AND ONSLOW COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. Whereas, by virtue of acts of one thousand eight hundred and seventy-nine, chapter two hundred and sixty, as amended by chapter forty and chapter one hundred and forty-eight of acts of one thousand eight hundred and eighty-one and chapter sixty-two, one thousand eight hundred and eighty, the Tucker Bridge Road in Jones and Onslow Counties was constructed, and also the Trenton and Cove Creek Road in Jones and Craven Counties was constructed; and whereas, these roads pass through valuable lands belonging to the State Board of Education; and whereas, these roads were never properly drained and constructed; and whereas, said roads are now nearly impassable; and whereas further, the improvement of said roads would greatly enhance the value of the lands belonging to the State Board of Education in Jones, Onslow and Craven Counties, the State Board of Education is hereby authorized, empowered and directed to drain and properly construct so much of the Tucker Bridge Road in Jones and Onslow Counties as passes through lands belonging to the State Board of Education, and also the Trenton and Cove Creek Road in Jones and Craven Counties, or so much thereof as runs through the lands belonging to the State Board of Education; and the said Board of Education is hereby authorized and empowered and directed to use any funds

Preamble.
State Board of Education to drain and construct roads.

Appropriation.

belonging to said State Board of Education as may be necessary to drain and complete the construction of said roads as aforesaid.

Road commissioners.

SEC. 2. That for the purpose of properly constructing and draining so much of said roads as run through the public lands belonging to said State Board of Education as above specified the following citizens, J. A. Smith and S. Barker and J. C. Parker from Jones County, J. S. Robinson from Craven County, and J. B. Merrill and S. W. Venters from Onslow County are hereby appointed special commissioners with full power and authority to ditch, drain and properly construct said roads

Penitentiary to furnish labor.

SEC. 3. That on demand made in writing by the aforesaid board of special commissioners the Board of Directors of the State's Prison are authorized and instructed to furnish the said commissioners fifteen able-bodied convicts, who shall be transported, guarded and maintained at the expense of the State Board of Education, to work on said roads until they are properly drained and constructed.

Convicts to be sentenced to roads.

SEC. 4. That in case said convicts cannot be obtained from the State's Prison upon application of the above-named special commissioners the judges of the superior courts of this State are hereby authorized and empowered to sentence convicts in any county in the third or fifth judicial districts to work upon said roads under the direction of the special commissioners appointed in this act, and the expense for transporting, guarding and maintaining said convicts shall be paid by the State Board of Education: *Provided*, if Baylus Cade, E. W. Isler and . . . Willis, Trustees of State Board of Education, do not pay to the State Board of Education the sum of twenty-five thousand dollars on or before the first of May, one thousand nine hundred and five, then and in that event it shall be the duty of the State Board of Education to complete the construction of said roads, otherwise this act shall be void and of no effect: *Provided further*, that the amount expended shall not exceed fifteen hundred dollars.

Proviso: if lands sold.

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 6th day of March, A. D. 1905.

CHAPTER 806.

AN ACT CONCERNING SALES BY DRUGGISTS OF INTOXICATING LIQUORS ON PRESCRIPTION AND FOR OTHER PURPOSES IN MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

Sales on prescription unlawful except in incorporated towns.

SECTION 1. That it shall be unlawful for any person, firm or corporation doing business in Mecklenburg County to sell spirituous, vinous or malt liquors or intoxicating bitters for sickness

upon the written prescription of a legally qualified physician except in the incorporated towns or cities in Mecklenburg County and within the limits of the one-mile police jurisdiction of the city of Charlotte. And all druggists selling such spirituous, vinous or malt liquors or intoxicating bitters for sickness, upon the written prescriptions of legally qualified physicians, shall conform to and be subject to all the general laws of the State of North Carolina now in force, or that may hereafter be enacted, applicable to or concerning such sales by druggists in this State, except as in and by this act modified or amended.

Application of
general law.

SEC. 2. Any person, firm or corporation in the city of Charlotte, or within the limits of the one-mile police jurisdiction thereof, desiring to make sales of spirituous, vinous or malt liquors or intoxicating bitters for sickness upon written prescriptions of legally qualified physicians shall first apply to the board of aldermen or other governing body of said city for a license to make such sales, and if a license shall be granted to such person, firm or corporation so applying such applicant shall then be entitled, in good faith, to sell such spirituous, vinous or malt liquors or intoxicating bitters as shall be necessary to fill such written prescriptions of physicians as shall from time to time be presented for that purpose at the place of business of such applicant. But no physicians' prescriptions shall be filled by any person, firm or corporation licensed pursuant to the provisions of this act except in the manner and upon the conditions provided by chapter two hundred and thirty-three of the Public Laws of North Carolina (session of one thousand nine hundred and three) known as the "Watts Act."

Applications for
license.

Sales if license
granted.

Sales governed by
general law.

SEC. 3. No board of aldermen or other governing body of the city of Charlotte shall license any person, firm or corporation to sell any spirituous, vinous or malt liquors or intoxicating bitters upon the written prescription of practicing physicians unless such applicant shall prove to the satisfaction of such board or other governing body of said city the following facts:

Requisites for
license.

(1) That the applicant is engaged, or intends to engage, in conducting a wholesale or retail drug business within the corporate limits of said city of Charlotte, or within the limits of the one-mile police jurisdiction thereof, in conformity to the laws of the State of North Carolina regulating the business of druggists; (2) that such applicant, if a natural person, is a man of good moral character, or if a firm or corporation that all members of such firm and all stockholders, directors and managing agents of such corporation are men of good moral character; (3) that such applicant is engaged in, or proposes to engage in, said business of a wholesale or retail druggist within the corporate limits of the said city of Charlotte, or within the limits of the one-mile police jurisdiction thereof, in good faith, and not for the mere purpose of obtaining a license to sell intoxicating liquors upon

That applicant is
conducting drug
business, or intends
to do so.

That applicant is
of good moral
character.

That the drug
business is in
good faith.

That applicant has kept law.

Proviso: license revocable for violation of this act.

Proviso: license revocable for violation of general law.

Present licensees may surrender license.

Tax reimbursed pro rata.

Sales of communion wines.

Emergency prescriptions of dentists.

physicians' prescriptions; (4) that such applicant has never been convicted, or submitted in open court to the charge of selling intoxicating liquors or bitters contrary to the provisions of chapter two hundred and thirty-three of the Public Laws of one thousand nine hundred and three, known as the "Watts Act," in any of the courts of this State: *Provided*, that any license granted pursuant to the provisions of this act shall be revoked by the board of aldermen, or other governing body granting the same, in case such applicant, or any of his or its agents or employees, shall be convicted or submit in open court to the charge of selling intoxicating liquors or bitters in violation of the laws of the State of North Carolina or in violation of this act: *Provided further*, that any such license may be revoked in case it shall appear to the satisfaction of said board, or other governing body, that the person, firm or corporation so licensed have violated the provisions of chapter two hundred and thirty-three of the Public Laws of one thousand nine hundred and three, known as the "Watts Act," or the provisions of this act.

SEC. 4. Any druggist now dealing in spirituous, vinous or malt liquors or intoxicating bitters in the city of Charlotte, or within the limits of the one-mile police jurisdiction thereof, who has heretofore obtained license according to law therefor and which license has not yet expired, and who may be refused license by the board of aldermen of the city of Charlotte to sell spirituous, vinous or malt liquors or intoxicating bitters upon the written prescription of any physician for sickness, as in this act provided, or who shall desire to surrender the license heretofore granted him, may surrender such license at any time at or before the time when this act takes effect, and upon such surrender shall be reimbursed out of the treasury for that pro rata part of the license tax last paid by him for the unexpired time of said license, and the State Auditor, upon the presentation to him of the license shall draw his warrant upon the State Treasurer in favor of said druggist for the sum of money necessary to reimburse such druggist for such unexpired time, and the State Treasurer shall honor such warrant and cancel such license.

SEC. 5. That nothing in this act shall be construed to prevent any duly licensed druggist from selling wines for communion purposes to the official of any church or religious society upon the written certificate of the pastor or minister of said church or religious society, countersigned by the secretary thereof, duly dated, and setting forth the quantity needed for such purposes; nor to prevent such druggist from filling written prescriptions of duly licensed reputable dentists in the town or city where such drug store is located, for patients in their operating chair and being operated on, and to be used by said patients at said time and place under the direction of said dentists.

SEC. 6. That the board of aldermen, or other governing body of the city of Charlotte, are hereby authorized and empowered to make such other rules, regulations and ordinances, and prescribe such other conditions and licenses for the further regulation of sales of spirituous, vinous or malt liquors or intoxicating bitters for sickness upon the written prescription of a physician as said board may deem proper; and also to prescribe reasonable police rules, regulations and ordinances governing hotels, cafes, restaurants, clubs or other places of public entertainment or amusement: *Provided, however*, that nothing in this act shall be construed to allow the board of aldermen, or governing body of the city of Charlotte, to grant license to any person, firm or corporation contrary to existing laws for the purpose of making sales of such spirituous, vinous, malt or intoxicating liquors or bitters for any other purpose except for sickness, upon the written prescription of a practicing physician as prescribed in this act and in chapter two hundred and thirty-three of the Public Laws of one thousand nine hundred and three, known as the "Watts Act."

Aldermen of Charlotte to prescribe further rules.

Proviso: aldermen not to license sale but for sickness.

SEC. 7. That any person, firm or corporation or any of its agents, who shall violate any of the provisions of this act shall be guilty of a misdemeanor and fined or imprisoned, or both, in the discretion of the court for each and every offense.

Misdemeanor.

Punishment.

SEC. 8. That all laws prohibiting or regulating the manufacture or sale of spirituous, vinous or malt liquors or intoxicating bitters shall remain in full force and effect, except as herein modified, and this act shall apply only to the county of Mecklenburg.

Prohibition to remain in force.

SEC. 9. That this act shall take effect from and after the first day of April, one thousand nine hundred and five.

In effect from 1st April.

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

CHAPTER 807.

AN ACT TO PROMOTE THE CAUSE OF EDUCATION IN MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of County Commissioners for the county of Mecklenburg shall, on the first Monday in June, one thousand nine hundred and five, elect the board of education for said county for the term of two years, commencing the first day of July, one thousand nine hundred and five.

County commissioners to elect board of education.

SEC. 2. That the Board of Education for Mecklenburg County shall consist of five members; and the successors of those elected by the board of county commissioners aforesaid, as provided in

Board to consist of five members. Election of successors.

section one thereof, and their successors forever, shall be elected by the qualified voters of said Mecklenburg County. They shall be chosen at the next general election for the members of the General Assembly, and at each succeeding election of said commissioners, under the same rules and regulations and provisions as are or may be applicable and in operation in respect to the election of the members of the General Assembly.

Ticket for county officers.

SEC. 3. That the members of the county board of education aforesaid shall be voted for on the same ticket with other county officers of said county, and a separate abstract and return thereof shall be made by the election officers and returns made in the same manner as now or hereafter may be provided for the returns of elections of other county officers.

Board to qualify.

SEC. 4. That the persons elected to said office of County Board of Education of Mecklenburg County shall qualify by taking the usual oath of office; and shall enter upon the duties of their offices on the first Monday in July after their election, and hold their offices until their successors shall be duly elected and qualified.

Term of office.

Vacancies.

SEC. 5. That any vacancies in any of the said boards shall be filled by the remaining members of the board in which said vacancy occurs, and the persons so chosen to fill the vacancy shall hold the office until his or their successors shall be chosen at the next succeeding election for members of the General Assembly.

Limitation.

SEC. 6. That this act shall apply only to the county of Mecklenburg.

Audit of accounts and vouchers.

SEC. 7. That the books and accounts and vouchers of the Board of Education of Mecklenburg County shall be audited by the finance committee of said county, and statements of receipts and expenditures be made in same manner and on same terms as the books and statements of the Treasurer of Mecklenburg County are now audited and published, any cost of same to be paid out of the school funds of said county upon warrants drawn by the chairman of the county board of education upon the treasurer, who shall honor the same.

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

In the General Assembly read three times. and ratified this the 6th day of March, 1905.

CHAPTER 808.

AN ACT TO AMEND SECTION 3840 OF THE CODE, SO AS TO ABOLISH THE OFFICE OF STANDARD-KEEPER FOR BERTIE COUNTY AND BEAUFORT COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That sections three thousand eight hundred and Office abolished. forty and three thousand eight hundred and forty-one shall not apply to Bertie County, and the office of Standard-keeper of Bertie County and Beaufort County is hereby 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 the 6th day of March, A. D. 1905.

CHAPTER 809.

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

The General Assembly of North Carolina do enact:

SECTION 1. That I. Strickland, George L. Hemmingway and Justices appointed. W. M. Pope, Sr., be and they are hereby appointed justices of the peace for a term of four years for Black River Township, and A. J. McCrimmon for a like term of years for Little River Township, Cumberland 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 6th day of March, A. D. 1905.

CHAPTER 810.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF BEAUFORT COUNTY TO ISSUE BONDS TO BUILD A COURT-HOUSE."

The General Assembly of North Carolina do enact:

SECTION 1. That the above-entitled act ratified at present session of the General Assembly be amended by adding to the last section the following proviso: "That it shall be discretionary with the Board of Commissioners of Beaufort County whether or not to order the election for the purpose of voting on said bond issue, but Holding election discretionary with commissioners."

in no event shall said bonds be issued unless the issue thereof be authorized by a majority of the qualified voters of the county at a regular election to be held under the provisions of said 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 6th day of March, A. D. 1905.

CHAPTER 811.

AN ACT TO PROHIBIT LAWLESSNESS ON PUBLIC ROADS IN CRAVEN COUNTY.

The General Assembly of North Carolina do enact:

Conduct unlawful. SECTION 1. That it shall be unlawful for any person to use loud, boisterous and profane or vulgar language upon any public road to the annoyance of travelers or to persons living near the same; or in the night-time to fire off or discharge needlessly any gun, pistol or fire-arms upon or along such public road in the State:

Proviso: limitation. *Provided*, that this act shall apply to Craven County.

Punishment. SEC. 2. That upon conviction, such person shall be fined five dollars or imprisoned ten days.

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

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

CHAPTER 812.

AN ACT TO AMEND CHAPTER 406, PUBLIC LAWS 1903, RELATING TO A DISPENSARY IN THE TOWN OF OXFORD.

The General Assembly of North Carolina do enact:

Reference to year. SECTION 1. That the figures "1905" in lines five and seven of section two, chapter four hundred and six, Public Laws one thousand nine hundred and three, be stricken out and the figures "1907" inserted in lieu thereof.

Division of profits. SEC. 2. That section six of said chapter be amended by striking out all after the word "our" in line eleven and inserting in lieu thereof the following: "Fifty per centum of the profits of said dispensary to the Treasurer of Granville County, one-half to be applied to the public school fund of said county and one-

half to the public road fund of said county; and the other half of the profits of said dispensary to be paid to the Treasurer of the town of Oxford."

SEC. 3. That section fourteen be amended by striking out the word "seven" in line two and inserting in lieu thereof the word "eight."^{Reference to section.}

SEC. 4. That section eight of said chapter be amended by inserting between the words "Sunday" and "or" in line two the words "or on the 24th day of June, commonly known as St. John's day," and that said section be further amended by adding at the end of said section the following: "*Provided*, that said dispensary commissioners may, in their discretion, close said dispensary on days of great public gathering when they may deem it to the public interest to do so."^{Days of closing.}

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 6th day of March, A. D. 1905.

CHAPTER 813.

AN ACT TO EXTEND THE OXFORD GRADED SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

SECTION 1. That the Oxford Graded School District, as provided in chapter three hundred and thirty-three of the Public Laws of one thousand nine hundred and three, be and the same is hereby extended so as to embrace also all that territory within one mile of the corporate limits of the town of Oxford.^{District extended.}

SEC. 2. That the Board of Commissioners of the county of Granville are hereby required to submit to the qualified voters residing within said territory, including the town of Oxford, on Tuesday after the first Monday in June next ensuing, the question whether said graded school district shall be so extended and the taxes hereinafter provided levied, and said election shall be held under and governed by the provisions of law relating to special elections except as hereinafter provided.^{Extension submitted to election.}

SEC. 3. That at the election held under the provisions of this act those favoring the extension of said graded school district shall vote a ballot with the words "For Extension of School District" written or printed thereon, and those opposed to the extension of said graded school district shall vote a ballot with the words "Against Extension of School District" written or printed thereon.^{Date for election.}

^{Form of ballots.}

- Special tax if vote for extension.** SEC. 4. That if a majority of the qualified voters within said territory shall favor the extension of said graded school district and levy the taxes in support and maintenance thereof, it shall be the duty of the board of magistrates of said county of Granville to annually levy a tax, such as the board of graded school trustees and its successors shall require, not exceeding thirty cents on the one hundred dollars valuation of all property within said district outside of the town of Oxford and upon each poll within said district outside the town of Oxford not exceeding ninety cents, for the support and maintenance of said graded schools, and the taxes so levied shall be in all cases the same as that levied within the said town of Oxford. And said taxes shall be due and collected by the Sheriff of the county of Granville as are other taxes and by said sheriff paid to the treasurer of the board of graded school trustees.
- Limit.**
- Act operative over district as extended.** SEC. 5. That if a majority of the qualified voters within said territory shall favor the extension of said graded school district and the levy of such tax, the act entitled "An act to establish graded schools in Oxford," being chapter three hundred and thirty-three of the Public Laws of one thousand nine hundred and three, shall become operative over the whole of said territory, except wherein the same is inconsistent with the provisions of this act; and the board of graded school trustees shall divide said territory into two subdistricts as in their judgment may be for the best interest of the schools.
- Subdistricts.**
- Former act not repealed.** SEC. 6. That if a majority of the qualified voters within said territory shall not favor the extension of said graded school district and the levying of such tax, then and in that event nothing herein contained shall be construed to alter or repeal any of the provisions of chapter three hundred and thirty-three of the Public Laws of one thousand nine hundred and three.
- Registration.** SEC. 7. That at the election herein provided for it shall not be necessary for any qualified voter registered in the town of Oxford to register again for said election, but the registration books of said town shall be sufficient evidence of registration, within the meaning of this act, of all qualified voters residing within said town, and the polling place for said election shall be the court-house in Oxford.
- Polling place.**
- SEC. 8. This act shall be in force from and after its ratification. In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

CHAPTER 814.

AN ACT TO AMEND CHAPTER 295 OF THE PUBLIC LAWS OF 1897, REGULATING FISHING IN BLACK RIVER, GREAT COHARIE AND SIX RUNS.

The General Assembly of North Carolina do enact:

SECTION 1. Amend section one of chapter two hundred and ninety-five of the Public Laws of one thousand eight hundred and ninety-seven by striking out all of section one after the words "except" in line five of said section and inserting in lieu thereof the following: "each night from six o'clock P. M. to six o'clock Fishing regulated. A. M. (Sunday night excepted), and on all day Saturday and until eleven o'clock P. M. Saturday night, and it shall be unlawful to catch perch or bream with hook and line, nets, or in any other way whatever, during the season provided for in the following section of this act, and any person violating the provisions of this Punishment. act shall, upon conviction, 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 6th day of March, A. D. 1905.

CHAPTER 815.

AN ACT TO PROVIDE FOR THE COLLECTION OF TAXES FOR MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the county of Mecklenburg be and is hereby Three tax districts. divided into and continued in three tax districts, as follows: Dis- Number one. trict Number One, Paw Creek, Long Creek, Lemley, Huntersville, Dewese, Mallard Creek and Crab Orchard Townships; District Number two. Number Two, Charlotte Township; District Number Three, Berry- Number three. hill, Steele Creek, Sharon, Pineville, Providence, Morning Star and Clear Creek Townships.

SEC. 2. That tax collectors to collect all State and county, gen- Election of tax eral, special and privilege taxes shall be elected for Districts collectors for dis- Numbers One and Three in Mecklenburg County at the next gen- tricts one and eral election for members of the General Assembly, and every three. two years thereafter. The persons so elected at the next regular election and their successors shall hold office for the terms now regulated by law for sheriff.

SEC. 3. That the Sheriff of Mecklenburg County shall collect all Sheriff to collect State and county, general, special and privilege taxes in District taxes for district two.

- Commission. Number Two in Mecklenburg County; he shall file all bonds and perform all duties required by, and be subject to all provisions of the general laws of the State, applicable to sheriffs who collect taxes, and shall receive as compensation therefor five per centum for the collection of State taxes and one and one-half (1½) per centum for the collection of county taxes; and the
- Office abolished. office of the present tax collector of said District Number Two is hereby abolished from and after the expiration of the term of office of the present incumbent.
- Bonds of tax collectors. SEC. 4. That the tax collectors of said districts in the county of Mecklenburg, elected under section two of this act, shall file with the board of county commissioners of said county bonds for double the amount of taxes to be collected, said bonds to be approved and conform in all respects to the bonds of the sheriff given for the collection of taxes; and in case any person elected tax collector under this act shall fail to file his bonds as required by this act, then the board of county commissioners shall declare the office of such tax collector vacant and are hereby empowered and authorized to proceed to fill the same.
- Rights and powers of tax collectors. SEC. 5. Said tax collectors are hereby invested with all the rights and powers prescribed by law for collecting taxes by the sheriff.
- Present tax collectors not affected. SEC. 6. That this act shall in no way apply to or affect the present tax collectors for Mecklenburg County in or during their present terms of office. For collection of taxes under this act the
- Commission of tax collectors. tax collectors of districts numbers one and three, respectively, shall receive as compensation five per centum for the collection of State taxes and three per centum for the collection of county taxes.
- Conflicting laws repealed. SEC. 7. That all laws and clauses of laws in conflict with this act, in so far as in conflict herewith, are hereby repealed.
- SEC. 8. That this act shall be in force from and after its ratification.
- In the General Assembly read three times, and ratified this 6th day of March, 1905.

CHAPTER 816.

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

The General Assembly of North Carolina do enact:

- Leave of absence. SECTION 1. That Thomas C. Robinson, Clerk of the Superior Court in and for Anson County, be and he hereby is exempted from the provision of chapter one hundred and fourteen (114) of

The Code of one thousand eight hundred and eighty-three, and from any and all liabilities and penalties mentioned in the succeeding section for three months in the year one thousand nine hundred and five and a like time in the year one thousand nine hundred and six, such times to be selected by him when the superior court of said county shall not be in session: *Provided, however,* he shall during his absence from his office provide and qualify a competent deputy who during his said absence shall, in addition to the ordinary power of such deputy, have full power and authority to take acknowledgments and probates of instruments required and allowed by law to be registered and recorded, excepting wills and testaments, and may adjudge acknowledgments and probates of such instruments sufficient and in good form and order, the same to be recorded.

Proviso: competent deputy.

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

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

CHAPTER 817.

AN ACT TO REGULATE FISHING IN PAMLICO COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter four hundred and thirty-five of the Public Laws of one thousand eight hundred and ninety-nine be amended by striking out the lines eight, nine and ten in section one of said act. Tax abolished.

SEC. 2. That section two of chapter four hundred and thirty-five of the Public Laws of one thousand eight hundred and ninety-nine and chapter seventy-four (74) of the Public Laws of one thousand nine hundred and one be and the same are hereby repealed. Punishment abolished.

SEC. 3. All laws and clauses of laws in conflict with this act are hereby repealed. Conflicting laws repealed.

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

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

CHAPTER 818.

AN ACT TO PREVENT THE ILLEGAL MANUFACTURE OR SALE OF INTOXICATING LIQUORS IN THE CITY AND COUNTY OF DURHAM.

The General Assembly of North Carolina do enact:

Land-owner permitting distillery guilty of misdemeanor.

SECTION 1. That any person or persons who shall knowingly permit or allow any distillery or other apparatus for making or distilling spirituous liquors to be set up for operation or to be operated on lands in his or their possession or control in territory where the manufacture is prohibited by law shall be guilty of a misdemeanor.

Officers to make investigations.

SEC. 2. That it shall be the duty of the sheriff, his deputies, constables and other police officers, upon information furnished by a credible witness as to the existence or operation of an illicit distillery, to make investigation immediately and seize, if found, any such distillery or apparatus used for the manufacture of spirituous liquors in violation of law and to deliver said distillery or apparatus and any materials in use or to be used therewith to the proper authorities of the United States government.

Seizure of distillery or distilling apparatus.

Warrants and subpoenas.

SEC. 3. That it shall be the duty of the sheriff, his deputies, constables and other police officers, when reliably informed of violations of this act by any person, to procure a warrant and to arrest the offender and to subpoena all persons who may have information concerning the commission of the offense charged against the person arrested.

Duties of solicitor.

SEC. 4. Whenever the solicitor of the judicial district shall have good reason to believe that liquor has been manufactured or sold contrary to law within Durham County, and shall believe that any person or persons have knowledge of the existence or establishment of any illicit distillery or of any illegal sales, then it shall be lawful for and the duty of said solicitor to apply to the Clerk of the Superior Court of Durham County to issue subpoenas for said person or persons so having knowledge of said offenses to appear before the next grand jury drawn for said county, there to testify upon oath what he or they may know touching the existence, establishment and whereabouts of said distillery, and shall give the names and description of the keepers thereof and those who may be working thereat; and such evidence when so obtained shall be considered and held in law as an information on oath upon which the said grand jury may make presentment as provided by law in other cases.

Presentments.

Search warrants

SEC. 5. That if any credible witness shall prove upon affidavit before the Mayor of the city of Durham that there is reasonable cause to believe any person is running a "blind tiger" or selling intoxicating liquors without license in any designated room or building, it shall be lawful for such mayor to grant a warrant, to

be executed within the limits of his jurisdiction, to any proper officer, authorizing him to search the suspected premises and to make report to such mayor of said search, that such suspected person may be dealt with according to law. This section shall apply only to the territory in which the said mayor now has jurisdiction.

SEC. 6. That every person who shall directly or indirectly keep Club-rooms, 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 a club-room or other place where intoxicating liquors are received or kept for barter or sale or for distribution or for division among the members of any club or association by any means whatever, shall be guilty of a misdemeanor.

SEC. 7. This act shall apply only to the county of Durham. Limitation.

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

In the General Assembly read three times, and ratified this 6th day of March, 1905.

CHAPTER 819.

AN ACT TO PREVENT USURY AND EXTORTION IN THE COUNTY OF NEW HANOVER.

The General Assembly of North Carolina do enact:

SECTION 1. That any person, firm or corporation who shall or may loan money in any manner whatsoever by note, chattel mortgage, conditional sale or otherwise, upon any article or articles of household or kitchen furniture and shall or may take, receive, reserve or charge a greater rate of interest than six per cent., either before or after the interest may accrue, shall be guilty of a misdemeanor, and shall be fined not more than fifty dollars, or imprisoned not more than thirty days, and in addition thereto shall forfeit the entire debt and interest which the note or other evidence carries with it or which has been paid or agreed to be paid. Usury a misdemeanor.
Punishment.
Forfeit.

SEC. 2. That in any action brought in any court of competent jurisdiction to recover upon any such note or other evidence of debt it shall be lawful for the party against whom the action is brought to plead as a defense the penalty above provided for, to-wit, the forfeiture of the entire debt and interest. And no cost shall be recovered by any party who may endeavor to recover upon any usurious contract. Forfeiture pleaded as defense.
No costs recovered.

SEC. 3. That this act shall not apply to contracts heretofore executed, and shall only apply to the counties of New Hanover and Guilford. Limitation.

Conflicting laws
repealed.

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

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

In the General Assembly read three times, and ratified this 6th day of March, 1905.

CHAPTER 820.

AN ACT SUPPLEMENTARY TO HOUSE BILL NUMBER 279, SENATE BILL 552, ACTS 1905.

The General Assembly of North Carolina do enact:

Landlord and
tenant act.

SECTION 1. That the county of Washington shall be included in House Bill two hundred and seventy-nine and Senate Bill five hundred and fifty-two, Acts of General Assembly of 1905.

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

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

CHAPTER 821.

AN ACT TO AMEND AN ACT PASSED AT THIS SESSION OF THE GENERAL ASSEMBLY ENTITLED "AN ACT TO DE- FINE THE PLACE OF SALE OF INTOXICATING LIQUORS IN CERTAIN COUNTIES IN NORTH CAROLINA."

The General Assembly of North Carolina do enact:

Act extended to
Hyde county.

SECTION 1. That House Bill one thousand nine hundred and forty-six, Senate Bill one thousand five hundred and ninety-seven, entitled "An act to define the place of sale of intoxicating liquors in certain counties in North Carolina," be and the same is hereby amended by inserting in the list of counties to which said act applies the county of Hyde.

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

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

CHAPTER 822.

AN ACT TO PREVENT PUBLIC DRUNKENNESS.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person to be drunk or in a state of intoxication on any public road or highway within the county of Mitchell. Drunkenness on roads forbidden in Mitchell county.

SEC. 2. That any person violating section one of this act shall be deemed guilty of a misdemeanor, and upon conviction fined not more than fifty dollars or imprisoned not more than thirty days. Misdemeanor. Punishment.

SEC. 3. That all laws and clauses of laws in conflict with this act are hereby repealed. 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 March, A. D. 1905.

CHAPTER 823.

AN ACT TO MAKE THE FAC-SIMILE SIGNATURE USED BY JAMES W. PRICE IN HIS CAPACITY AS A NOTARY PUBLIC HIS TRUE AND LAWFUL SIGNATURE FOR ALL INTENTS AND PURPOSES.

The General Assembly of North Carolina do enact:

SECTION 1. That whereas, James W. Price, by reason of his physical disability, is unable to write his name with either pen or pencil and is put to the necessity of using *fac-simile* of his signature in authenticating his acts as notary public: now, therefore, the aforesaid *fac-simile* is declared to be the full, true and lawful signature of said James W. Price, and in all his official acts as a notary public, whether anterior to the passage of this act or to be done at some future time, shall be as binding as to all persons whatsoever as though the said signature was made in the own proper handwriting of said James W. Price: *Provided*, that the affixing of the seal shall be in the presence of a witness who can sign his or her name. Preamble. Fac-simile declared signature. Proviso: witnesses.

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 6th day of March, A. D. 1905.

CHAPTER 824.

AN ACT TO PROHIBIT HEDGING AND FISHING WITH TRAPS IN BEAR CREEK IN LENOIR COUNTY.

The General Assembly of North Carolina do enact:

Hedging and trapping forbidden. SECTION 1. That it shall be unlawful for any person or persons to hedge or fish with traps in the waters of Bear Creek between the mouth of said creek where it empties into Neuse River and the Joyner mill-seat in Lenoir County.

Misdemeanor. SEC. 2. Any person violating the provisions of section one (1) of this act shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than five dollars (\$5) nor more than twenty dollars (\$20) or imprisoned not less than five (5) nor more than ten (10) days for such offense, in the discretion of the court.

Punishment. SEC. 3. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 4. This act shall be in force from and after its ratification. In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

CHAPTER 825.

AN ACT TO AMEND CHAPTER 483, PUBLIC LAWS OF 1903, CONCERNING THE GRADED SCHOOL AT PILOT MOUNTAIN.

The General Assembly of North Carolina do enact:

Verbal correction. SECTION 1. That chapter four hundred and eighty-three, Public Laws of one thousand nine hundred and three, be and the same is hereby amended by striking out the figures "1889" in the caption of said act and the figures "1889" in line two, section one of said act, and inserting in lieu thereof the figures "1899."

Line of district changed. SEC. 2. That section two of said chapter four hundred and eighty-three, Acts of one thousand nine hundred and three, be and the same is hereby amended as follows: After the words "Dodson's mill" in line twenty-one strike out the following words: "thence eastward with said mill-road to J. F. Stephens' line; thence northward with said Stephens' line to Stephens and A. H. Cook's corner in Lynchburg Street," and insert in lieu thereof the following words: "thence with Lynchburg Street to J. F. Stephens and A. H. Cook's corner in Lynchburg Street."

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

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

CHAPTER 826.

AN ACT TO REPEAL CHAPTER 814 OF THE PUBLIC LAWS
OF 1903.*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter eight hundred and fourteen (814) of the Public Laws of North Carolina for the year one thousand nine hundred and three be and the same is hereby repealed and all the provisions of chapter one hundred and eighty-two (182), Public Laws of one thousand nine hundred and one, are hereby re-enacted.

SEC. 2. That this act shall apply only to the township of Grassy Limitation. Creek.

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

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

CHAPTER 827.

AN ACT SUPPLEMENTAL TO AN ACT ENTITLED "AN ACT
TO CORRECT GRANT 143 TO DAVID JONES IN BEAUFORT
COUNTY."*The General Assembly of North Carolina do enact:*

SECTION 1. That a bill entitled "An act to correct grant one hun- Date corrected.
dred and forty-three to David Jones in Beaufort County, ratified March first, one thousand nine hundred and five," be amended by striking out the word "December" in line one between the word "on" and the figures "24" and inserting in lieu thereof the word "May."

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

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

CHAPTER 828.

AN ACT TO PREVENT THE ILLICIT SALE OF WHIS-
KEY OR OTHER INTOXICATING LIQUORS IN TYR-
RELL COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That if any creditable person shall make an affidavit Search warrants.
before the Mayor of the Town of Columbia in Tyrrell County, or before any justice of the peace in the said county of Tyrrell, that

there is reasonable cause to believe that any person is running a "blind tiger" or selling intoxicating liquors without license in any designated room or building, it shall be lawful for such mayor or such justice to grant a warrant, to be executed within his jurisdiction, to any proper officer, authorizing him to search the suspected premises and to make report to such mayor or justice of the peace that such suspected person can be dealt with according to law, and if such person is found guilty he shall be guilty of a misdemeanor and punished as for retailing whiskey without license.

Misdemeanor.
Punishment.

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 6th day of March, A. D. 1905.

CHAPTER 829.

AN ACT TO REGULATE CERTAIN OFFICIAL FEES AND SALARIES IN MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

Salary of chairman
of county commis-
sioners.

SECTION 1. That the Chairman of the Board of County Commissioners of Mecklenburg County shall receive for his services a salary in lieu of all other compensation now provided by law, the sum to be fixed by said board and not to exceed nine hundred dollars.

Fees of register of
deeds.

SEC. 2. The Register of Deeds of Mecklenburg County shall be allowed and shall charge for registering any deed to real estate (not exceeding seven hundred and fifty words), including certificate of probate, acknowledgment and privy examination and order of the clerk, ninety cents and ten cents per hundred words for all additional copy sheets; said register of deeds shall receive for registering any real estate mortgage or deed of trust, not containing more than one thousand four hundred words, one dollar and fifteen cents and also ten cents for each additional copy sheet; also for issuing each notice or order required by the county commissioners and recording the same, including subpoena for witness, ten cents; for notices or orders issued while acting as clerk of the board of county commissioners, nothing. That the registration fee for all crop liens for said county is reduced from fifty cents to thirty cents; chattel mortgages fifteen cents.

Fees of clerk of
superior court.

SEC. 3. That the Clerk of the Superior Court of Mecklenburg County shall be allowed and shall charge for: Order for registration of deed, or other writing which has been proved or acknowledged in another county of the State or before a judge, justice of the peace, notary or other officer, ten cents; probate of deed

or other writing proved by witness, including certificate, ten cents; probate of deed or other writing acknowledged by the signers or makers, including all except married women who acknowledge at the same time, with certificate thereof, ten cents; probate of deed or other writing executed by a married woman, for her acknowledgment and privy examination with certificate thereof, ten cents; subpœnas, each name, ten cents; appeals from justice of the peace, including docketing, forty cents; bond or undertaking, including justification, fifty cents; capias, each defendant, seventy-five cents; issuing commission, fifty cents; continuance, twenty cents; for indictment, each defendant, fifty cents; judgment in favor of widow for year's support, twenty-five cents; letters of administration, including bond and justification of all sureties, seventy-five cents.

Sec. 4. That the reduction in fees of the clerks and registrars provided for in this act shall take effect from and after the expiration of the terms of office of the present incumbents. Reduction after present terms.

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

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

CHAPTER 830.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF HARNETT 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 Harnett 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. County commissioners to establish system.

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. Fines and costs to be worked out.

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 the State's Prison the following Convicts to be sentenced to road work.

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.

Mayors to sentence
to roads. SEC. 4. That the mayors of the various towns in said county of Harnett who are *ex officio* justices of the peace may also sentence such persons as come under the provisions of section two of this act to said public roads.

Convicts from
other counties. 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.

Convicts under
control of county
commissioners. 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 highways, 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 Harnett 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's Prison.

Superintendent. Other public works. SEC. 7. That the said board of commissioners in their discretion may work said convicts upon any public works in said county, and on any other public roads, highways or bridges in the county of Harnett, 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.

Convicts hired out. Care and safe-keeping. SEC. 8. That for the purpose of equipping and maintaining said convict system, the said commissioners are hereby authorized and empowered to use the county jail for the safe-keeping of 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.

County home. Materials 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.

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. Superintendents, overseers and employees. Regulations.

SEC. 11. The superintendent of said county shall attend the convicts as though they were confined in the county jail. Attention to convicts.

SEC. 12. That any township in said county may, upon petition by fifty 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 tax of twenty-five cents on each one hundred dollars worth of property and seventy cents on each poll, observing the constitutional equation between the property and the poll of said township. Special tax on petition. Limit.

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 townships alone and not to the county at large. Act applicable to township.

SEC. 14. That should any township in the county of Harnett desire to levy the special tax mentioned in section twelve hereof, or a special tax for road purposes without the use of convict labor, it shall be the duty of the board of commissioners of said county, upon a petition signed by one-third of the qualified voters of said township, to order an election in such township, which election shall be advertised for thirty days prior to the day thereof, under the same rules and regulations as govern elections of members of the General Assembly, at which election shall be submitted to the qualified voters the question of improvement or no improvement, and all electors voting for improvement shall vote a ballot on which is written or printed the words "For Improvement," and all voting against shall vote a ballot on which is written or printed the words "Against Improvement," and if a majority of the qualified voters shall vote for improvement it shall be the duty of the election officers to certify the returns of said election to the county commissioners at their succeeding meeting after such election, which board shall canvass the returns, declare the result, and spread same upon the minutes. Election on road tax. Notice of election. Form of ballots. Result certified.

SEC. 15. That upon the adoption of the township system the board of supervisors of the township, or road trustees, adopting same shall have the same power and authority as conferred upon the board of county commissioners by section ten of this act, so far as it relates to the election of a superintendent, overseer, or other officers, and fixing compensation of such officers; and it shall be their duty to elect a superintendent for such township Power of township supervisors.

Duty of superintendent.

Proviso: pay limited.
Proviso: superintendent when convicts not used.

Road trustees.

Proviso: reports to supervisors.

Taxes levied and collected as other taxes.
Funds kept separate.

Expense of convict system.

Conflicting laws repealed.

whose duty, among other things prescribed by law, shall be to make and keep a record of all work done and all moneys expended, the purpose thereof, which record shall be open to inspection by any person who is a *bona fide* resident of such township: *Provided*, no officer elected shall be paid more than fifty dollars per month: *Provided further*, that the said board shall have power to elect a superintendent in such township, and no other officer where the convict force is not used, and such superintendent shall, with the approval of the said board of supervisors or a committee, have power to purchase such road machinery and implements as are necessary and superintend all work on said roads.

SEC. 16. That the board of county commissioners may, upon the recommendation of the board of supervisors of such township as levies a special tax for improvement, appoint not more than three persons in such township as a board of road trustees, who shall have all the powers and duties as in this act conferred on the road supervisors: *Provided*, that if a board of road trustees are elected that the board of trustees shall have control of the roads in such township, that it shall be the duty of such superintendent to make a full report to the chairman of the board of supervisors every thirty days.

SEC. 17. 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 commissioners like other funds, which order shall be made upon the report of the superintendent in any township where the township system is adopted, which report shall be approved by the chairman of the board of township supervisors. A warrant may be drawn upon the treasurer in favor of the superintendent of said township under such regulations as may be prescribed by the board of supervisors, and he shall take receipt for all moneys expended for labor on the roads of such township, or other purpose, and file with the county treasurer.

SEC. 18. That the expense 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.

SEC. 19. That all laws in conflict with the provisions of this act are hereby repealed.

SEC. 20. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

CHAPTER 831.

A BILL TO BE ENTITLED "AN ACT TO PROTECT GAME
BY TAXING DOGS."*The General Assembly of North Carolina do enact:*

SECTION 1. That any person or persons keeping or owning a dog shall pay annually on each dog so kept or owned a license or privilege tax of not less than one dollar nor more than five dollars, the amount of such tax to be fixed by the county board of commissioners with the right to impose within said limits a different tax according to the sex of the dog.

SEC. 2. The said tax shall be paid to the sheriff of the county as provided for the payment of other license taxes, and the license given shall expire on the thirteenth day of June, of each year. Said license shall be issued and signed by the sheriff and shall contain the name of the owner and a description of the dog by name, color and kind. For each license issued the sheriff shall be entitled to a fee of twenty-five cents, to be deducted from the tax paid, and a record shall be kept of all licenses issued hereunder. The sheriff may in his discretion authorize the tax-lister of any township to collect said tax and issue the license during the month of June for the convenience of such tax-payers.

SEC. 3. That the said sheriff, as soon as practicable after the thirteenth day of June of each year, shall deliver to the constable of each township a list of the said licenses issued for the guidance of the said constable in the enforcement of this act.

SEC. 4. Any person owning or keeping a dog without having paid the tax prescribed in this act and having obtained license therefor shall be guilty of a misdemeanor, and be fined not exceeding twenty dollars.

SEC. 5. That it shall be the duty of any justice of the peace or other court of competent jurisdiction upon the conviction of any defendant for the violation of the provisions of this act to require such defendant to pay said tax, and upon the refusal or failure of said defendant to pay the same within twenty-four hours, or upon information of the existence of any dog the ownership of which is claimed by none, such justice of the peace or other court shall declare such dog for which the tax has not been paid a public nuisance and shall direct the constable or other lawful officer to cause such dog to be killed, and for such service said constable or other officer shall receive one dollar, to be paid out of the fund arising from said license tax.

SEC. 6. That the citizens of any township desiring to have this act apply to said township shall present to the board of county commissioners of the county a petition asking that such license tax be imposed. If the said board of commissioners shall believe that a majority of the registered voters of such township, as

appears from the registration books of said township as used in the preceding election of members of the General Assembly, have signed said petition, it shall be the duty of said board of commissioners to order the imposition of said license tax to begin on the first day of July thereafter, and such order shall not be open to any subsequent attack, but shall be conclusive of the application of this act to such township.

Evidence on prosecutions.

SEC. 7. In any prosecution under this act a certificate from the register of deeds of the county setting forth that the board of commissioners have ordered the imposition of the tax in such township, and the date of the making of such order, shall be presumptive evidence, subject to rebuttal, of the facts stated in such certificate, and it shall be the duty of the register of deeds to furnish such certificate to any constable or justice of the peace of any township in which said tax has been ordered.

Application of proceeds of tax.

SEC. 8. The net proceeds arising from the collection of said tax shall, in the discretion of the county commissioners, be applied to the general school fund of the county or to the special road fund, if any, of such township.

Limitation.

SEC. 9. That this act shall apply only to the counties of Franklin and Davidson [and] only to such township or townships in said county in which such tax has been ordered as provided in section six of this act.

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 6th day of March, A. D. 1905.

CHAPTER 832.

AN ACT TO PROVIDE A DISPENSARY FOR THE TOWN OF PYKEVILLE AND TOWNSHIP OF PYKEVILLE IN THE COUNTY OF WAYNE.

The General Assembly of North Carolina do enact:

Prohibition.

SECTION 1. That it shall be unlawful for any person, firm or corporation to sell, barter or exchange any spirituous, vinous or malt liquors, or any other liquors used as a beverage which produces or may produce intoxication, within the limits of the town of Pykeville or township of Pykeville in the county of Wayne, except as provided in this act: *Provided*, it shall not be unlawful for manufacturers of brandy or wines from fruits or grapes within the said limits to sell their own products only at the place of manufacture in quantities of not less than one quart, the same not to be drunk on the premises where sold. Any person violating the provisions of this section shall be guilty of a misdemeanor,

Proviso: native wines and brandies.

Misdemeanor.

and upon conviction be fined or imprisoned, or both, in the discretion of the court. Punishment.

SEC. 2. The Mayor of the town of Pykeville, the Chairman of the Board of County Commissioners of Wayne County and the Sheriff of Wayne County are hereby constituted a permanent board, to be known as the "County Board of Control," whose duty it shall be to appoint the dispensary commissioners in the manner hereinafter set forth. County board of control.

SEC. 3. Four citizens, who are white and tax-payers within the limits of the town of Pykeville, who may be selected by the aldermen of said town, are hereby constituted the board of dispensary commissioners for the said town of Pykeville and township of Pykeville. They shall serve for terms of five years, four years, three years, two years, and one year, respectively, and until their successors are appointed, their terms beginning with the ratification of this act. The first named shall be chairman of said board, and upon his ceasing to act as chairman the chairman shall thereafter be elected by said board of commissioners from among their own members. The county board of control shall appoint the successors of the said commissioners as their several terms expire, each for a term of five years and until his successor is appointed. All of said commissioners shall be citizens of the county of Wayne, and at all times at least three of them shall be residents of the town of Pykeville or township of Pykeville, and no one shall be appointed as one of said commissioners if he be known to be an excessive user of intoxicating liquors. The county board of control shall fill all vacancies on the board of dispensary commissioners, and may at any time remove any members of said board for cause. Dispensary commissioners. Terms of office. Chairman. Successors. Qualifications for dispensary commissioners.

SEC. 4. Said dispensary commissioners shall establish and maintain at some convenient place in the town of Pykeville or township of Pykeville a dispensary for the sale of spirituous, vinous and malt liquors. They shall procure a suitable building, which building shall have but one entrance to it, and that shall be from the street or thoroughfare on which the building is located. They shall purchase and keep on hand such a stock of spirituous, vinous and malt liquors as shall supply the demand. None of the said liquors shall be put into said dispensary until they have been put up in sealed packages of not less than one-half pint or more than four gallons; no spirituous, vinous or malt liquors shall be sold at said dispensary or on the premises of any one. No liquors shall be kept for sale at said dispensary except such as are pure, and the said commissioners may from time to time have the same properly tested and analyzed in order to insure their purity. Should any of said liquors be found impure or adulterated they shall not be sold, and payment for them shall be refused to the party for whom they were purchased. Said dispensary shall sell liquor only for cash, and none shall be sold to minors. Dispensary to be established. Entrance. Packages. Sales for cash.

intoxicated persons or persons known to be habitual drunkards. No intoxicating liquor of any kind shall be drunk in said dispensary or on the premises. Any person violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both, in the discretion of the court.

Misdemeanor.
Punishment.

Manager.

SEC. 5. Said dispensary commissioners shall elect from the citizens of said county a competent person to be known as manager of said dispensary, who shall have the management and control of same under the supervision of the said commissioners; they may employ him for such time as they may deem best, but may remove him at any time for cause which in their judgment is sufficient; they may pay him a salary not exceeding forty dollars a month, and at no time shall the amount of his salary depend upon the amount of his sales at the said dispensary. Before entering upon the discharge of his duties he shall take and subscribe an oath to the effect that he will obey all rules and regulations made by the dispensary commissioners for the government of the dispensary and all the provisions of this act, and will in all other respects faithfully discharge the duties of his office, and that he will fully account for all moneys received and will pay over to the said commissioners, or their chairman, all sums justly going to them; said oath shall also contain a statement of the manager's full name, his residence and business for two years prior thereto, and shall state that he has never been adjudged guilty of violating the law relative to intoxicating liquors; that he is not the keeper of a restaurant or any other place of public entertainment, is in no way interested in the manufacture or sale of spirituous, vinous or malt liquors, and is not addicted to the use of the same or any of them as a beverage. Before entering upon the discharge of his said duties said manager shall likewise enter into a bond, with sufficient sureties, payable to the county treasurer, in a sum not less than five hundred dollars, conditioned upon the faithful discharge of the duties of his said office and the faithful accounting for and turning over of all moneys coming into his hands by virtue of said office. Said commissioners may if necessary also employ an assistant manager at a salary not exceeding twenty-five dollars per month, who shall be subject to all the rules, regulations, requirements and penalties prescribed for the manager. The manager shall keep an accurate account of all liquors sold, to whom sold and the date of sale; shall render an inventory of the stock on hand whenever demanded by the commissioners or their chairman, and after paying such bills and accounts as shall have been approved by the said chairman of the dispensary commissioners shall pay over the remaining money on hand weekly.

Salary of manager.

Oath of manager.

Bond of manager.

Assistant manager.
Salary.

Accounts.

Weekly settle-
ments.

Dispensary com-
missioners to
borrow money.

SEC. 6. The said dispensary commissioners may borrow a sufficient sum, not exceeding five hundred dollars, to establish and

stock said dispensary. The chairman of said commissioners shall be treasurer of the board and shall audit all accounts against the dispensary, and no account shall be paid unless first approved by him. He shall, before entering upon the duties of his said office as treasurer, give bond with sufficient sureties in a sum not less than one thousand dollars, payable to the county treasurer, conditioned upon his faithful discharge of his duties as such treasurer and his faithful accounting for and application of the moneys coming into his hands by virtue of said office. Every three months said chairman, acting as treasurer aforesaid, shall, with the approval of the said commissioners, after reserving not exceeding five hundred dollars as a capital to do business, pay out and distribute the net profits of said dispensary as follows: one-half of this for the town of Pykeville, one-fourth for the public schools and one-fourth for the county roads.

Accounts.

Bond of chairman
as treasurer.Quarterly settle-
ments.

Division of profits.

SEC. 7. Said commissioners shall meet at least once every three months, and oftener, if necessary. Each commissioner shall receive the sum of three dollars per day for all days that he is actually engaged in the discharge of the duties of his office, and the chairman shall receive for his services twenty-five dollars per year.

Meetings of com-
missioners.Pay of commis-
sioners.

Pay of chairman.

SEC. 8. Each officer provided for in this act shall, before entering upon the discharge of his duties, take and subscribe an oath to the effect that he will faithfully discharge the duties of his said office, which said oath, together with the bonds provided for in this act, which shall be approved as the bonds of county officials are, shall be filed with the Treasurer of Wayne County. Any money arising from the forfeiture of any of said bonds shall be applied as other funds arising from said dispensary.

Oaths of officers.

SEC. 9. The price at which the liquors kept in said dispensary shall be sold shall be fixed by the commissioners, and shall not exceed eighty per centum above actual cost and shall be not less than forty per centum above actual cost.

Price of liquors.

SEC. 10. Said dispensary shall not be open before sunrise or after sunset, and shall be closed on Sundays, election days and such other days as the commissioners may direct, and when so closed, no liquor of any kind shall be sold or taken therefrom. There shall be no loitering in or about said dispensary, and no intoxicating liquors shall be drunk on any of the public streets of the town of Pykeville; every person violating the provisions of this section shall be guilty of a misdemeanor.

General regula-
tions.

Misdemeanor.

SEC. 11. Said dispensary commissioners shall have power to make all necessary rules and regulations for the proper and orderly government of said dispensary: *Provided*, they are not in conflict with this act or the general law.

Dispensary com-
missioners to
establish rules.

Conflicting laws
repealed.

SEC. 12. All laws and clauses of laws in conflict with this act are hereby repealed, in so far as they apply to the said town of Pykeville and township of Pykeville.

Notice not re-
quired.

SEC. 13. Section three thousand one hundred and eleven of The Code shall not apply to this act.

Act to be voted on.

SEC. 14. *Provided*, that none of the provisions of this act shall go into effect until submitted to a vote of the qualified voters of the town of Pykeville, N. C., at an election to be called in the manner prescribed by law for calling such elections for municipal officers, when if at such an election a majority of such qualified voters of said town shall vote for dispensary then this act shall be effective; otherwise to be of no effect.

SEC. 15. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

CHAPTER 833.

AN ACT TO AMEND CHAPTER 263, PUBLIC LAWS OF 1903, RELATIVE TO "SPRING GRADED SCHOOL" IN ALAMANCE COUNTY, N. C.

The General Assembly of North Carolina do enact:

Election of trus-
tees.

SECTION 1. That chapter two hundred and sixty-three of the Public Laws of one thousand nine hundred and three be and the same is hereby amended by inserting after the word "filed" in third line from bottom of section two the following, to-wit: "by a majority of the qualified votes of said district as follows: the trustees of said school district shall call a meeting of the qualified voters of said district to meet on the first Monday in May next, and every two years thereafter, having advertised said meeting twenty days previous in three public places; at which election a board of school trustees shall be elected by the qualified votes of 'Spring School District'; said board of trustees shall serve for two years from the date of election."

School tax.

SEC. 2. That after the word "tax" in fourth line of section four to read "of such amount annually as the trustees of said district may recommend, of not more than twenty cents and not less than ten cents on the one hundred dollars valuation of all the taxable property of said school district and upon the poll not more than sixty cents and not less than thirty cents, and the tax so levied shall be collected by the Sheriff of Alamance County and shall be by him turned over to the treasurer of said school trustees, and the said sheriff shall receive as compensation for

the collection and disbursement of this special tax five per cent. commission one way."

SEC. 3. That all laws or parts of laws in conflict with any of 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 6th day of March, A. D. 1905.

CHAPTER 834.

AN ACT TO AMEND CHAPTER 380 OF THE PUBLIC LAWS OF 1903, AND CHAPTER 615 OF THE PUBLIC LAWS OF 1901, ENTITLED "AN ACT TO RELATE TO THE ROAD LAW FOR CHARLOTTE TOWNSHIP."

The General Assembly of North Carolina do enact:

SECTION 1. That section two of chapter three hundred and eighty, Public Laws of one thousand nine hundred and three, be amended by striking out after the word "exceed" in line three of said section the words "six thousand dollars" and by inserting in lieu thereof the words "four thousand five hundred dollars each year." Street fund.

SEC. 2. That section three of chapter six hundred and fifteen, Public Laws of one thousand nine hundred and one, be amended by adding to the end of said section the following: "*Provided, however,* that for the purpose of making a just and equitable division of the taxes levied and collected within Charlotte Township under sections eight, fifty-nine and sixty of chapter fifty, Public Laws of one thousand nine hundred and one, the Board of Commissioners of Mecklenburg County may, at their regular session in April or in May of each year, order the treasurer of said county to pay to the Treasurer of the city of Charlotte a sum not to exceed four thousand five hundred dollars, to be used in repairing highways or streets within the corporate limits of said city." Appropriation to streets.

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 6th day of March, A. D. 1905.

CHAPTER 835.

AN ACT TO PROVIDE FOR A SUITABLE COMPENSATION
OF THE CLERK OF THE SUPERIOR COURT OF BEAU-
FORT COUNTY.*The General Assembly of North Carolina do enact:*

County commis-
sioners may make
special wallaonces,

SECTION 1. That the Board of Commissioners of Beaufort County be and they are hereby authorized to make such allowance to the clerk of the superior court of said county for keeping and preserving the records of the said court and transcribing the minutes thereof, and for making and compiling the dockets thereof, as in their opinion may be a fair and just compensation therefor, said allowance to be paid out of the taxes levied for general county purposes.

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 6th day of March, 1905.

CHAPTER 836.

AN ACT TO AMEND CHAPTER 420. PUBLIC LAWS OF 1903,
ENTITLED "AN ACT PROVIDING FOR THE CONSTRUC-
TION AND KEEPING IN REPAIR THE PUBLIC ROADS
OF CABARRUS COUNTY."*The General Assembly of North Carolina do enact:*

Costs when no
damage assessed.

SECTION 1. Amend by inserting after the word "court" at the end of section nine the following: "*Provided further*, that in case no damages are allowed the person applying for the assessment of the same shall pay all costs of said proceeding."

Payment of oom-
mutation.

SEC. 2. Amend section seventeen by inserting after the word "before" and before the word "the" in line ten the following: "noon on the day before."

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

In the General Assembly read three times, and ratified this 6th day of March, A. D. 1905.

CHAPTER 837.

AN ACT SUPPLEMENTAL TO AN ACT ENTITLED "AN ACT TO LEGALIZE PRIMARY ELECTIONS IN NEW HANOVER COUNTY, RATIFIED MARCH 4, 1905, IT BEING HOUSE BILL 1610, SENATE BILL 1189.

The General Assembly of North Carolina do enact:

SECTION 1. That an act entitled "An act to legalize primary elections in New Hanover County," it being House Bill one thousand six hundred and ten, Senate Bill one thousand one hundred and eighty-nine, ratified March fourth, one thousand nine hundred and five, be and the same is hereby amended as follows: Add at the end of section two of said act the following: "*Provided, however,* that the primary election for the selection of candidates for the municipal offices in the city of Wilmington in the year one thousand nine hundred and five may be held not less than ten days before the regular or general election of municipal officers for said city of Wilmington." Date of city primary.

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 6th day of March, A. D. 1905.

CHAPTER 838.

AN ACT TO PROTECT PUBLIC BUILDINGS AND HIGHWAYS.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons to engage in or conduct what is commonly known as a "shooting match" within four hundred yards of any public building or highway. Shooting matches.

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

This act shall apply only to Onslow, Duplin and Jackson Counties. Limitation.

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

In the General Assembly read three times, and ratified this 6th day of March, A. D. 1905.

CHAPTER 839.

AN ACT TO PERMIT J. T. CANADAY OF ONSLOW COUNTY
TO GIVE MAGIC LANTERN EXHIBITIONS WITHOUT A
LICENSE TAX.

The General Assembly of North Carolina do enact:

Exemption.

SECTION 1. That J. T. Canaday of Onslow County is hereby permitted to give magic lantern and moving picture exhibitions without being required to pay a license tax.

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

In the General Assembly read three times, and ratified this 6th day of March, 1905.

CHAPTER 840.

AN ACT TO LIMIT THE POLL TAX IN MECKLENBURG
COUNTY.

The General Assembly of North Carolina do enact:

Town poll tax
limited.

SECTION 1. That no city or town in Mecklenburg County shall levy a poll tax in excess of two dollars, and all provisions to the contrary in the charter of any such municipality are hereby repealed.

Poll tax limited.

SEC. 2. The equation of taxation prescribed in the Constitution applying only to taxation levied for the ordinary purposes of the State and county, no poll tax shall be levied except as hereinafter provided in excess of two dollars for State and county purposes combined, and all acts levying or authorizing the levy of taxes for special purposes which contain authority to levy a poll tax in excess of two dollars in the aggregate for all purposes are hereby repealed or modified so as to restrict and provide that the poll tax for State and county and special taxes combined shall never exceed two dollars: *Provided*, that this act shall not be construed to affect and shall not affect the district or other special school taxes on the poll where they are now required to be levied by law, nor the right to levy and collect the same according to law.

Proviso: school
taxes not affected.

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

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

CHAPTER 841.

AN ACT TO APPOINT MEMBERS OF THE COUNTY BOARDS OF EDUCATION.

The General Assembly of North Carolina do enact:

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

COUNTY BOARDS OF EDUCATION.

<i>Alamance</i> —S. E. Tate, A. N. Roberson, James I. White.	County boards named.
<i>Alexander</i> —J. P. Matheson, T. F. Murdock, R. L. Downs.	
<i>Alleghany</i> —Fred. Jones, O. R. Black, M. A. Higgins.	
<i>Anson</i> —James T. Hendley, M. W. Gaddy, John W. Kiker.	
<i>Ashe</i> —R. A. Hamilton, A. A. Price, W. F. Lewis.	
<i>Beaufort</i> —E. W. Ayers, H. D. Satterthwaite, W. M. Butt.	
<i>Bertie</i> —Dr. H. V. Dunstan, Thomas A. Smithwick, W. R. Ray-	
nor.	
<i>Bladen</i> —A. McA. Council, W. S. Ballard, William Whitted.	
<i>Brunswick</i> —T. S. Hawes, L. M. Todd, J. D. Galloway.	
<i>Burke</i> —I. T. Avery, E. P. Bennett, J. H. Hoffman.	
<i>Cabarrus</i> —T. W. Smith, W. F. Smith, George F. McAllister.	
<i>Caldwell</i> —P. G. Moore, Milton L. Greer, Milton Shearer.	
<i>Camden</i> —P. W. Stevens, E. K. Sawyer, G. H. Riggs.	
<i>Carteret</i> —Dr. C. N. Mason, D. B. Arrington, James Morris.	
<i>Caswell</i> —C. B. Flintoff, Walter A. Maynard, Thomas J.	
Hatchett.	
<i>Catawba</i> —R. A. Rudisill, Dr. W. E. Wilson, G. H. Geitner.	
<i>Chatham</i> —O. A. Hanner, A. R. Norwood, B. B. Phillips.	
<i>Cherokee</i> —S. W. Davidson, P. E. Nelson, J. M. Richardson.	
<i>Chowan</i> —A. T. Bush, W. D. Welsh, W. H. Winborne.	
<i>Clay</i> —G. S. McClure, J. A. Penland, Taylor Ledford.	
<i>Cleveland</i> —W. L. Plonk, W. W. Washburn, T. D. Falls.	
<i>Columbus</i> —J. W. Powell, H. H. Holton, J. E. L. Winecoff.	
<i>Craven</i> —R. A. Nunn, Daniel Lane, John Morton.	
<i>Cumberland</i> —J. A. Oates, J. H. Currie, J. W. Hall.	
<i>Currituck</i> —J. L. DeCormis, E. D. Bowden, J. F. Summersell.	
<i>Dare</i> —A. G. Sample, William S. Davis, C. C. Miller.	
<i>Davidson</i> —S. W. Finch, W. S. Owen, J. C. Skeen.	
<i>Davie</i> —J. H. Hendricks, F. M. Johnson, T. B. Bailey.	
<i>Duplin</i> —W. S. Loftin, W. B. Southerland, D. C. Potter.	
<i>Durham</i> —John W. Umstead, Paul C. Graham, J. D. Hamlin.	
<i>Forsyth</i> —J. F. Griffith, E. W. Hauser, John A. Holder.	
<i>Franklin</i> —John C. Winston, George S. Baker, A. W. Perry, Sr.	
<i>Gaston</i> —R. P. Rankin, S. J. Durham, W. C. Thompson.	
<i>Gates</i> —T. W. Costen, Sr., Franklin Matthews, John S. Felton.	

Graham—Joseph M. Edwards, William Garrison, James A. Hyde, Jr.

Granville—Benjamin K. Hayes, E. B. Meadows, J. A. Morris.

Greene—L. V. Morrill, John Harvey, W. A. Darden.

Guilford—J. Allen Holt, W. T. Whitsett, Charles H. Ireland.

Halifax—J. A. Collins, Horace P. Robinson, W. T. Whitehead.

Harnett—Daniel D. Stewart, Claude D. Stewart, Solomon H. Stephenson.

Haywood—J. E. Wilson, J. F. Shelton, J. K. Boone.

Henderson—Columbus Oates, W. S. Young, J. P. Rickman.

Hertford—Samuel P. Winborne, E. H. Joyner, Jesse H. Mitchell.

Hyde—W. P. Burrus, Milton S. Credle, Z. T. Fortescue.

Iredell—J. H. Hill, J. L. Bradley, J. W. Albea.

Jackson—R. L. Madison, C. A. Bird, W. O. Buchanan.

Johnston—W. F. Gerald, John W. Wood, John Stephenson.

Jones—T. A. Bell, B. L. Brock, F. M. Dixon.

Lenoir—H. W. Davis, F. R. Hodges, Dr. R. H. Lewis.

Lincoln—R. B. Sullivan, J. O. Allen, D. C. K. Wilkinson.

Macon—J. A. Deal, J. Parker Moore, J. S. Sloan.

Madison—Jasper Ebbs, R. H. Hipps, J. M. Wallin.

McDowell—D. E. Hudgins, Charles A. Bird, J. L. Padgett.

Martin—J. T. Waldo, J. A. Whitley, S. R. Biggs.

Mitchell—S. R. Hensley, George M. Young, John A. Bailey.

Montgomery—A. H. Saunders, David B. Batten, Eli Green.

Moore—T. M. Langley, J. R. Watson, G. H. Humber.

Nash—J. C. Beal, T. V. Avent, J. F. Finch.

New Hanover—George Rountree, W. H. Sprunt, Donald MacRae.

Northampton—Noah W. Britton, J. H. Crew, E. B. Lassiter.

Onslow—J. F. Henderson, N. A. Burton, Dr. W. J. Montfort.

Orange—David W. Burch, John P. Lockhart, Stephen T. Forest.

Pasquotank—F. M. Grice, S. N. Morgan, E. V. Davenport.

Pender—H. Finley Murphey, D. J. Corbett, Jr., Henry Shaw.

Perquimans—G. H. Newby, Robert A. Brinn, John H. Ward.

Person—W. R. Hambrick, C. A. Whitfield, W. A. Malone.

Pitt—A. G. Cox, L. C. Arthur, B. M. Whitehurst.

Polk—A. A. Cannon, J. A. Foster, Ellis Walker.

Randolph—George T. Murdock, Thomas Foushee, J. W. Burkhead.

Richmond—P. C. Whitlock, D. A. Parsons, J. M. Jamison.

Robeson—J. N. Buie, Graham McKinnon, R. C. Lawrence.

Rockingham—John Y. Stokes, George W. Martin, Robert H. Ivie.

Rowan—Rev. C. B. Miller, P. A. Sloop, John S. Henderson.

Rutherford—J. F. Flack, G. W. Long, Plato Gettys.

Sampson—C. E. Daniel, Walter A. Bizzell, A. F. Johnston.

Stanley—W. T. Sinclair, E. F. Eddings, J. M. Hartsell.

Scotland—Daniel C. Lytch, Jack McGirt, Dr. W. T. Pate.

Stokes—Dr. Elias Fulp, R. E. Smith, N. A. Martin.

Surry—G. C. Welsh, J. C. Kapp, J. S. Atkinson.

Swain—Dr. J. H. Teague, R. T. Cunningham, W. A. Gibson.

Transylvania—W. B. Henderson, W. P. Whitnire, T. T. Patton.

Tyrrell—A. L. Walker, J. G. Brickhouse, J. W. Cohoon.

Union—F. B. Ashcraft, J. N. Price, S. E. Belk.

Vance—J. U. Flemming, H. T. Shanks, Dr. Robt. J. Gill.

Wake—Thomas Johns, J. L. Foster, B. S. Franklin.

Warren—W. G. Coleman, Sr., W. T. Carter, M. B. Alston.

Washington—A. O. Gaylord, H. M. Snell, W. H. Hardison.

Watauga—T. P. Adams, J. W. Farthing, H. C. Miller.

Wayne—Joseph E. Robinson, W. F. English, Barnes Aycock.

Wilkes—J. W. Dimmette, Vance McGinnis, R. A. Spainhour.

Wilson—Nathan Bass, John F. Bruton, John T. Revell.

Yadkin—J. A. Turner, M. L. Woodhouse, J. W. Pass.

Yancey—Eugene Pierce, W. D. Peterson, S. F. Howell.

SEC. 2. The Secretary of State shall within sixty days after the ratification of this act send a certified copy of the names of the county board of education for their respective counties to the clerk of the superior court of each county in the State; thereupon the said clerk shall immediately notify each member of his appointment and direct said members to meet at the court-house on the first Monday in July for the purpose of qualifying and organizing said board.

Secretary of State
to certify lists.

Clerk of superior
court to notify
appointees.

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

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

CHAPTER 842.

AN ACT TO MAKE CHAPTER 233, PUBLIC LAWS OF 1903, APPLY TO GREENE.

The General Assembly of North Carolina do enact:

SECTION 1. That all special laws now in force regulating the sale of intoxicating liquors in Greene County are hereby repealed, and that chapter two hundred and thirty-three of the Public Laws of one thousand nine hundred and three shall apply to Greene County.

Special laws
repealed.

General law to
apply.

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

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

CHAPTER 843.

AN ACT TO PREVENT FOWLS RUNNING AT LARGE IN TWO MILES OF WAKEFIELD, WAKE COUNTY.

The General Assembly of North Carolina do enact:

Unlawful to permit fowls to run at large.

SECTION 1. That it shall be unlawful for any person or persons to willfully allow their chickens, turkeys or any other fowls to run at large on the premises of any other person, after being forbidden by such other person, within two miles of Wakefield in the county of Wake and State of North Carolina.

Misdemeanor.

SEC. 2. That any person or persons violating this act shall be guilty of a misdemeanor, and shall upon conviction be fined not less than one dollar nor more than five dollars, and in case of conviction shall pay said fine together with the costs.

Punishment.

Townships included by petition.

SEC. 3. That the board of county commissioners may, upon the petition of a majority of the qualified voters of any township in Wake County, make the order that such township be included in this act: *Provided*, that it shall be spread upon the records of the board of said county commissioners for such township or townships that may be granted the privilege of this act.

Proviso: record.

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

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

CHAPTER 844.

AN ACT TO AUTHORIZE THE COUNTY OF STANLY TO REFUND THE BONDED INDEBTEDNESS OF SAID COUNTY.

Preamble.

WHEREAS, by virtue of the laws of one thousand eight hundred and eighty-seven, chapter one hundred and eighty-three, amendatory of the laws of one thousand eight hundred and seventy and one thousand eight hundred and seventy-one, chapter two hundred and thirty-six, section four thereof, the Board of Commissioners of Stanly County, upon the approval of a majority of the qualified voters of said county, to aid in the building and constructing of the Yadkin Railroad, in accordance with the provisions of said laws, issued coupon bonds of said county to the amount of one hundred thousand dollars, payable in thirty years with interest at six per cent., interest payable annually; and whereas, the present Board of Commissioners of Stanly County desire to refund all of the bonded indebtedness incurred in the building and con-

struction of said railroad at a lower rate of interest: now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of refunding and paying off the bonded indebtedness of Stanly County incurred for the purpose of aiding in the construction of the Yadkin Railroad, the Board of Commissioners of Stanly County are hereby authorized and empowered, if they shall see fit to do so, to issue coupon bonds to an amount not exceeding the sum of one hundred thousand dollars in the denominations of five hundred dollars and one thousand dollars, payable serially in such amounts and at such times as the commissioners may determine: *Provided*, that the average maturity of the bonds does not exceed thirty years, and bearing interest at a rate not exceeding five per cent. per annum, payable annually at such time and place as may be deemed advisable by the said board of county commissioners. Said bonds shall be signed by the chairman of the board of county commissioners, and attested by the register of deeds, *ex officio* clerk of said board, with the seal of the said county, and said coupons shall have the engraved or lithographed signature of the chairman of said board of county commissioners; and said bonds shall be payable at such place as the board of county commissioners may designate.

Bond issue authorized.

How bonds attested.

SEC. 2. Said bonds shall be sold publicly after due advertisement for six weeks at the court-house door of Stanly County and in some newspaper published in said county, and also in some leading daily newspaper published in the same judicial district in which Stanly County is situate, for not less than their par value and accrued interest. And the proceeds of said bonds, including any premium received upon their sale, shall be applied to the payment of the outstanding bonded indebtedness of the said county issued to aid in the construction of the aforesaid Yadkin Railroad.

Bonds to be sold publicly. Advertisement.

Not to be sold below par. Application of proceeds.

SEC. 3. That it shall be the duty of the chairman and clerk of said board of county commissioners to make a record of all the bonds paid off and then destroy said bonds. They shall also make a record of the sale of the bonds authorized under this act, and the name and address of the purchaser or purchasers of the same.

Record of bonds.

SEC. 4. That the Board of County Commissioners of Stanly County are hereby authorized and empowered at their meeting in June in each year, when the taxes are levied, to levy a sufficient tax upon the real and personal property of said county and all other subjects upon which said county taxes can be levied, and the taxable polls in said county, to pay off and discharge the interest upon said bonds, always preserving the equation between the tax upon property and upon polls. And at the end of ten years the said Commissioners of Stanly County are authorized to levy such additional tax upon the subjects enumerated above as may be necessary to provide a sinking fund for the payment of said bonds

Special taxes.

Proviso: rights of
county saved.

at or before maturity: *Provided*, that the refunding of said indebtedness and the issuing of new bonds for the payment thereof shall in nowise affect the interests or stock held and owned by the county of Stanly in and against the Yadkin Railroad.

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 6th day of March, A. D. 1905.

CHAPTER 845.

AN ACT TO ESTABLISH AND MAINTAIN A GRADED SCHOOL IN CERTAIN SPECIFIC TERRITORY IN WIL- SON, EDGECOMBE AND NASH COUNTIES.

The General Assembly of North Carolina do enact:

Boundaries.

SECTION 1. That the following described territory lying and being situate partly in Wilson County, partly in Edgecombe County and partly in Nash County, North Carolina, and more particularly described as follows: Beginning at a point on the line of the Atlantic Coast Line Railroad Company one and one-half miles south of the mile-post situate in Sharpsburg, North Carolina, and marked "one hundred and nineteen"; thence running in an easterly direction in a line perpendicular to the line of said railroad for a distance of one mile to a corner; thence running in a northerly direction in a line perpendicular to the first line herein and parallel with the said railroad for a distance of two and one-half miles to a corner; thence running in a westerly direction in a line perpendicular to the second line herein and also to said railroad line for a distance of two and one-half miles to and across said railroad to a corner; thence running in a southerly direction in a line perpendicular to the third line herein and parallel to said railroad to the county line between Wilson and Nash Counties; thence running in an easterly or southeasterly direction along the county line between Wilson and Nash to the said railroad; thence running in a northerly direction along the line of said railroad to the beginning on said railroad's said territory lying adjacent to and including the town of Sharpsburg, North Carolina, be and the same is hereby created one school district under the name and style of the Sharpsburg Graded School District.

School district.
Official name.

Trustees.

SEC. 2. That the following-named persons are hereby appointed school trustees for the schools in said district and shall hold for the terms herein provided for, and all vacancies in said board of trustees are to be filled as provided for herein, to-wit: E. M. Hedgepeth and J. B. Farmer, to hold for a term of two years; J. J. Sharp and E. L. Robbins, to hold for a term of three years;

and G. T. Dawes, J. H. Robbins and H. G. Cobb, to hold for a term of four years; and the term of office of said trustees to commence from and after the ratification of this act. All vacancies in said board, whether arising from death, resignation, removal, expiration of term or otherwise, shall be filled by the remaining trustees and the Board of Commissioners for the town of Sharpsburg acting together, and a majority of said trustees and commissioners shall have the power of selection, and the persons so elected shall hold for a term of two years from the date of their selection. Vacancies and successors.

SEC. 3. That the County Board of Education of Wilson, Edgecombe and Nash Counties shall apportion and pay over to the treasurer of said board of trustees for their respective counties out of their respective public school funds such funds and moneys as said district may be entitled to and the needs of its schools require, under the rules of apportionment and distribution set out and prescribed in the general school law of North Carolina. Apportionment of school funds.

SEC. 4. That all funds and moneys coming to and apportioned to or to be apportioned to the said district above described for school purposes from the State and from the respective counties of Wilson, Edgecombe and Nash shall be by the proper officers paid to the said board of trustees above created and their duly constituted successors, and shall be used by them for the benefit, support and maintenance of a public or graded school or schools in said district. Apportionment paid to trustees.

SEC. 5. That the said board of trustees herein created shall, on the first Monday in May next ensuing, submit to the qualified voters of said district above created the question whether an annual tax shall be levied and collected in said district for the benefit and support of the school or schools of said district. Trustees to call election on special tax.

SEC. 6. That at the election held under the provisions of this act those favoring the levying and collecting of such tax shall vote a written or printed ballot, without device, with the words "For Schools" upon it, and those opposed to the levying and collecting of such tax shall vote a written or printed ballot, without device, with the words "Against Schools" upon it. The penalty for illegal or fraudulent voting shall be the same as in the election for members of the General Assembly. The said board of trustees shall give twenty days' notice of the time of holding said election in a newspaper published in Nash County and by notice posted at four or more public places in the said district. The said board of trustees shall select three men, qualified voters of said district, one of whom shall be registrar and the other two poll-holders, to hold said election, who shall be governed in their acts in all particulars as to the registration of voters, challenges, etc., by the same rules and regulations as prevail in the election of members of the General Assembly; and the result of said election shall be declared by the same rules as prevail in general elections, and the Form of ballots.

Notice of election.

Election officers.

Certificate of result.	parties holding the said election shall certify the result thereof to the Commissioners of the counties of Wilson, Edgecombe and Nash.
Effect of election.	SEC. 7. That if a majority of the qualified voters of said district shall vote at said election in favor of or "For Schools," it shall be the duty of the board of commissioners of each of the said counties of Wilson, Edgecombe and Nash to levy annually a special tax of not less than ten cents nor more than thirty cents on the hundred dollars valuation of all the taxable property of said district and not less than thirty cents nor more than ninety cents on each poll in said district, and the tax so levied on the property and polls of said district shall be collected by the sheriff of the county in which said polls reside or the property is situate, and the said sheriff shall pay the amount so collected direct to the treasurer of said board of trustees, to be used and applied by said board of trustees in support and maintenance of the public or graded schools of said district. And such sheriff or sheriffs shall be subject to the same liabilities for collection and disbursements of said taxes as he or they are or may be for other school taxes, and shall receive as compensation for services five per centum commission on the amount so collected.
Sheriff's commission.	SEC. 8. That the said board of trustees above named and their successors shall have the sole and exclusive charge of the public schools of said district, and they shall organize by the election of such officers and the passing of such by-laws as they deem proper; and they shall select a treasurer, who shall have charge of all moneys and funds to be used for school purposes and who shall pay out the same only on such vouchers as the said board of trustees shall direct, and the said board shall fix such compensation and require such bond of said treasurer as they may deem proper. The said trustees above named and their successors shall spend all moneys coming to their hands from all sources whatsoever for the schools of the said district for the benefit of the said school or schools therein.
Powers of trustees.	
Treasurer.	
Compensation and bond of treasurer.	
Teachers and officers.	SEC. 9. That the said trustees shall have the power and authority to employ all teachers and select all officers necessary for said public or graded schools and to fix their compensation, and they shall have the power to establish and maintain such schools as they shall deem necessary. They shall have the power and right to buy, sell, take, hold and rent or lease real property and personal property necessary for the use of said schools, and they shall have the right and power to do any and all things necessary for the successful conduct of said schools. And the said trustees shall have the power and authority to permit persons above the school age or who are non-residents of the district to attend the said schools upon the payment of such reasonable tuition fees as said trustees may prescribe: <i>Provided</i> , that there shall be accommoda-
Further powers of trustees.	

tions more than adequate for the children of school age within said district.

SEC. 10. That the said board of trustees shall file with the respective boards of education of Wilson, Edgecombe and Nash Counties, on or before the first day of June of each and every year hereafter, an itemized statement of all receipts and disbursements made by the said board of trustees during the preceding fiscal year on account of all their dealings as such trustees.

SEC. 11. That the said trustees shall have the power and authority to employ a surveyor to run and mark the boundaries of the said district set out and described herein.

SEC. 12. That all laws or parts of laws in conflict with any of the provisions of this act are hereby repealed.

Conflicting laws
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 6th day of March, 1905.

RESOLUTIONS

OF THE

GENERAL ASSEMBLY,

SESSION 1905.

JOINT RESOLUTION PROVIDING FOR THE PRINTING OF THE GOVERNOR'S MESSAGE.

Resolved by the Senate, the House of Representatives concurring:

SECTION 1. That one thousand copies of the message of His Excellency, Governor Charles B. Aycock, be printed, three hundred for the use of the Senate and seven hundred for the use of the House. 300 for the Senate and 700 for the House.

In the General Assembly read three times, and ratified this 7th day of January, A. D. 1905.

JOINT RESOLUTION CONCERNING THE DISTRIBUTION OF 100 COPIES OF THE ADVANCED SHEETS OF THE RE- VISED STATUTES.

Resolved by the House of Representatives, the Senate concurring:

SECTION 1. That the Secretary of State be and he is hereby authorized and directed to distribute to such persons as may be named by the chairman of the committee of the House and the Senate on "The Revisal of the Laws" one hundred copies of the advanced sheets of the proposed Revised Statutes. Secretary of State to distribute. Recipients to be named by joint committee.

In the General Assembly read three times, and ratified this 13th day of January, A. D. 1905.

JOINT RESOLUTION TO PRINT GOVERNOR GLENN'S INAUGURAL ADDRESS.

Resolved by the House, the Senate concurring:

SECTION 1. That one thousand copies of the Inaugural Address of His Excellency, Governor Robert B. Glenn, be printed, three hundred for the use of the Senate, and seven hundred for the use of the House. 300 for Senate, 700 for House.

In the General Assembly read three times, and ratified this the 17th day of January, 1905.

JOINT RESOLUTION ASKING FOR REPORT FROM SUPER-
INTENDENTS OF STATE INSTITUTIONS.

Resolved by the House of Representatives, the Senate concurring:

Governor to
transmit reports.

SECTION 1. That the Governor of North Carolina be and he is hereby respectfully requested to transmit to the General Assembly such reports of State officers, superintendents of the various State institutions, and others required to make reports under chapter four hundred and twenty-four, Public Laws of one thousand eight hundred and ninety-three, as contains full and complete lists of the names of superintendents, or heads, of their respective departments, assistants, secretaries, clerks, laborers and employees of whatsoever kind, together with the annual or monthly salaries of each.

Contents.

In the General Assembly read three times, and ratified this the 26th day of January, A. D. 1905.

JOINT RESOLUTION RELATIVE TO INVITING THE DIREC-
TORS OF THE JAMESTOWN EXPOSITION TO BE HEARD
BY THE GENERAL ASSEMBLY.

Resolved by the Senate, the House concurring:

When to be heard.

That the directors of the Jamestown Exposition be invited to be heard by the General Assembly on Thursday of next week, February the second, one thousand nine hundred and five. And that a committee of two from the House and one from the Senate be appointed to receive the directors and their party, and arrange for their speakers to address the General Assembly.

Reception com-
mittee.

In the General Assembly read three times, and ratified this the 30th day of January, A. D. 1905.

JOINT RESOLUTION INVITING GENERAL ROBERT F. HOKE
TO ATTEND THE GENERAL ASSEMBLY.

Resolved by the Senate, the House of Representatives concurring:

Reception to
General Hoke.

That as an expression of the high appreciation of the personal worth and public services of Robert F. Hoke, the last surviving Major-General of the Confederate States Army from the State of North Carolina, which the people of this State entertain, the General Assembly of North Carolina hereby tenders to that distinguished citizen of the State a reception, and invites him to name an evening when it will be convenient for him to meet the members of the General Assembly in the hall of the House of Representatives.

Resolved further, that a committee of two Senators and three members of the House of Representatives be appointed to wait on General Hoke and present him with a copy of this resolution.

In the General Assembly read three times, and ratified this the 2d day of February, A. D. 1905.

Reception committee authorized.

JOINT RESOLUTION ENDORSING THE JAMESTOWN EXPOSITION.

Resolved by the House of Representatives, the Senate concurring:

SECTION 1. That the State of North Carolina heartily approves of the movement in her sister State, Virginia, to appropriately celebrate the ter-centennial of the landing and settlement of the English at Jamestown in one thousand six hundred and seven.

Ter-centennial approved.

SEC. 2. That our Senators and Representatives in Congress be and the same are hereby requested to co-operate with the Senators and Representatives from Virginia in securing an appropriation from the National Government in aid of the proposed Exposition commensurate with its purposes and worthy of the great historic event which is sought to be celebrated.

Senators and Representatives in Congress requested to favor appropriation.

SEC. 3. That a copy of these resolutions be sent to our Senators and Representatives in Congress and to the Governor of the State of Virginia.

Copies of resolutions, to whom to be sent.

In the General Assembly read three times, and ratified this the 4th day of February, A. D. 1905.

RESOLUTION REQUESTING OUR SENATORS AND REPRESENTATIVES TO SUPPORT HEPBURN-DOLLIVER BILL.

Resolved by the House of Representatives, the Senate concurring:

SECTION 1. That our Senators and Representatives in Congress be and they are hereby requested to support and to use their best endeavors in securing the passage of the Hepburn-Dolliver temperance bill, now pending in Congress, or the enactment of some law that will prevent the shipment of intoxicating liquors into prohibition territory.

Senators and Representatives to support bill.

In the General Assembly read three times, and ratified this the 4th day of February, A. D. 1905.

RESOLUTION AUTHORIZING JOINT COMMITTEES ON OYSTER INTEREST, ETC., TO APPOINT COMMITTEE OF FIVE, THREE FROM THE HOUSE AND TWO FROM THE SENATE TO VISIT SHELL-FISH WATERS AND GROUNDS.

Resolved by the House, the Senate concurring:

Sub-committee authorized.

SECTION 1. That the joint committee on shell-fish are allowed to appoint a committee, consisting of two Senators and three members of the House, to visit shell-fish waters and grounds.

In the General Assembly read three times, and ratified this the 4th day of February, A. D. 1905.

JOINT RESOLUTION IN REGARD TO THE DEATH OF DOCTOR C. W. PHIPPS, REPRESENTATIVE FROM WATAUGA COUNTY.

Resolved by the House of Representatives, the Senate concurring:

That it having pleased God in His infinite wisdom to call to himself and deprive this body of our associate, the member from Watauga, Dr. C. W. Phipps:

A true, faithful and honest representative Committee to attend funeral.

Resolved, that in his death we are called to mourn the death of a true and honest and faithful Representative.

Appropriation for expense.

Be it further resolved, that a committee of four from the House and a like committee of two from the Senate be appointed to attend the body to its last resting place, and that the Treasurer of North Carolina be and he is hereby ordered and directed, out of any funds not otherwise appropriated, to pay all expenses of said committee in attendance upon the funeral rites and all funeral and other expenses of transporting said body to its last resting place; that such expense shall be paid upon the voucher of said committee.

Governor to be notified.

Be it further resolved, that the committee so appointed at once notify his Excellency the Governor of the vacancy in this body.

Adjournment for the day.

Be it further resolved, that this House do adjourn and all business of this body be suspended for the day in memory of our departed member.

Flag to be half-masted.

Resolved further, that the Keeper of the Capitol be directed to keep the flag upon the dome at half-mast for twenty-four hours.

Copy of resolution to be sent.

Resolved further, that a copy of this resolution be furnished the widow of the deceased member.

In the General Assembly read three times, and ratified this 10th day of February, A. D. 1905.

RESOLUTION TO PAY EXPENSES OF VISITING COMMITTEES TO EDUCATIONAL INSTITUTIONS.

Resolved by the Senate, the House of Representatives concurring:

SECTION 1. That the following persons be paid the expenses in- Institutions.
curred by them in visiting the University, the State Normal and Industrial College, the Agricultural and Mechanical College and the A. & M. College for the Colored Race, as follows, to-wit:

Senators: Long of Iredell, fifteen dollars and seventy-five cents; Pay of Senators.
Bragaw, fifteen dollars and forty-five cents; Pearson, seven dollars and sixty-five cents; McCulloch, fifteen dollars and twenty-five cents; Boddie, eighteen dollars and twenty cents; Scales, nine dollars and sixty-five cents.

Members of House of Representatives: Murphey of Buncombe, Pay of Repre-
five dollars; Graham of Lincoln, ten dollars and eighty cents; sentatives.
Feimster, eight dollars and fifteen cents; Warren, sixteen dollars and twenty cents; Sledge, eighteen dollars and seventy cents; Williams, sixteen dollars and ninety-five cents; Ballard, nineteen dollars and eighty cents; Gordon of Guilford, fourteen dollars and twenty-five cents; Ebringhaus, sixteen dollars and forty-five cents; Hawes, seventeen dollars and twenty cents, and Sentelle, eighteen dollars and seventy-five cents.

SEC. 2. That for convenience the total amount shall be made Amount paid to
payable to A. M. Scales, chairman of the committee, and the Audi- chairman.
tor is hereby directed to issue his warrant on the State Treasurer for the said amount.

In the General Assembly read three times, and ratified this 11th day of February, A. D. 1905.

RESOLUTION REQUESTING THE SENATORS AND REPRESENTATIVES IN CONGRESS FROM NORTH CAROLINA TO USE THEIR UNITED INFLUENCE TO SECURE PROPER APPROPRIATION FOR CARRYING OUT THE SCHEME TO IMPROVE THE CAPE FEAR RIVER, AS RECOMMENDED BY GEN. MCKENZIE, CHIEF ENGINEER OF THE ARMY.

WHEREAS, the maintenance of water transportation in competi- Preamble.
tion with rail is of the greatest importance to the entire Cape Fear section; and whereas, the citizens and commercial associations of Fayetteville and Wilmington secured a survey and recommendation by Captain E. Van C. Lucas, Corps of Engineers, U. S. A., for the improvement of the Upper Cape Fear River; and whereas, the scheme as recommended for the canalization of said river, contemplating an expenditure of one million two hundred and fifty thousand dollars, was adopted by Congress in April, one thousand nine hundred and two, and an appropriation of fifty thousand dol-

lars made for purchasing sites for locks and dams; and whereas, General McKenzie, Chief Engineer of the Army, has recommended in his report, both last year and this, that this great scheme be carried out as adopted: therefore,

Resolved by the Senate, the House of Representatives concurring:

Senators and
Representatives
to secure appro-
priation.

First. That our Senators and Representatives in Congress be requested to use their united influence to secure the passage of an amendment to the river and harbor bill at this session, making a liberal appropriation for this great scheme for improving the Upper Cape Fear River.

Second. That a copy of this resolution be sent to each of our Senators and Representatives in Congress.

In the General Assembly read three times, and ratified this 11th day of February, A. D. 1905.

RESOLUTION DIRECTING THE STATE TREASURER TO PAY THE EXPENSES OF HOUSE COMMITTEE APPOINTED TO VISIT AND INVESTIGATE THE STATE PENITENTIARY FARMS ON THE ROANOKE RIVER.

Resolved by the House of Representatives, the Senate concurring:

Appropriation.

SECTION 1. That the Treasurer of the State be and he is hereby directed to pay to S. G. Daniel, chairman, the sum of fifty dollars and eighty cents, the full amount of actual expenses incurred by the sub-committee of penal institutions while discharging their duties in visiting and investigating the State farms on the Roanoke River.

SEC. 2. *Resolved further*, that this resolution shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this 11th day of February, A. D. 1905.

RESOLUTION FOR PRINTING THE MESSAGE OF HIS EX- CELLENCY. GOVERNOR R. B. GLENN.

Resolved by the Senate, the House of Representatives concurring:

500 copies.

That five hundred copies of the message of his Excellency, Governor R. B. Glenn, transmitted to the General Assembly February seventh, one thousand nine hundred and five, be printed for distribution.

In the General Assembly read three times, and ratified this 11th day of February, A. D. 1905.

RESOLUTION TO PAY EXPENSES OF COMMITTEE AND SUB-COMMITTEE OF INAUGURATION.

Resolved by the Senate, the House of Representatives 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 the members of the Committee on Inauguration of the Governor and other State officers for railroad and hotel expenses incurred, as follows: A. H. Eller, for four dollars and sixty cents; W. R. Odell, for six dollars and ten cents; D. L. Ward, for six dollars and ten cents; G. H. Hasten, for six dollars and ten cents; J. J. Laughinghouse, for six dollars and ten cents; T. D. Warren, for six dollars and ten cents; J. M. Gordon, for six dollars and ten cents; Walter Murphy, for four dollars and ten cents. Expenses of committee.

Resolved further, that the Auditor draw his said warrant in favor of A. H. Eller, chairman, for an amount not exceeding three hundred and eighty-three dollars and twenty-seven cents, upon vouchers approved by W. R. Odell and J. J. Laughinghouse, members of the sub-committee on inauguration. Inaugural expenses.

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 11th day of February, A. D. 1905.

RESOLUTION TO PAY EXPENSES OF COMMITTEE VISITING INSANE ASYLUM AT MORGANTON AND GOLDSBORO.

Resolved by the House of Representatives, the Senate concurring:

That the Auditor be directed to draw his warrant on the Treasurer of North Carolina for the sum of one hundred and eighty-two dollars and eighty-five cents in favor of W. A. Rogers, chairman Committee on Insane Asylums, to pay the actual expenses in sending a sub-committee to visit the State Hospitals at Morganton and Goldsboro. Auditor to draw warrant.

In the General Assembly read three times, and ratified this the 14th day of February, A. D. 1905.

RESOLUTION IN FAVOR OF THE NANTAHALA COMPANY.

WHEREAS, prior to the twenty-first day of May, one thousand eight hundred and sixty-nine, A. L. and A. J. Herren, G. C. Hanson and John G. Eve entered and paid the State of North Carolina for nine thousand two hundred and ten acres of land in the county of Macon and State of North Carolina, and thereupon be- Preamble.

- Preamble. came entitled to a State grant therefor; and whereas, on the said twenty-first day of May, one thousand eight hundred and sixty-nine, H. J. Memminger, Secretary of State, made out a grant for said land and the same was authenticated by the Governor, and it then and there became the duty of said Secretary of State to countersign said grant; and whereas, the said H. J. Memminger, Secretary of State, failed to countersign said grant, but the same was countersigned by T. G. Memminger, chief clerk; and whereas, the Supreme Court has decided that State grants are void unless countersigned by the Secretary of State, and that no clerk of the Secretary of State has authority to countersign such grants or affix the Great Seal of the State thereto; and whereas, the Nantabala Company, prior to the thirty-first day of December, one thousand nine hundred and three, applied to Honorable J. Bryan Grimes, Secretary of State, to correct said grant for nine thousand two hundred and ten acres of land or to issue a new grant in lieu thereof, and the said Secretary refused to do so, alleging want of authority; and whereas, S. Prioleau Ravenel, prior to the thirty-first day of December, one thousand nine hundred and three, had entered five thousand one hundred and ninety-four acres of said land; and whereas, the said the Nantabala Company purchased from the said S. Prioleau Ravenel his interest in the said five thousand one hundred and ninety-four acres, and in order to procure a grant therefor from the State was compelled to pay into the State Treasury the sum of seven hundred and seventy-nine dollars and ten cents for lands for which the State had theretofore been paid and for which the Secretary of State had failed to countersign the grant in the manner required by law: therefore, be it
- Preamble.
- Preamble.
- Preamble.
- Preamble.

Resolved by the House of Representatives, the Senate concurring:

Money to be re-funded.

SECTION 1. That the Auditor be and is hereby authorized and directed to issue to the Nantabala Company his warrant for the said sum of seven hundred and seventy-nine dollars and ten cents, and that the State Treasurer be authorized and directed to pay the same out of any moneys not otherwise appropriated.

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

In the General Assembly read three times, and ratified this the 16th day of February, A. D. 1905.

JOINT RESOLUTION IN REGARD TO THE WESTERN NORTH CAROLINA RAILROAD CONSTRUCTION BONDS.

Resolved by the Senate, the House of Representatives concurring:

Committee to be appointed; Governor to be member.

That a special committee of five, three on the part of the House and two on the part of the Senate, together with the Governor of the State, be and they are hereby appointed, with full power and

authority to take all such steps, after consultation with the Council of State, as may in their opinion be necessary to properly protect the interests of the State of North Carolina with respect to the judgment recently rendered against the State in favor of the State of South Dakota: that said committee be and they are also authorized to confer with the Council of State, and also with any authorized representative of the holders of the bonds commonly referred to as the Schafer Bros. bonds, and they will report to the General Assembly at the present session whether in their opinion there should be any legislation in regard thereto.

To consult with Council of State.

To protect State's interest in connection with judgment.

Schafer bonds to be considered. Report.

In the General Assembly read three times, and ratified this the 20th day of February, A. D. 1905.

JOINT RESOLUTION REQUESTING THE GOVERNOR TO TRANSMIT TO THE GENERAL ASSEMBLY SUCH INFORMATION AS HE MAY HAVE IN REGARD TO THE SALE OF THE STATE'S INTEREST IN THE BOONE AND BLOWING ROCK TURNPIKE COMPANY UNDER CHAPTER 611, PUBLIC LAWS OF 1903.

Resolved by the House of Representatives, the Senate concurring:

SECTION 1. That his Excellency the Governor be requested to transmit to the General Assembly such information as he may have in regard to the sale of the State's interest in the Boone and Blowing Rock Turnpike Company, made under Public Laws one thousand nine hundred and three, chapter six hundred and eleven.

Governor asked for information.

In the General Assembly read three times, and ratified this the 17th day of February, A. D. 1905.

RESOLUTION TO PAY EXPENSES OF JOINT SUB-COMMITTEE ON DEAF AND DUMB WHICH VISITED THE INSTITUTION AT MORGANTON.

Resolved by the Senate, the House of Representatives concurring:

SECTION 1. That one hundred and sixty dollars is hereby appropriated to pay the expenses of the joint sub-committee of ten which visited and inspected the School for Deaf and Dumb at Morganton; and the Auditor is hereby authorized to issue his warrant on the Treasurer, payable to R. B. Redwine, who will distribute the same.

Appropriation.

Auditor to draw warrant.

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

In the General Assembly read three times, and ratified this the 21st day of February, A. D. 1905.

A RESOLUTION SUPPLEMENTAL TO A RESOLUTION PAYING EXPENSES OF VISITING COMMITTEE TO EDUCATIONAL INSTITUTIONS.

Resolved by the Senate, the House of Representatives concurring:

Appropriation to supply omission.

That whereas, in the resolution paying expenses to the visiting committee the name of Representative J. C. Pinnix was omitted by mistake, the Auditor is hereby instructed to issue his warrant on the State Treasurer to the said J. C. Pinnix for the sum of ten dollars and eighty cents (\$10.80), being his actual necessary expenses in visiting State educational institutions.

In the General Assembly read three times, and ratified this the 27th day of February, A. D. 1905.

RESOLUTION TO PAY THE EXPENSES OF JOINT COMMITTEE TO VISIT AND INSPECT THE OYSTER GROUNDS OF THE STATE.

Resolved by the Senate, the House of Representatives concurring:

Auditor to draw warrant.

Items.

SECTION 1. That the Auditor be authorized to issue his warrant on the Treasurer for the sum of \$122.80, payable to C. F. Toms, to be distributed by him as follows: C. F. Toms, \$24.45; C. M. Simpson, \$25.10; R. Bruce Etheridge, \$24.10; S. M. Beasley, \$23.05; R. L. Woodard, \$16.60; general expenses on board ship, \$6.00; stenographer for writing report, \$2.50.

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 28th day of February, A. D. 1905.

RESOLUTION PROVIDING FOR THE ELECTION OF TRUSTEES OF THE UNIVERSITY OF NORTH CAROLINA.

Resolved by the Senate, the House of Representatives concurring:

By joint ballot on 2d March.

SECTION 1. That a joint ballot of the two houses be taken on Thursday, March the second, at twelve o'clock M., to elect trustees for the University of North Carolina.

In the General Assembly read three times, and ratified this the 2d day of March, A. D. 1905.

A RESOLUTION TO REQUEST OUR SENATORS AND REPRESENTATIVES IN CONGRESS TO USE THEIR UNITED INFLUENCE TO SECURE THE PASSAGE OF A LAW THAT WILL PERMIT FARMERS AND GROWERS OF TOBACCO TO MANUFACTURE AND SELL THE SAME IN ANY QUANTITY OR FORM FREE FROM ANY TAX OR CHARGE.

The House of Representatives do hereby resolve, the Senate concurring:

WHEREAS, a large per cent. of the farmers of North Carolina are Preamble. engaged in the cultivation of tobacco for a living; and whereas, it is necessary to the progress of the State and to the welfare and happiness of its people that proper and adequate prices be paid the said farmers for their tobacco; and whereas, competition upon the markets for the sale of leaf tobacco, as existed in years past, is necessary and essential to guarantee living prices; and whereas, under existing circumstances, there is not now, nor can it be hoped that there will be in the future, such lively competition on markets as is conducive to legitimate prices for leaf tobacco, and as a result the farmers fully realize that they are being wronged out of a large part of the just reward of their labor, and are becoming discouraged and doubtful as to the future of their business: therefore,

Resolved by the House of Representatives, the Senate concurring:

First. That our Senators and Representatives in Congress be Request to Senators and Representatives. requested to use their united influence to secure the passage of a bill providing that farmers and growers of tobacco shall hereafter have a right to sell tobacco, either in the raw or manufactured state, of their own growth, in any quantity, either in the leaf, twist, plug or such other form as they may wish, free from any tax or charge or being in any manner subject to any statutory regulation on the part of the Government of the United States, repealing all statutes in conflict with the foregoing.

Second. That they safeguard this act with proper legislation to Safeguards. carry out the full intent and meaning of the same.

Third. That copies of this resolution be sent to each of our Sen- Copies to be sent. ators and Representatives in Congress.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

RESOLUTION IN FAVOR OF MRS. C. W. PHIPPS, WIDOW
OF DR. C. W. PHIPPS, LATE MEMBER OF THE HOUSE OF
REPRESENTATIVES FROM WATAUGA COUNTY.

Resolved by the House of Representatives, the Senate concurring:

Balance of per
diem due deceased
husband.

That the State Auditor be and he is hereby authorized and directed to draw his warrant on the State Treasurer in favor of Mrs. C. W. Phipps, widow of Dr. C. W. Phipps, late a member of the House of Representatives from the county of Watauga, for the sum of ninety-six dollars, the same being balance of amount which would have been due on the fourth day of March, one thousand nine hundred and five, to the said C. W. Phipps as per diem as a member of the House of Representatives; and the State Treasurer is authorized and directed to pay the same.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

RESOLUTION RELATING TO THE MATTER OF AN INLAND
WATER-WAY AND REQUESTING THE SENATORS AND
REPRESENTATIVES IN THE NATIONAL CONGRESS
[FROM] NORTH CAROLINA TO USE THEIR BEST EF-
FORTS TOWARDS ITS CONSTRUCTION.

Preamble.

WHEREAS, on the coast of North Carolina there is no outlet to the Atlantic Ocean suitable for navigation between Beaufort Inlet

Preamble.

and Cape Henry on the coast of Virginia; and whereas, a large part of the tidewater section of the State of North Carolina, comprising more than one-half of the width of the State and tributary to the Neuse River on the south and to the other navigable streams and sounds northwardly to the Virginia line, inclusive, have no water connection with Beaufort Inlet on the south of sufficient

Preamble.

depth to accommodate shipping; and whereas, the water-borne commerce of this large section of the State is confined to an outlet toward the north into the Chesapeake Bay through two private canals which levy a toll upon its commerce, and which condition greatly impedes the development and curtails the commercial and industrial growth of this State; and whereas, Cape Hatteras and Diamond Shoal on the coast of North Carolina constitute so serious a menace to navigation as greatly to interfere with and curtail the coastwise trade between the South Atlantic and North Atlantic ports, thereby injuriously affecting our entire coastwise trade; and

Preamble.

Preamble.

whereas, a project for the construction of an inland water-way from Norfolk, Virginia, to Beaufort Inlet, North Carolina, is pending in the Congress of the United States, the construction of which

would give the water-borne commerce of this State an outlet southwardly through Beaufort Inlet and a free water-way northwardly to Chesapeake Bay and further provide a safe and protected passage for the coastwise trade between the North and the South, thereby promoting the commerce and progress of North Carolina, and also furnishing an opportunity and impetus for the extension of our coastwise commerce: now, therefore,

Resolved, that the Senators and Representatives in Congress from the State of North Carolina are hereby respectfully and urgently requested to exercise their efforts for the construction of this water-way by the Government of the United States and to secure the necessary legislation to that end. Request to Senators and Representatives.

Resolved 2. That a copy of these resolutions be forwarded to each of the Senators and Representatives in Congress from this State. Copies to be forwarded.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

RESOLUTION INVITING NATIONAL EDITORIAL ASSOCIATION TO MEET IN ASHEVILLE IN 1906.

WHEREAS, The National Editorial Association is an organization composed of more than seven thousand newspaper editors from all sections of the United States; and whereas, the North Carolina Editorial Association has heretofore invited and intends to again invite the National Editorial Association to hold its annual convention for the year 1906 within the State of North Carolina; and whereas, the holding of such convention within the State of North Carolina will be of great material benefit to the State, therefore, Preamble.

Be it resolved by the Senate, the House of Representatives concurring:

SECTION 1. That the said National Editorial Association be and is hereby cordially and urgently invited to hold its annual convention for the year 1906 in the city of Asheville in this State. Invitation extended.

SEC. 2. That the Secretary of State be and he is hereby directed to transmit a certified copy of this resolution to the president of the said National Editorial Association. Copy to be sent president.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

RESOLUTION TO REIMBURSE W. M. WEBB, SHELL-FISH COMMISSIONER, THE SUM OF \$80 TO COVER INTEREST DUE ON LOAN OBTAINED BY HIM TO PROTECT OYSTER INDUSTRY.

Resolved by the House of Representatives, the Senate concurring:

Preamble.

SECTION 1. Whereas, W. M. Webb, Shell-fish Commissioner, has been compelled to borrow the sum of two thousand dollars (\$2,000) in order to defray the expenses necessary to protect the oyster industry; and whereas, the interest on said loan has been running for eight (8) months at six per cent., amounting to eighty dollars, which amount has been paid by said W. M. Webb: therefore

Auditor to draw warrant for \$80.

Resolved, That the State Auditor is hereby authorized and directed to audit said account and issue his warrant to said W. M. Webb for the sum of eighty dollars (\$80), directed to the State Treasurer for the payment of the sum to said W. M. Webb.

SEC. 2. This resolution shall be in force from and after its adoption.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

JOINT RESOLUTION TO MEMORIALIZE THE UNITED STATES SENATE TO PROHIBIT INTERSTATE COMMERCE IN ADULTERATED FOODS, ETC.

Be it resolved by the Senate of North Carolina, the House concurring:

Senate requested to enact legislation.

That the Legislature of the State of North Carolina having heretofore enacted laws for the protection of the people against adulterated, misbranded and deleterious foods, drugs and medicines, realizing the necessity for adequate legislation by Congress to protect the States against the interstate commerce which is beyond the control of the State in such prohibited articles, does hereby memorialize the Senate of the United States to speedily enact efficient legislation prohibiting interstate commerce in adulterated, misbranded and deleterious foods, drugs and medicines, to the end that the laws of our State relative thereto may be more effective.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

RESOLUTION TO INVITE INVESTORS AND GOOD PRACTICAL FARMERS FROM THE NORTH, EAST AND WESTERN STATES TO VISIT NORTH CAROLINA AND PARTICIPATE IN A MEETING TO BE HELD IN THE CITY OF RALEIGH DURING THE THIRD WEEK OF OCTOBER, 1905.

WHEREAS, The North Carolina Real Estate Dealers Association ^{Preamble.} deem it eminently fitting that an invitation be and the same is hereby extended to investors and good practical farmers from the North, East and Western States to visit the city of Raleigh during the third week in October, 1905; and further invite and hereby urge the farmers of North Carolina to make exhibits of their farm products at the State Fair, to be held the third week in October, in order that the products of the State may be exhibited, and opportunities for investment set forth along agricultural lines: therefore,

Be it resolved by the Senate, the House of Representatives concurring:

SECTION 1. That in hearty concurrence with the express purpose of the North Carolina Real Estate Dealers Association, the State Fair Association of Raleigh extend to investors and good practical farmers from the North, East and Western States an invitation to visit the city of Raleigh while the State Fair is being held, during the third week in October, 1905. ^{Invitation extended.}

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

JOINT RESOLUTION OF THE GENERAL ASSEMBLY RELATIVE TO THE COMPENSATION AND TRAVELING EXPENSES OF THE PAGES.

WHEREAS, the compensation of the pages of the General Assembly ^{Preamble.} is now fixed at one dollar per day; and whereas, the said sum is barely sufficient to pay their actual living expenses; and whereas, it is right and just that all employees who render faithful and competent service should receive more than their actual expenses; and whereas, the faithful and efficient services of the pages should receive recognition: therefore,

Be it resolved by the Senate, the House of Representatives concurring:

First, That the compensation of the pages of the Senate and ^{Per diem.} the House be and is hereby fixed at one dollar per day, except the chief pages, who shall receive three dollars per day, to take effect from the fourth day of January, one thousand nine hundred and five.

Railroad fare.

Second. That in full recognition of the faithful and efficient services rendered by the pages of the General Assembly, they shall receive in addition to the compensation provided in this resolution their actual railroad fare from their respective homes to the city of Raleigh and return. The amount to be ascertained and paid as other similar expenses of the General Assembly.

Third. That this resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

RESOLUTION TO RENOVATE AND FIX UP THE SENATE CHAMBER AND HALL OF HOUSE OF REPRESENTATIVES.

Resolved by the Senate, the House of Representatives concurring:

Senate floor to be raised and re-carpeted.

SECTION 1. That the Board of Public Buildings and Grounds be and is hereby directed to put the Senate chamber in order before the meeting of the next General Assembly; that they be directed to put in an additional floor in the body of the Senate chamber, raising it at least four inches above the lobby floors, and put in a new carpet, and that they have the walls cleaned and the chamber painted and thoroughly renovated.

Storm-doors.

SEC. 2. That the said board be directed to place double storm-doors to both the Senate chamber and the hall of the House of Representatives.

Appropriation.

SEC. 3. That the Treasurer be directed to pay, on the order of the said Board of Public Buildings and Grounds, an amount necessary for these repairs out of the funds of the treasury not otherwise appropriated: *Provided*, the amount so paid shall not exceed the sum of two thousand dollars.

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

JOINT RESOLUTION OF THE GENERAL ASSEMBLY RELATIVE TO THE MILEAGE OF THE MESSENGERS OF THE HOUSE AND TO THE PRINCIPAL CLERK.

Be it resolved by the House of Representatives, the Senate concurring:

To receive actual railroad fare.

First. That the messengers and employees of the House and the Principal Clerk shall receive their actual railroad fare to and from their respective homes, and that the Principal Clerk shall be allowed to issue vouchers to said messengers.

Second. That this resolution shall be in full force from and after its ratification.

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

A JOINT RESOLUTION CONCERNING THE JAMESTOWN EXPOSITION.

Resolved by the Senate, the House of Representatives concurring:

SECTION 1. That there be appropriated a sum of thirty thousand dollars, one-third payable out of the taxes levied in one thousand nine hundred and five, one-third payable out of the taxes levied in one thousand nine hundred and six, and one-third payable out of the taxes levied in one thousand nine hundred and seven, for the purpose of providing a suitable exhibit for the State at the Jamestown Exposition in one thousand nine hundred and seven, which appropriation shall be expended under the direction of the commission hereinafter created. Appropriation of \$30,000.

SEC. 2. That the Governor is authorized and directed to appoint a commission to represent the State of North Carolina at the Jamestown Exposition to be held in 1907. Said commission shall consist of ten citizens of this State, one from each Congressional District. The said commission shall have power to select a president, secretary and such officers as may be necessary to enable it to carry out the purposes of its creation: *Provided*, that none of said directors or members of said commission shall be entitled to pay or other expenses incident to carrying out the duties of their said office. Governor to appoint commission.

SEC. 3. That said commission shall have the power to appoint a commissioner-general and such clerical assistance as he may require, and fix such compensation for their services as may by said commissioner be deemed adequate for such services. Commissioner-general and clerical assistance.

SEC. 4. That the Board of Agriculture is hereby empowered and directed to use the State's exhibit under its custody and control in making a suitable exhibit at said exposition: *Provided, however*, that the necessary expenses of moving, storing and guarding such exhibit shall be paid by the said commission hereby created out of the funds appropriated for the purpose of making the said exhibit. Exhibit of Board of Agriculture.

SEC. 5. That the said commission is empowered and directed to erect at Jamestown a suitable State building, suited to the purposes of exhibiting the State's resources, to cost not less than ten thousand dollars and not more than twenty thousand dollars: *Provided*, that the furnishings for said building shall be of such a permanent and valuable character as to be of value and utility Buildings to be erected.
Proviso: character of furniture.

to the several departments of State when said exposition has closed.

Manner of drawing appropriation.

SEC. 6. That the Auditor is hereby empowered and directed to draw his warrant upon the State Treasurer for such amounts, not exceeding thirty thousand dollars, as may be required in carrying out the purposes of this commission, upon the warrant of the treasurer of the commission hereby created and appointed by the Governor: *Provided, however*, that said appropriation shall not be available until in the judgment of the Governor and Council of State the appropriation of Congress and the Legislatures of other States have been of such amounts as to insure the holding of an exposition of large and general scope and one that will make desirable the expenditure of said appropriation for the purposes as herein declared: *Provided further, however*, that said appropriation shall not in any event be available until and unless Congress appropriates or authorizes expenditures of not less than one million dollars in aid of said exposition or celebration.

Proviso: when appropriation available.

Proviso: appropriation from Congress.

Commission to collect exhibit.

SEC. 7. That said commission, by and with the assistance of the Agricultural Department, shall gather and collect by their own effort and by private assistance the resources and products of the State, and shall prepare and distribute ample quantities of such advertising matter as may in their judgment attract home-seekers and capital to this State and otherwise contribute to the fame and advancement of our Commonwealth.

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

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

JOINT RESOLUTION CONCERNING THE ESTABLISHMENT OF A SUB-POST-OFFICE AT THE CAPITOL DURING THE SITTING OF THE LEGISLATURE.

Resolved by the House of Representatives, the Senate concurring:

Governor to use influence.

SECTION 1. That the Governor be requested to use his influence with the Post-office Department of the United States to have established in such place as he may designate in the capitol building of this State a sub-post-office for a period of seventy days, beginning on the first day of January of each legislative year, for the purpose of handling the mail for the members, officers and employees of the General Assembly.

SEC. 2. That this resolution shall be enforced from and after its passage.

In the General Assembly read three times, and ratified this the 6th day of March, 1905.

JOINT RESOLUTION OF THE GENERAL ASSEMBLY, RELATIVE TO THE MILEAGE OF THE MESSENGERS OF THE HOUSE AND TO THE PRINCIPAL CLERK.

Be it resolved by the House of Representatives, the Senate concurring:

First. That the messengers and employees of the House and Senate and the Principal Clerks shall receive their actual railroad fare to and from their respective homes, and that the Principal Clerk shall be allowed to issue vouchers to said messengers: *Provided*, this shall apply to those employees who now receive no mileage.

Railroad fare for messengers, employees and principal clerks.

Second. That this resolution shall be in full force from and after its ratification.

In the General Assembly read three times, and ratified this the 6th day of March, 1905.

STATE OF NORTH CAROLINA,

OFFICE OF SECRETARY OF STATE,

RALEIGH, April 1, 1905.

I, J. Bryan Grimes, Secretary of State of the State of North Carolina, hereby certify that the foregoing (manuscript) are true copies of the original acts and resolutions on file in this office.

J. BRYAN GRIMES,
Secretary of State.

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TO THE

PUBLIC LAWS,

SESSION 1905.

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